

Excellence in Essex Primary Schools



Context

Essex County Council has outlined its ambitions for schools and children within the Lifelong Learning Strategy approved by Cabinet in May 2013. The key priorities in the Lifelong Learning Strategy to be achieved by 2018 are:

- Ensure that every school in Essex will be judged to be at least good
- Deliver a school led improvement system
- Raise the achievement of all disadvantaged children and young people and those in receipt of the Pupil Premium thus reducing the gap between Essex and National performance.

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 narrowing the achievement gap between different groups and individuals.

There have been marked successes over the past three years, particularly in respect of the number of Grade 3 or Grade 4 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 new 'coasting school' criteria and those which have dropped from Grade 2.

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) - Intervening in failing, under performing and coasting schools (March 2016). This document also sets out the new intervention powers of the Secretary of State which will be exercised by the Regional Schools Commissioner (RSC). This includes information on how the RSC may intervene in academies, maintained schools eligible for intervention and 'coasting' schools.

This Excellence in Essex document along with the DfE SCC guidance is provided to give clarity to schools about the processes that the Standards and Excellence team through its Standards and Excellence Commissioners (SECs) will apply to support schools to make rapid improvement and secure high standards for Essex pupils.

Every school will continue to have a named SEC, who will visit the school and will be a first point of contact for headteachers and chairs of governors as the need arises. New headteachers will continue to have additional flexible visits from their SEC as well as opportunities to work with other new headteachers. Alongside this, there will be the opportunity for all new headteachers to access the Essex Early Headship Programme from EES. 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 SEC work plan will also include time for each partnership in addition to that which is allocated to each school.

This might include supporting the partnership with:

- Strategic developmental work
- Working with governors on their accountability role
- Developing Peer Review
- Analysing the data across schools – discussing strengths and areas for development
- Work Scrutiny across schools
- Moderation of work across schools

- Working with middle leaders
- Evaluating the impact of provision for disadvantaged groups, SEND
- Transition into Early Years, Y2/3, Y6/7

RAG rating

To underpin the ambitions stated on Page 1, the comparative strengths of all schools will be tracked by the SEC, working in collaboration with school leadership teams. This will be through data analysis, school visits, Ofsted or school/peer review outcomes. The LA has a statutory duty to all Essex pupils including those in free schools and academies. All maintained schools will be RAG rated 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.

The LA continues to hold statutory responsibility for the performance of all maintained schools. In the case of Basildon and Harlow the Lead Commissioner will retain responsibility for liaising with the relevant Excellence Panel as to what support they are providing for each school.

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 and any proposed action which could lead to a performance, standards and safety warning notice.

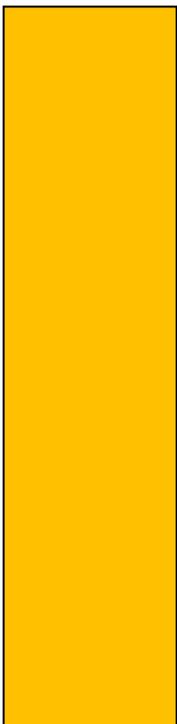
Schools do not necessarily move up or down incrementally between the RAG rating colours.



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 are Grade 3 or Grade 4 schools which are likely 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 4)
- 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 4)
- The 2014 and 2015 criteria for a coasting school has been met and the school could be at risk of meeting the criteria in 2016.
- The gap between disadvantaged and other pupils is greater than national
- 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 has 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 3)
- 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 4)
- 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 4)
- 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

KS2 Coasting Standard

The Education and Adoption Bill of April 2016 introduced the criteria by which a primary school will be defined as coasting in 2014 and 2015. The government is laying regulations around 'coasting', so that schools not making enough progress get the focus and support that they need to improve. For 2014 and 2015 the coasting standard will be met where fewer than 85% of pupils achieved L4+ in Reading, Writing and Maths combined **and** the percentage of pupils making expected progress in all of Reading, Writing and Maths was below the national median.

In 2016, the coasting standard will be met when fewer than 85% of pupils achieve the expected standard **and** the average progress in Reading OR Writing OR Maths is below a level set against the new primary progress measures (-2.5 in Reading, -2.5 in Maths, -3.5 in Writing). A school will be deemed a coasting school in 2016, where the data shows that over a three-year period (2014, 2015 and 2016), the school has failed to ensure that pupils have reached their potential" (DfE October 2016).

For schools which meet the criteria for a coasting school in both 2014 and 2015 and at risk in 2016, the school will receive a RAG rating of Amber as a minimum to enable the school to receive more frequent visits from the SEC to help and support the schools to move forward in a positive direction (see Appendix B).

Primary KS2 National Floor Standard

The floor standard is the minimum standard for pupil attainment and / or progress that the government expects schools to meet. **No school will be confirmed as being below the floor until December 2016 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 2016 a school will 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.

Key Stage 2: All Pupils

2016 Measures	Reading at least Expected	Progress Reading	Writing at least Expected	Progress Writing	Mathematics at least Expected	Progress Maths	RWM at least Expected
England – State schools, Special and Academies	66%	TBA	74%	TBA	70%	TBA	53%
Essex Average	67%	-0.22	76%	0.41	71%	-0.04	56%
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%	44%	N/A	58%	N/A	46%	N/A	<31%
Lowest 4%	41%	N/A	56%	N/A	39%	N/A	<27%

Key Stage 2 - Disadvantaged

2016 Measures	Reading at least Expected	Progress Reading	Writing at least Expected	Progress Writing	Mathematics at least Expected	Progress Maths	RWM at least Expected
England – State schools, Special and Academies	66%	TBA	74%	TBA	70%	TBA	53%
Essex All Pupils	67%	-0.22	76%	0.41	71%	-0.04	56%
Disadvantaged	52%	-1.33	63%	-0.27	57%	-0.85	38%
Others	72%	0.15	81%	0.64	76%	0.34	62%
Gap	20%	1.48	18%	0.91	19%	1.18	24%

Key Stage 1 – All Pupils

2016 Measures	Reading at least Expected	Writing at least Expected	Mathematics at least Expected	Combined RWM at least expected
England – State schools, Special and Academies	74%	65%	73%	60%
Essex Average	77%	68%	74%	63%
Lowest 6%	62%	46%	57%	N/A
Lowest 4%	59%	43%	54%	N/A

Key Stage 1 – Disadvantaged

2016 Measures	Reading at least Expected	Writing at least Expected	Mathematics at least Expected	RWM at least Expected
England – State schools, Special and Academies	74%	65%	73%	60%
Essex All Pupils	77%	68%	74%	63%
Disadvantaged	63%	51%	60%	45%
Others	80%	72%	78%	67%
Gap	17%	21%	18%	21%

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/system/schools-causing-concern-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 Primary Standards and Excellence Commissioners (SEC) and required meetings are determined by the RAG rating as follows:-

As a result of being RAG rated green:

The SEC visits the school once during the year. This visit is likely to focus on a joint evaluation of school performance and the tracking of progress made in a particular priority for the school.

There is an expectation that these 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 Grade 3 or 4. These schools embrace the concept of school to school support.

As a result of being RAG rated yellow:

The SEC visits twice during the year, monitoring the progress and Ofsted-readiness of the school, brokering additional support 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 SEC 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 SEC 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 SEC will broker alternative support.

For schools new to an Amber RAG, the SEC 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 Lead Commissioner and SEC 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, Lead Performance Analyst and Lead Commissioner for the area by the SEC. 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 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 SEC (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.

Amber schools will have an end of year evaluation with the SEC. If the school does not make the required progress the SEC will recommend that the school 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 Lead Commissioner and SEC 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 area Lead Commissioner 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 SEC will continue to monitor progress against agreed milestones through a schedule of visits (see Appendix B). The SEC 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 SEC 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 for Commissioning Education and Lifelong Learning 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 will also under Section 65 of the 2006 Education Act consult with the governing body to appoint an Interim Executive Board (IEB) The SEC 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 SEC 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 RSC **may** make an academy order in respect of a maintained school that has become eligible for intervention because it has been notified that it is coasting or because it has failed to comply with a warning notice. 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 is red RAG rated 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

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

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 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; 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. It should be noted, with respect to this factor, that in 2016 only, if a school's performance at KS2 has dropped below the floor standard based on performance in writing alone, and in the absence of any other factors, the LA or RSC should not issue a warning notice, except where the extent of the change in performance cannot be explained by the impact of the changes to primary assessment arrangements in this transitional year;
- 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.

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, where this is appropriate.

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 from the National College for Teaching and Leadership 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

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.

	Universal – All schools	Red	Amber	Yellow -	Green – Grade 1 and 2
SEC visits – Core offer	Visits to meet new headteachers and brokering peer mentor Headteacher recruitment Support for Ofsted - includes attending feedback. Investigating safeguarding concerns/complaints	10 days for Grade 4 schools. For all other schools 5 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.	One half day visit during the year to include a discussion about standards aligned to the school improvement priorities.
Commissioned support as a consequence of RAG					
Statutory Assessment - 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)		
Commissioned Reviews, Diagnosis					
Commissioned Reviews, Diagnosis Ofsted Ready/Tailored reviews		Grade 1 or 2 schools – Ofsted Ready or Tailored Review RI schools – 4 th term after inspection – Ofsted Ready Grade 4 schools, termly review of progress	RI schools – 4 th term after inspection – Ofsted Ready Grade 4 schools, termly review of progress	RI schools – 4 th term after inspection – Ofsted Ready Grade 4 schools, termly review of progress (as appropriate)	
Governance review	All schools which drop to Requiring Improvement will have a review commissioned.	If identified as a priority for improvement from Ofsted or an LA Review	If identified as a priority for improvement from Ofsted or an LA Review		

A new headteacher benchmarking, Ofsted Ready, or Pupil Premium review will be commissioned by the SEC where appropriate, the school will be required to pay for the review.

As you will be aware a key priority for the LA is the School Led Improvement System and we are delighted with the progress made to date. The vast majority of schools in Essex are now in formal partnerships. To support further development of the system we have allocated SEC time for each partnership in addition to that allocated for each individual school

Partnerships of schools of more than 8 schools	4 SEC days
Partnerships of less than 8 schools	3 SEC days
Partnerships of 3 schools	2 SEC days