

Every child achieving their potential in school

A strategy for ensuring school effectiveness in Medway

2021 to 2024

August 2021



1 Introduction

1.1 This strategy places emphasis on school effectiveness, rather than school improvement. School improvement is a matter for the head teacher and governing bodies and / or trusts. School effectiveness – which is an expression of the local authority’s legal duty under the Education Act, 1996 (as amended by the various subsequent acts). Section 13a of the 1996 act (see [here](#)) describes the duty (of local authorities responsible for education) to promote high standards and fulfilment of (pupils’) potential.

1.2 Education policy in Medway reflects our ambition that all schools in our area should be good or outstanding in order that life chances for all children and young people are improved. We will secure this ambition by working in partnership with education leaders, governors, trusts, the Regional Schools Commissioner (RSC), the Department for Education (DfE) and Ofsted.

1.3 Medway’s strategy for school effectiveness, 2020/23 (the strategy) will deliver the policy ambition by setting out school effectiveness aims, priorities and principles as well as operational arrangements for quality assuring, monitoring and evaluating and supporting and challenging schools.

1.4 We recognise that schools have a responsibility for their own improvement and for making the best use of the resources available to them. We believe that working in partnership with schools is crucial to shaping our ambition for children and young people through schools and settings that are at least good, as judged by the regulator, Ofsted.

1.5 Medway’s strategy reflects national policy and guidance changes. These include:

- **Keeping children safe in education** (October 2019) – see [here](#);
- **Education Act, 1996** – see [here](#);
- **The SEND code of practice 0 – 25 years, 2015** (COP) provides statutory guidance on duties, policies and procedures relating to Part 3 of the Children and Families Act 2014 (the Act) – see [here](#);
- **Statutory guidance for local authorities**, and settings providing alternative provision – see [here](#);
- **The Handbooks for School Inspection (Section 5 & Section May 2019)** any reference to the Education Act 2005 includes Section 109 of the Education and Skills Act 2008, the Education Act 2011 and, the Academies Act 2010 – see [here](#);
- **The Education and Adoption Act April 2016 (which amends the Education and Inspections Act, 2006 and the Academies Act, 2010)**; gives the Secretary of State new powers of intervention in schools causing concern, and introduces new provisions for action to be taken in academies. Regional Schools Commissioners (RSCs) will exercise the powers of the Secretary of State – see [here](#); and
- **The schools causing concern guidance for local authorities and RSCs, September 2019**: statutory guidance on local authorities and regional schools commissioners' responsibilities relating to schools and PRUs causing concern – see [here](#); and
- **Guidance to promote the educational achievement of looked after children, February 2018**: statutory guidance for local authorities to support looked-after and previously looked-after children's aspirations to achieve in further and higher education – see [here](#).

1.6 Individual school governing bodies and head teachers are responsible for pupil outcomes at each key stage and the use of delegated funding to secure the objectives and priorities set out in the school’s improvement plan. Most schools do this very well on their own but schools can also work with each other in collaboration with their localities, diocese, federations, alliances, trusts, stand-alone academies and other networks of their choice and this is a significant and necessary capability in order to raise standards.

1.7 The very broad term school-to-school support for these purposes includes, for example, strategic partnerships between individual schools; locality working; strategic and non-geographical networks;

teaching school alliances; multi academy trusts and the support provided by outstanding or good schools directly for schools who are underperforming.

1.8 Local authorities nationally monitor the performance of schools in their geographical area and multi-academy trusts increasingly also discharge this function. In Medway there has been good local working between schools irrespective of whether schools are maintained, academy or diocese schools.

2 School effectiveness: guiding principles, priorities, aims and objectives

The school effectiveness team

2.1 The school effectiveness team (SET) comprises leaders with substantial experience of school improvement and effectiveness. The team work with head teachers, governors and school staff and with the Medway education partnership group which ensures the council fulfils its statutory duty to promote high standards within education; its constitution and terms of reference is set out in **annex 1**.

2.2 This educational excellence role is the responsibility of the director of people and the lead member for children services, supported by the portfolio holder for education and schools. Operational effectiveness is distributed primarily through the SET. Council plan priority 1 is the driver for all strategic leadership of school improvement and it aims to *support... Medway's people to realise their potential. All children achieving their potential in schools.*

Guiding principles

2.3 The LA shares with its schools the wish to provide an excellent education for all learners in the area. It is required to work effectively with its schools and academies to ensure that its actions promote this objective. The relationship should be based upon transparent principles, mutual respect and trustful dialogue – an honest, focused and informed exchange of views.

2.4 To this end, the strategy will be based upon a series of simple principles:

- the responsibility for maintaining high standards and school improvement is vested in school governing bodies and / or trusts and delivered by the senior leadership in each school, and so it follows that in addition to carrying out its statutory responsibilities, the LA's role is to make the very best use of its resources to support high standards in schools;
- decision making is based on a clear evidence base, drawing on both the performance data and shared understanding of each school in order to identify which are performing well, which are under-performing and which are vulnerable;
- the categorisation must support improvement –all schools will be re-evaluated each term so that no school is left unsupported, with none categorised inappropriately and improvements acknowledged and celebrated; and
- there should be support for collaboration between schools and the dissemination of outstanding practice in the interests of better learning, enjoyment and achievement in Medway – leading to the use of established and emerging networks to ensure that examples of outstanding practice are clearly identified are well described and regularly published within the authority, using the Medway Education Partnership as the vehicle for this.

Priorities

2.5 These are to ensure that:

- all schools at risk of being eligible for intervention (see Annex 5 and the summary in Annex 6) under section 60 (2) of the Education and Inspections Act, 2006 are identified through quality assurance and monitoring protocols;

- informal notices are given to schools that LA officers believe are eligible for intervention (an informal warning notice being a written notification to the governing body of a maintained schools, but is not formalised through copying the letter to the RSC and HMCI);
- warning notices under section 60 (2) of the 2006 Act are issued in all instances where school effectiveness officers are satisfied that either conditions (a), (b) or (c) are met, and an informal notice has been served or deemed to be inappropriate in the particular circumstances of the school concerned;
- maintained schools judged to require improvement are supported to be good swiftly; and
- LA officers cooperate with the office of the RSC to ensure appropriate arrangements are made for any maintained school judged to be inadequate.

Aims

2.6 The aim of this strategy is a relatively narrow one, which reflects the statutory duties of the council in the area of school effectiveness, as set out in the paragraphs in the ‘background’ section above. It is to ensure that the LA supports and challenges ‘schools of concern’, defined as:

- maintained schools ‘causing concern’ (within the meaning of section 44 ((1) and (2) of the Education Act, 2005) - see [here](#);
- maintained schools that are ‘eligible for intervention’ (within the meaning of Part 4 of the Education Act, 2006) – see [here](#);
- other maintained schools about which the local authority (and / or the secretary of state for education) have serious concerns that need to be addressed; and
- academies causing concern (see paragraphs 5.4 – 5.6 of this document).

Objectives

2.7 The objectives are to:

- ensure that all maintained schools remain or become at least ‘good’ as judged by the regulator, Ofsted;
- identify academy schools at risk of becoming a school of concern, and intervene following the protocol set out in paragraphs 5.4 to 5.6 below, as agreed by the RSC and accepted by academy trusts with schools in the area;
- reduce permanent exclusions in secondary schools in line with or below the national average; and
- lead on an effective strategy to address the identified Medway priorities as set out in **annex 2**.

3 Roles and responsibilities

3.1 The role of the LA is to:

- support parents and families through promoting a good supply of strong schools;
- support vulnerable learners – including children looked after, those with special educational needs and those outside mainstream education;
- assess accurately the performance of all schools and report judgements to governors / trustees;
- support schools to be self-evaluating and self-managing with the expertise, means and resources to continuously improve;
- offer appropriate support and challenge within the general principle of intervention in inverse proportion to success;
- ensure a strong approach to underachievement and swift and effective action to remediate it;

- intervene in schools causing concern (in line with the September 2019 guidance for local authorities and RSCs); and
- champion local democracy by ensuring an appropriate choice of school governance arrangements and choice within types of provision.

3.2 The role of schools is to:

- achieve high standards of attainment and progress for all of their pupils and in particular for vulnerable groups (significant groups identified in Medway are children entitled to free school meals / pupil premium, looked after and / or who have special educational needs and / or disabilities);
- promote good attendance and behaviour;
- provide evidence of school improvement for governors and trustees of a school to enable these groups to hold professional leaders to account;
- demonstrate a shared responsibility for supporting other schools, acting always in collaboration with each other, at all levels: head teachers, all members of staff, governors / trustees, and LA, in the interests of sustained educational improvement in the Medway;
- alert the LA to changes in circumstances which could or will affect standards in the school, at the earliest opportunity; and
- ensure that their assessment systems are robust and secure by engaging with cluster and cross-phase moderation.

4 Monitoring and evaluation

Categorisation

4.1 Categorisation is undertaken to target support accurately for individual schools. The LA will undertake categorisation of all Medway schools on an annual basis and this will be reviewed termly. School effectiveness officers have a key role in categorising schools as set out in **annex 3**. Categorisation will be based on a range of evidence, which is summarised below under paragraph 4.4.

4.2 The grade descriptors, drawn from the Ofsted framework, will be used to determine a single best-fit grade for each school for overall effectiveness.

4.3 Schools will receive notification confirming the LA categorisation grade and, with maintained schools, the LA offer of support attached to the grade. Should the categorisation grade be changed during the year a further notification will be issued.

Categories of school

4.4 Medway council's school effectiveness service classifies all schools using a four point categorisation scheme, as follows:

A The school is delivering a high standard of education and securing excellent progress for pupils. Standards of attainment and / or progress for pupil outcomes are well above national expectations and / or judged by Ofsted as outstanding. An allocation of up to **two** days is available from the school effectiveness service.

B The school is continuing to offer a good provision for pupils and they achieve well. Standards of attainment and/or progress are in line with national data and school demonstrates good leadership and /or judged by Ofsted as a good school. An allocation of up to **three** days is available from the school effectiveness service.

C The school is taking the actions to improve standards of teaching and learning, leadership and management seriously to improve standards which are currently not yet good enough. The school has an improving trend in pupil outcomes and capacity to improve and /or schools judged as requiring

improvement (RI) with good leadership and management. Additionally this partnership rating is used for 'good' schools whose data shows a dip or if inspection is imminent. An allocation of up to **six** days is available from the school effectiveness service.

D The school is a significant cause for concern and urgent improvements are necessary to improve standards in leadership and management and teaching and learning to ensure that pupils make good progress. There is a downward trend in performance and / or outcomes for pupils not improving. This partnership rating includes schools judged (RI) or those in an Ofsted category of concern. An allocation of up to **14** days is available from the school effectiveness service.

LA intervention and support in maintained category D schools:

4.5 A SEO will be assigned to write a statement of action and the school will develop an action plan matched to the school's improvement plan, which aligns to the statement of action. The statement will detail commissions and interventions, including structural solutions where required. LA monitoring reviews will be reported to the assistant director for education and SEND at regular meetings that check the progress and impact of the plan. Leadership and / or governance will be strengthened where deemed necessary.

4.6 The SEO will communicate with HMI during Ofsted monitoring visits to maintained schools. The school will be entitled to up to fourteen days' support annually. The adviser will support with head teacher performance management. The SEO can trigger a review of support where appropriate.

5 Support and challenge

General

5.1 The LA will work with trusts, governors, head teachers and other professionals to provide the type of support required by schools, consistent with their categorisation. The protocol set out in **annex 4** should be used so all parties are clear about LA and school roles.

What each school can expect

5.2 Maintained schools can access a range of LA support to underpin their improvement journey, including:

- annual officer visits, resulting from categorisation of each school; and
- support for recruitment of a new head teacher and, in certain circumstances, other staff (maintained schools).

5.3 Arrangements cover the following services:

- NQT training and support (this service is chargeable for all schools and academies);
- support for governance (this service is chargeable for all schools and academies); and
- support for data systems provided by the LA and access to FFT on a traded basis.

Academies and free schools

5.4 The LA has a statutory duty as set out in section 13a of the Education Act, 1996 'to promote high standards and fulfillment of potential in maintained schools and other education and training providers, so that all children and young people (in its area) benefit from a good education' (see paragraph 1.1 above).

5.5 To meet this duty the LA officers will:

- monitor the attainment and progress of all learners in Medway;
- carry out visits to all academies and free schools through liaison with head teachers and trusts, and;
- ensure that the chief executives, head teachers and governors of all academies or free schools are aware of any concerns the LA may have about any school's provision.

5.6 National policy is the LA is expected to raise concerns about the conduct or performance of academies and free schools directly with the DfE via the RSC. Concerns and issues will always be raised first with the academy or free school concerned at a local level, but the LA will exercise its right to direct formal concerns to the DfE where the concern is not acknowledged, persistent or so serious it cannot be resolved locally.

School support

MEDWAY ZONES

5.7 All schools are encouraged to engage professionally with each other through membership of one of four Medway learning zones. The zones exist to provide smaller clusters of schools that can support one another through effective and trusted professional relationships that deliver both peer support and challenge. Furthermore, by interconnecting with local authority officers in education, social care and early help hubs, relationships between sectors and schools will serve pupils and professionals swiftly so that everyone in the education sector thrives.

MEDWAY TEACHING SCHOOLS

5.8 Work with teaching schools offers the potential to expand further local professional networks. The teaching schools focus on delivering three key aspects: school direct and initial teacher training, school-to-school support and continuing professional development.

HEAD TEACHER INDUCTION AND MENTORING

5.9 The LA's support available for new head teachers may be summarised as follows:

- the school effectiveness team (SET) welcomes all new head teachers to Medway and offer support as appropriate over their first year;
- SET will seek to integrate new head teachers into the Medway professional community in order to help them become familiar quickly with its zone structures, personnel and procedures;
- SET may make additional visits to provide support for a new head teacher;
- a colleague head teacher / mentor will be identified from their zone to support the new head teacher;
- the provision of key contacts and their roles within the service will form part of the induction process – a team member will facilitate this; and
- zones' networks will provide an important, additional support mechanism beyond the scope of the team's provision.

SYSTEM LEADERSHIP SUPPORT

5.10 There are three elements to this in Medway:

- some experienced head teachers have been designated as local leaders of education and are keen to work alongside one another, sharing ideas and strengthening understanding of best practice in primary education;
- teaching schools nationally are leading the recruitment of school leaders to LLE status; they will continue to coordinate specialist leaders of education to subject roles; and
- the DfE will continue to designate national leaders of education and their national support schools to ensure that there is sufficient high quality school-to-school support to enable schools everywhere, particularly, those underperforming, to access the support they need to improve.

5.11 Through regular conversation with LLEs, local authority officers may suggest an initial match that may have some potential for LLE support. The LLE will then approach the school and explore with the head teacher the school's key priorities for improving pupil outcomes. As the school-to-school network develops in Medway, schools are encouraged to make their own connections to LLEs. Accepting support from an LLE

requires the payment of an administration fee Medway Teaching School Alliance. For further information on the Medway LLEs, please see [here](#).

6 Interventions – schools causing concern

General

6.1 Where a school is of concern to the LA, the head teacher and governing body will be notified and should jointly lead on taking the necessary steps to address identified issues. An increased level of support will be available and where there is not sufficient capacity to address the concerns entirely from within the school, additional external capacity will be considered. The RSC will be involved in plans for schools categorised as requiring intensive support (category D).

When little or no progress is being made

6.2 When insufficient progress is taking place, further formal powers of intervention will be utilised. The LA is required to issue a warning notice when one of the three criteria listed in annex 5 under paragraph 2.4 applies.

6.3 If the LA issues a warning notice, it will apply the criteria in paragraph 2.4 and comply with the current regulations for the content of the written formal warning notice, including the compliance period required of the governing body. LA officers will act in liaison with the RSC, which is required by the most recent guidance – the September 2019 updated DfE schools causing concern guidance (see [here](#)).

6.4 The guidance explains that ‘unacceptably low standards of performance’ includes: low standards achieved by disadvantaged pupils; a sudden drop in performance; sustained historical underperformance, performance of pupils (including disadvantaged pupils) unacceptably low in relation to expected achievement or prior attainment, or performance of a school not meeting the expected standards of comparable schools.

6.5 The DfE’s guidance reflects the powers given to the secretary of state in the Education and Adoption Act, 2016, which is exercised by RSCs. It gives RSCs powers to intervene in academies and maintained schools and is statutory guidance for LAs relating to maintained schools.

6.6 The guidance describes the processes LAs and RSCs may take in schools that are eligible for intervention within the meaning of Part 4 of the Education and Inspections Act, 2006. These are:

- schools that have failed to comply with a warning notice (see 5.2 a), b) and c) above); or
- schools that have been judged inadequate by Ofsted.

6.7 Maintained schools judged by Ofsted to be inadequate will become sponsored academies with minimal delay or closed, and the RSC will:

- identify the sponsor; and
- consult with trustees or the appropriate body in the case of foundation or voluntary schools.

Procedures for schools requiring improvement or special measures

6.8 Should a school require improvement or special measures through the Ofsted inspection process, the LA will move, in accordance with requirements, to work closely with the school’s governing body and, where appropriate, a diocese or other faith body to:

- ensure adequate performance management arrangements are in place;
- ensure that the school draws up a post-inspection action plan within the timescale, to include the work to be done; by whom it is to be carried out;
- deploy appropriate resources, a target recovery date; and details of how progress will be monitored and evaluated including milestones;

- provide an LA statement of action for a school in an Ofsted category, which will include an assessment of whether the school is in an area of surplus places and the scope for the school to be closed;
- confirm that the school's action plan will remove all causes of weakness within one year, the action the LA has taken and will take, whether the LA or diocesan authority intends to appoint additional governors, and whether it intends to suspend the school's right to a delegated budget; and
- carry out at least termly evaluative discussions with the school about progress made.

6.9 In all cases of formal intervention, the LA will endeavour to work in partnership with the governors, head teacher, and teachers to bring about the required improvements. The support strategies required are envisaged as being in the following areas at school level:

- developing clear and realistic action plans with specific, measurable targets;
- improving the quality of teaching and learning, e.g. in establishing appropriate lesson plans and clear learning objectives;
- dealing with issues of teacher competence and/or inappropriate staff deployment;
- improving the quality of monitoring within the school by middle and senior management;
- tackling poor pupil behaviour and/or attendance;
- improving morale and relationships;
- improving communication between the school, parents and the local community;
- improving the quality of leadership, management and/or governance; and
- improving the quality of financial planning and resource deployment.

6.10 Additional information on the LA's responsibilities regarding schools causing concern can be found in the DfE schools causing concern statutory guidance for local authorities. The RSC will have a presumption that a school in one of these categories should become an academy. The LA's intervention powers under the Education and Inspections Act, 2006 are set out in detail in **annex 5** with a summary of powers and duties summarised in **annex 6**.

Annexes

Annex 1 – terms of reference for Medway education partnership group

Annex 2 – Medway context and priorities

Annex 3 – the role of the school effectiveness officer

Annex 4 – protocols for working with schools

Annex 5 – the LA's intervention powers

Annex 6 – summary of the LA's powers and duties relating to (maintained) schools

Constitution and terms of reference for the Medway Education Partnership group

1 Group constitution

1.1 The main groups requiring representation are head teachers (both maintained and academy schools), Mid Kent college, academy trust chief executives, the early years sector, the regional schools commissioner, the universities, independent schools and a teaching school representative (taking account of new teaching school arrangements to be announced by the government).

1.2 The LA, as the middle tier organisation with the majority of powers and duties relating to maintained schools and academies, is responsible for the management and administration of the group. This includes the chairing of the group, compiling and circulating meeting agendas, taking and distributing meeting notes and ensuring actions are followed up.

1.3 The LA will be represented by a single senior officer – the group chair, formally the statutory DCS, with the assistant director, education and SEN the deputising officer. The lead members have the right to attend, and the following LA officers should be available to attend meetings where required:

- The assistant director, education and SEND;
- The head of school effectiveness;
- The head of 0-25 integrated disability services;
- The head of school services;
- The assistant director, children social care (or her / his representative)
- The business partners for finance and HR;
- The consultant for public health; and
- The head of public health programmes.

1.4 The table below sets out the constitution.

Body and rationale	no
Group chair (Medway council)	1
Chairs of the primary and secondary head teacher associations (MELA / MSHA)	2
Primary and secondary maintained / academy head teachers (2 maintained 2 academy)	4
Special school head teachers	1
Alternative provision head teachers	1
Mid Kent college	1
Diocesan representatives	2
Trust chief executives (primary, secondary and special sectors)	3
The office of the RSC (representative to be appointed by the RSC)	1
Teaching schools	1
Schools forum representative	1
Medway universities	1
Medway independent schools (preparatory and senior)	2

1.5 While the formal board is constituted as above (21 members), all trust chief executives and head teachers (maintained and academy) are on the circulation list for agendas and meeting minutes, and invited to attend all meetings as observers.

2 Group remit

2.1 The group remit covers:

- agreeing general priorities, and monitoring progress and achievement with Medway education providers (and taking on the remit of the Medway education partnership board, whose title is used for the new board);
- five broad areas– finance, accountability, access, people and strategy;
- issues affecting children and young people generally, including health, safety and wellbeing; and
- Inclusion, transition and NEETS.

2.2 In covering this broad remit, the group must consider the work of other groups. For example:

- schools forum is responsible for advising the council on the allocation of the dedicated schools grant (DSG) and while this group might make its view known to schools forum members, it has no direct role in budget allocation to schools or academies;
- the diversity group includes representation from all school tiers and local diversity groups, whose purpose is to raise awareness of local role models and historical events representing the diverse range of ethnicities in Medway and, encourage and support positive diverse ethnicities in young people's learning: the group has two key delivery objectives, to promote curriculum resources that teach local history and important role models, with a specific focus on supporting positive diverse ethnicities in young people's learning, and to develop a curriculum audit tool to be shared amongst schools; and
- Fair access panel – which has the aim to place a young person in the most appropriate environment to support their learning and development, taking cognisance of the impact on each individual school and education in Medway generally.

2.3 Meetings will be:

- held twice per term, with 12 meetings every school year;
- be limited to one hour 30 minutes; and
- clerked by the executive support officer, education.

2.4 Agendas will be:

- agreed each term at the beginning of each term; and
- circulated to members, plus all other maintained and academy school head teachers and trust chief executives, with the minutes and action notes of the previous meeting, at least FIVE working days before each meeting.

2.5 Meeting records will be:

- sent to all members and attendees of meetings for comments and proposed amendments within seven working days of the previous meeting; and
- circulated to all members, plus all other maintained and academy school head teachers and trust chief executives, within 10 working days of the meeting; and
- circulated along with agenda for the next meeting.

2.6 All meetings will start with recording attendees and apologies for absence, the final agreement and signing by the chair of the previous meeting's minute, and discussing and recording progress against any agreed actions. There will not be any other business on agendas.

2.7 Meetings will be virtual, via Microsoft Teams.

Medway context and priorities

1.1 Medway has a mixed educational landscape with most primary schools, all but one secondary school, a UTCs and most special schools being academies.

1.2 Given this landscape, it is the duty of Medway council to fulfil its statutory duty to promote high standards in the context of the majority of schools being academy trusts and free schools. It follows that local authority officers responsible for school effectiveness must ensure that the council has quality assurance procedures in place that include academies, trusts and free schools. Section 5.5 of this strategy sets out how officers will carry out the QA process and work with trusts, free schools and the RSC to promote high standards for pupils whose parents or carers live in the area.

1.3 Schools and settings in Medway have many strengths. For example:

- the performance of pupils in the early years foundation stage (EYFS) is very good – top of the second quartile in terms of the percentage attaining the ‘expected level’ (‘school ready’) and with top-quartile (34/151) performance of pupils entitled to free school meals;
- likewise, pupils perform in the top quartile at key stage one in the areas of English reading and writing, and mathematics;
- progress between key stage 2 and key stage 4 is strong – solid second quartile overall, with disadvantaged pupils near the top of the second quartile (44/152), and with black pupils in the top quartile;
- attainment in English and mathematics, and the English baccaureate is very good – second quartile across all measures, and the attainment 8 score very strong (top quartile for Asian and black pups) very good for all groups save white;
- all secondary schools are rated good or outstanding by Ofsted; and
- Pupils’ rate of attendance is very good in secondary schools – 5.1 per cent, 8 per cent better than the national average (5.5 per cent), and about the national average in primary schools.

1.4 As is the case with every area, though, there are areas of challenge. For example:

- the progress and attainment of pupils at key stage two – while there has been a significant improvement in the last three years, especially narrowing the ‘disadvantage’ gap, we are still in? the bottom quartile for nearly all attainment and progress measures, with only Asian and black pupils being second and top quartile for attainment in reading, writing and mathematics;
- while 86 per cent of primary schools are judged to be good or better, the average in the south east and England overall is 91 per cent – ranking Medway primary schools 16th out of 21 South East LAs and 101st out of 152 English LAs;
- many more pupils have an education, health and care plan (EHCP) than in England as a whole – 3.5 per cent of all pupils, against 3.1 per cent nationally – 12 per cent more, with 13.5 per cent of pupils having SEN support – again 12 per cent more than the 11.9 per cent nationally, and meaning that 17 per cent of pupils here are assessed to have special educational needs (against 15 per cent nationally);
- despite the comparatively high percentage of pupils assessed here as having SEN, their progress and attainment is relatively poor at key stage two – third quartile in the three measures of progress for SEN pupils, and bottom quartile for pupils with EHCPs in RWM;
- permanent exclusions in secondary schools have reduced but are still high compared with schools in national, south east and statistical neighbour authorities; and
- permanent exclusions in secondary schools have reduced but are still high compared with schools in national, south east and statistical neighbour authorities.

The role of the school effectiveness officer in categorisation

1 Categorising schools, based on a range of evidence including:

- governance;
- safeguarding;
- inclusive practices; reducing the need to exclude, promoting good attendance;
- published pupil outcomes (key stages, GCSE and A level);
- nationally available data on pupil performance;
- Ofsted / parent view analysis;
- prior attainment data and indicators;
- reference to relevant DfE floor and coasting targets;
- Ofsted inspections / subject inspections / thematic inspections;
- data supplied through agencies;
- external benchmarking – for example, advanced level performance statistics, and Fischer Family Trust packages;
- notes of visits from the SEO and other intelligence from officers in other service areas;
- outcomes of school reviews;
- schools' assessments / evaluation of the quality of teaching and learning;
- current levels of progress in reading, writing and mathematics;
- financial data, including details of over or under-spending;
- evidence from auditors, the access and inclusion team, governor support and other LA services as appropriate;
- information regarding SEND from the SEND team;
- safeguarding self – evaluation (s 157 and s 174 of the);
- health and safety audits;
- workforce data;
- parental complaints;
- any other significant information available to the LA; and
- any information supplied by the RSC and Ofsted.

2 Following the categorisation the school will receive formal notification in writing and subsequent visits by SEO

Protocols for working with schools

Head teachers and governors are expected to:

- recognise that they are responsible for their own performance and the achievement of their pupils and should be given the maximum possible discretion to make decisions for themselves (earned autonomy);
- appreciate that they must plan for continuous improvement with the maximum freedom to make decisions and manage resources;
- identify areas of their own practice that have proved to be instrumental in raising standards and brought about improvement in any aspect of school life, and share this practice with the LA to enable good practice to be shared widely; and
- are open and transparent about challenges they face.

The school effectiveness officer is expected to:

- know each school sufficiently well to support the school to make effective judgments about the progress they are making and be able to challenge and support the school to improve;
- use a clear evidence base to qualify or challenge the school's own SEF judgements;
- facilitate the sharing of best practice through zones;
- use knowledge of the school to alert the LA to any emerging issues and broker additional support as appropriate through, for example, zones, peer support or national or local leaders in education;
- adhere to guidance on confidentiality within the context of the Freedom of Information Act, The Data Protection Act and the Code of Practice on LA and school relations (DfE 0027/2001).

Schools can expect the officer to:

- demonstrate transparency and professionalism in dealings with each school;
- understand the school's context and develop a mutually trusting relationship with the school;
- ensure that any work in the school will be kept confidential to the school and LA officers on a need to know basis;
- ensure unnecessary bureaucratic burdens are not imposed on the school;
- carry out a minimum of two visits a year, dependent upon LA category, with a clear focus on achievement, quality of teaching, governance, leadership and management and behaviour and safety;
- agree with the head teacher any additional focus for visits (in addition to the agreed agenda) in advance of each visit; and
- provide a written note of visit within ten working days.

LA powers of intervention in school

1 Background and context

1.1 This guidance is for use by the school effectiveness officers, and for information for head teachers and members of governing bodies. First, the legislation and guidance defining a ‘school of concern’ is summarised. Then ‘early intervention’ proposals and process for issuing an early warning notice and the use of the LA’s intervention powers are explained.

2 Schools of concern

2.1 There are 10 relevant acts, which are listed on page 7 of the DfE’s schools causing concern guidance, which was updated in September 2019 (see [here](#)). However, the principal one is the Education and Inspections Act, 2006 as set out in part 4 of, and schedule 6 to, the Act. In addition, section 72 requires LAs to have regard to guidance given by the secretary of state for education.

2.2 It is important to note that the guidance makes clear that ‘schools causing concern’ are not solely those that are ‘eligible for intervention’. The category includes schools about which the LA has ‘serious concerns’.

2.3 Schools ‘eligible for intervention’ are as follows:

2.4 First, where a performance standards and safety warning notice has been given (s 60) and the school has failed to comply (see [here](#)). Such a notice may be given when ‘standards of pupil performance are unacceptably low; where there has been a ‘serious breakdown’ in the way the school is managed’; or the safety of pupils or staff at the school is threatened. The definition of ‘low standards’ is when standards are low one or more of the following:

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

2.5 Second, where a teachers’ pay and conditions warning notice has been given, and the school concerned has failed to comply. (section 60A of the Act, which was inserted by the 2009 Act).

2.6 Third, where a school requires ‘significant improvement’ under section 61 of the Act (see [here](#)). This is any school given ‘notice to improve’ by Ofsted.

2.7 Fourth, a school requiring special measures under section 62 (see [here](#)).

3 LAs’ powers and the types of intervention

3.1 Section 2 explains eligibility for intervention (see paragraphs 2.4 to 2.7 above). The LA will consider using its statutory powers in the case of all such schools (except where those schools are academies, where these statutory powers do not apply), and in this section explains its powers of intervention as set out in sections 63 to 66 of the 2006 Act. The section does not touch on the powers of the secretary of state for education to intervene, or to force local authorities to do so.

SECTION 63 – TO REQUIRE THE GOVERNING BODY TO ENTER INTO ARRANGEMENTS

3.2 See [here](#). In essence, a LA may give a school’s governing body a notice requiring it to enter into a contract for ‘specified services’ giving it advice, where the contractor might be, for example, an individual, a company or the governing body of another school, or to collaborate with another school’s or college’s governing body. The LA can specify under section 63 that the school takes specified steps to create or join a federation including other schools.

3.3 The LA will consult, as required, the school's governing body, and any trust or diocesan authority responsible for the school's governance, before exercising the power. The LA will ensure that the power is exercised within any statutory timescales that apply when the school concerned has been issued with a safety notice. This is currently within two months of the end of the compliance period.

SECTION 64 – THE APPOINTMENT OF EXTRA GOVERNORS BY AN LA

3.4 See [here](#). Section 64 enables the LA to appoint additional governors where a school is eligible for intervention. The council is likely to appoint additional governors when it wants the school concerned to be provided with additional expertise and may appoint as many additional governors as it thinks fit.

(Note: In the case of a voluntary aided school where the la has exercised the power to appoint additional governors, the appropriate appointing authority in relation to that school may appoint an equal number of governors to those appointed by the local authority).

3.5 There is no requirement for a LA to consult before appointing extra governors to a governing body of an 'eligible' school. However, the power must be exercised within two months of the end of the compliance period.

SECTION 65 – THE APPOINTMENT OF AN INTERIM EXECUTIVE BOARD (IEB)

3.6 See [here](#). The purpose of an interim executive board is to accelerate improvement in standards and attainment and provide challenge to the leadership of the school to secure rapid improvement. An IEB can also be applied for where there has been a serious breakdown of working relationships within the governing body of the school. There is no time limitation with reference to any warning notice, and the LA might determine to exercise this power at any time where a school is eligible for intervention.

3.7 The LA must consult the school's governing body, and any trust or diocesan authority responsible for the school's governance, before exercising the power. At least 14 days will be allowed for interested parties to respond. This period can be longer if this is considered reasonable.

3.8 If the secretary of state for education consents to the establishment of an interim board, the LA's director of children's services must write to the governing body of the school to give notice that an IEB will be established. The letter must specify the date of commencement of the IEB and the intended cessation date.

3.9 The IEB's main functions are to secure a sound basis for future improvement in the school concerned and to promote high standards of educational achievement. The IEB should be considered as the governing body of the school although statutory requirements regarding the GB's constitution (2007 regulations) do not apply.

3.10 The IEB's responsibilities include the management of the budget (this is fully delegated – any previous withdrawal of delegated powers will be restored), the curriculum, staffing, pay and performance management and the appointment of the head teacher and deputy head teacher. An IEB may recommend to a local authority, or recommend that the secretary of state give a direction to a local authority, that a school should be closed, but it cannot publish proposals for closure. The IEB may also seek an academy order from the secretary of state to convert the school to an academy with a strong sponsor'.

3.11 The LA must constitute the IEB in line with the requirements of the 2006 Act. That is, the initial board shall comprise at least two members, and further members might be added. The intention of the Act is that an IEB should be a small, focused group appointed for the full period which it is expected to take to turn the school around, and LA officers should choose members of an IEB on a case by case basis, depending on the needs of the school. Existing governors may be appointed to an IEB. Copies of the notice of appointment of IEB members should be sent to all the school's governing body members, and, in the case of foundation or voluntary schools, the diocesan or other appropriate appointing authority.

SECTION 66 – SUSPENSION OF THE DELEGATED AUTHORITY FOR THE GOVERNING BODY TO MANAGE THE SCHOOL’S BUDGET

3.12 See [here](#). A LA has the power to consider suspending a school governing body’s right to a delegated budget in cases where a maintained school is eligible for intervention by giving the governing body of the school notice in writing. A copy of the notice to suspend the right to a delegated budget must be given to the head teacher of the school and the governing body. The LA is not required to consult before withdrawing delegated financial powers from a governing body; moreover the LA can appoint additional governors in cases where financial delegation is withdrawn.

3.13 Where a school is eligible for intervention as a result of being given a performance standards and safety warning notice, this power must be exercised within a period of two months following the end of the compliance period. If the local authority fails to exercise this power within this time, a new warning notice must be given in order to do so. Again, there is no requirement for the local authority to consult before exercising this power.

3.14 The council must set out to the head teacher and members of the governing body what the suspension of the right to a delegated budget means in practice. In summary, arrangements in the school concerned revert to those that applied before the implementation of the Education Act, 1988 (as amended by subsequent legislation, principally the Education Act, 1996). Governors remain responsible for school discipline and the curriculum but can have only an advisory role in the recruitment and dismissal of staff. The council has the flexibility to allow governors to retain certain decisions that involve spending, which may be considered on a case by case basis and set out in writing to the school’s head teacher and members of the governing body.

4 Summary

4.1 This appendix is solely concerned to set out the powers available for use by the director of children’s services in the governance and management of schools that meet prescribed criteria.

4.2 It should be read in conjunction with Medway council’s strategy relating to ‘intervention’ and procedures to be used in any instance where a school meets a criterion or criteria as set out in government acts or regulations and the school’s governors and management cannot or are unable to comply with officers’ reasonable requirements.

Annex 6 - A summary of LA powers and duties (maintained schools)

Legislation	Power / duty	Function / commentary
Education and Inspections Act, 2006 Section 60	Before an LA issues a performance, standards and safety warning notice (WN) to a governing body of a school it must comply with a set of statutory requirements. In summary, it must: – put the notice in writing; set out the matters which have caused concern; specify the action that the governing body is required to take to remedy those matters, and the initial period within which it must remedy the concerns (or make representations to Ofsted); and the action the LA is minded to take if the governing body fail to take the required action).	It is intended to achieve early intervention by local authorities in schools causing concern. A school is eligible for intervention if it is in an Ofsted category or if it fails to comply with a valid warning notice issued by a local authority where there are concerns over performance, poor management and governance or where the safety of pupils and staff is threatened.
Education and Inspections Act, 2006 Section 64	If a local authority appoints additional governors to a school eligible for intervention where a warning notice has been given, it must do so within 2 months following the end of the compliance period.	To strengthen the local authority voice on the governing body and / or to appoint governors with expertise in key areas to support a school's improvement.
Education and Inspections Act, 2006 Section 66	If a local authority decides to give notice to a governing body of a school eligible for intervention that it is suspending its right to a delegated budget, the power must be exercised within two months following the end of the defined compliance period where it is eligible for intervention for failing to comply with a warning notice.	For the school to secure control over staffing and spending decisions in order to achieve improvements or where the budget is proving a distraction from improvement priorities.
Education and Inspections Act, 2006 Section 63	If a local authority requires a school eligible for intervention (other than where a warning notice has been given under section 60a) to enter in to 'arrangements' (e.g. collaboration / federation), the local authority must consult the governing body of the school and, in the case of trust, foundation or voluntary schools, the appropriate diocesan or appointing authority. If the school is eligible for intervention because a warning notice has been given under section 60 of the Act, the power must be exercised within 2 months following the end of the compliance period.	To allow a local authority to require a school eligible for intervention to enter into a contract or arrangements with another school, FE college or named person for the purpose of school improvement.
Education and Inspections Act, 2006 Section 65	If a local authority wants to put in place an interim executive board (IEB) in a school eligible for intervention, it must: apply to the secretary of state for education for consent and before doing so; consult the school's governing body; and (with a foundation or voluntary school), the appropriate diocesan or appointing authority.	To secure urgent performance improvement by a school through a specially appointed governing body for a temporary period. It is used where the governing body is providing insufficient challenge to the head, proving an obstacle to progress or where relations are having an adverse impact on standards.
Education Act 2005 Section 15	If after a section 5 inspection the chief inspector considers a school to require special measures or significant improvement, the local authority is required to prepare a written statement of action it proposes to take in light of the report and to send a copy to the chief inspector, and in the case of a voluntary aided school, the person who appoints the foundation governors and the appropriate appointing authority.	To ensure local authorities take action when a school goes into an Ofsted category.