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Part 3: Securing improvement at schools in Ofsted categories

Section A – Schools requiring Special Measures

Overarching principles

LAs should work to ensure:

- The amount of time a school spends in special measures is minimised as far as possible to avoid pupils' education being unnecessarily affected
- Priority is given to building the capacity of the school's leadership and management function to take forward the necessary improvement required at the school
- Action to secure improvements at the school begin immediately after the school is judged to be failing, in particular to improve teaching and learning, utilising the full range of intervention powers where appropriate
- Opportunities for collaboration or federation with other schools, trusts, colleges or other organisations are utilised to help drive improvements
- Consideration is given to the school opting to become a trust school or an academy
- The preparation of the statement of action involves parents and carers, considers all the options available for securing improved outcomes of the pupils, and sets out clearly what action is to be taken, by whom, by when
- Action is kept under review so that good progress is made within the first 12 months and maintained so the school comes out of special measures as quickly as possible and continues to improve
- If deemed urgent by the Secretary of State, a full review of action considers all the options for the school, including closure of the school, and a new statement of action prepared as quickly as possible

DRAFT

Changes made to legislation

54. The Education and Inspection Bill makes amendments to the Education Act 2005 (detailed in Schedule 7, part 1) to ensure that LAs take decisive and speedy action to address the issues raised by Ofsted and secure improvements at schools requiring special measures. It also introduces a new duty on LAs to reconsider the action being taken to address the issues faced by a school if, following an Ofsted monitoring visit, the Secretary of State gives notice that the case has become urgent.

Process following an inspection

55. If the members of the inspection team judge that a school needs special measures, they will state this during oral feedback at the end of the inspection to the head teacher and governing body. If the LA suspects that the school may require special measures or significant improvement, it should ensure that it is present at the feedback meeting with the inspection team.

56. A rigorous system of moderation will ensure that all judgements that a school requires special measures are scrutinised internally by Ofsted. Following the completion of the inspection, Ofsted must send a draft inspection report to the governors of a maintained school or the proprietors of a non-maintained school as soon as possible. In the case of special measures, the school will be asked to offer comments on the report within 5 working days. The judgement that a school requires special measures will be personally authorised by HMCI or by an HMI specially authorised by him. HMCI will decide, on the basis of the draft report and any comments made by the school whether he agrees with the judgement that a school needs special measures and authorise the judgement giving notice in writing to the LA, the Secretary of State, to the Learning and Skills Council (LSC) for schools with sixth forms and for any non-maintained school to the proprietor.

57. The intention is that inspection reports will be issued within 4 weeks of an inspection so that parents get information sooner and the school can act earlier to make improvements.

School action

DRAFT

(a) Maintained schools

58. The governing body, in consultation with the LA, should start to consider what action to take immediately after the oral feedback, including beginning to modify existing plans to address the weaknesses identified during the inspection. There is no statutory requirement any longer for the production of a specific action plan. Schools will be expected to develop current school development/improvement plans to cover the issues highlighted by the inspection. Where these issues relate to sixth form provision the local LSC should also be consulted. One of the principles of a New Relationship with Schools is that schools should have a single, integrated development plan.

(b) Non-maintained schools

59. The proprietor should start to consider what action to take immediately after the oral feedback to address weaknesses identified during the inspection. The proprietor must prepare a statement of action as set out at Annex 1 and send this to Ofsted.

LA statement of action

60. Section 15 of the Education Act 2005, as amended by Schedule 7 of the Education and Inspection Bill, sets out the requirements for LAs to take a lead role in preparing a statement of action, setting out how it will help the school that has judged to be failing by Ofsted secure the necessary improvements as quickly as possible.

61. A key element of the special measures judgement is that the persons responsible for leading, managing or governing the school are not demonstrating the capacity to secure the necessary improvement in the school. As such, the LA may wish to commission an audit of the school's leadership and management function by appropriately trained professional staff or quality-assured consultants to enable them better to determine how to bring about an immediate improvement and provide further support to build the leadership capacity at the

DRAFT

school. Authorities should not necessarily assume that a head teacher is directly to blame for the failure of the school, and recognise that otherwise competent school leaders are sometimes overwhelmed by circumstances beyond their immediate control, resulting in special measures.

62. In preparing the statement of action, the LA should work closely with the head teacher and governing body of the school and, where applicable, the Diocese or other appropriate appointing authority and the local LSC immediately following HMI's oral feedback.

63. The LA must prepare a statement of action within 10 working days of receipt of the inspection report, providing a detailed explanation of the options for the future of the school. Specifically, it should set out:

- what arrangements the LA has made to involve registered parents and carers in the preparation of the statement of action, including where appropriate, the appointment of a Parents Champion (see section 6 for more guidance on parents champions);
- the action the LA has taken so far
- the additional support the LA will commission to support the school given the areas of weakness identified by Ofsted;
- specifically what steps are needed to build the leadership and management capacity of the school to drive the improvement at the school, including capacity of middle managers;
- whether there is scope for partner organisations to be brought in to support the school, including other schools, trusts, colleges or other organisations and how this collaboration will be facilitated (Education Improvement Partnerships may help here);
- the scope for the school to be closed or federated, taking into account the number of surplus places in better performing local schools and if so, when;

DRAFT

- the scope for the school to become a trust school or Academy;
- whether the authority intends to use its intervention powers to appoint additional governors, require the school to enter into arrangements, suspend the right to a delegated budget or replace the governing body with an interim executive board;
- if the school is not to be closed or federated or the authority's intervention powers will not be used, state why none of these actions are considered appropriate;
- a plan of future action (including resource implications, and quantified targets for evaluating the effectiveness of any external support provided, target dates for key actions and progress review points)

Recipients of the statement of action

64. The LA should copy the statement of action to Ofsted, the school's governing body and where applicable, to the diocese or other appropriate appointing authority and the local LSC (if the school has a sixth form).

Monitoring inspections

65. Ofsted will make their first monitoring visit within six months of the school's initial inspection to determine how much progress the school has made in addressing the issues raised at the original inspection. Subsequent monitoring visits will normally take place termly but their timing and nature may be adjusted to meet the school's needs. The school will normally receive two days notice of each monitoring inspection.

66. The school will be encouraged to provide any recent self-evaluation of its progress or updating of its self-evaluation form to HMI at the beginning of the monitoring visit. The Joint DfES /Ofsted document A New Relationship with Schools: Improving Performance through School Self-Evaluation provides a brief

DRAFT

guide to self-evaluation and school improvement. The document can be downloaded from <http://www.ofsted.gov.uk/publications> or <http://publications.teachernet.gov.uk/default.aspx?PageFunction=productdetails&PageMo de=publications&ProductId=DFES-1290-2005&>

67. Ofsted will make judgements on the progress the school has made since the original inspection or latest monitoring visit and whether the school should remain subject to, or be removed from, special measures. HMI's judgement will normally be reported in a letter addressed to the school's head teacher, copied to the Secretary of State, the Chair of Governors, the LA and, where applicable, the Diocese or other appropriate appointing authority. The letter will be published on the Ofsted website.

68. If a school remains subject to special measures following a monitoring inspection all partners (the LA, governors, head teacher and, where applicable the Diocese or other appropriate appointing authority and, if the school has a sixth form, the local LSC) will be expected to discuss and agree the next steps needed to enable an acceptable rate of progress to be achieved (or maintained) before the next HMI monitoring visit.

Reconsideration of radical action for schools requiring Special Measures

69. Schools which go into special measures will normally receive two monitoring visits from Ofsted within a year to check on the school's progress. During this period, we expect that LAs to have implemented the plan prepared immediately after the inspection report was received. Specifically, LAs should have already utilised a range of different interventions such as strengthening the governance of the school through an Interim Executive Board, or established a federation with another establishment, and considered the scope for the school to become a trust school or academy.

70. As set out above, we cannot allow schools to remain in special measures for an extended period of time if little or no progress is being made towards securing sustainable improvements. Where LAs have put in place a range of

DRAFT

measures to secure improvements, these actions should be kept under review to ensure progress is maintained.

71. As such, when insufficient progress is made, the Bill proposes new legislation to enable the Secretary of State to give notice to a LA that the case of a school in special measures has become urgent. In such cases, the LA will be required to review the action taken so far and in light of the latest evidence, produce a new statement of action.

When does a case become urgent?

72. The Secretary of State will give notice that a case becomes urgent based on the findings of the Ofsted monitoring visits.

73. The second of the monitoring visits, which usually takes place around 11-13 months from the original inspection, is particularly crucial. If the school is making inadequate progress at the second visit, then it is likely that the Secretary of State will ask for reconsideration of the original action by the authority. If the school is making at least satisfactory progress, the Secretary of State will not take this step at this stage, although it is of course open to an authority to keep its own intervention strategy under review and to rethink the use of intervention powers at any time.

74. Inadequate progress at around 12 months will therefore be the usual “trigger point” for the use of this power. If the power is used then a LA will be required to reconsider the actions that it has already taken to secure improvement in the school and produce a revised action plan.

75. In reconsidering the action taken, the LA will need to determine why the school has not succeeded in making progress thus far and determine the best course of action to secure high quality education for the pupils at the school.

76. By this point, we expect that LAs will have already utilised a range of different interventions such as strengthening the governance of the school through an Interim Executive Board, or establishing a federation with another establishment, e.g. a trust school. Therefore, the strong presumption at this point

DRAFT

will be that the school should be replaced unless the LA is able to make a very convincing case why an alternative solution that has not yet been implemented would result in better outcomes for the pupils at that school. If the LA has been unsupportive (or indecisive or dilatory in exercising their duties), then the presumption of closure will be even stronger.

77. When it is decided that a school should be replaced, LAs will have a range of options for securing high quality alternative provision for the pupils, either at the same site – perhaps through a Fresh Start or Academy proposal – or at a different school. These options are discussed in more detail in Part 5.

78. The Secretary of State's power in this area is, however, discretionary, and there may be some exceptions to the "12 months/inadequate progress" convention. If Ofsted provides compelling evidence of major difficulties at any monitoring visit, then the Secretary of State reserves the right to ask the LA to consider what action is required to secure the necessary improvements at the school in the light of the evidence from the latest monitoring visit. An exceptionally severe series of findings at the first Ofsted monitoring could be sufficient for the Secretary of State to issue a notice that the case has become urgent. However, if recent changes made to the leadership and management team have yet to take effect, the Secretary of State may not decide to ask the LA to reconsider action, even if Ofsted report inadequate progress at the second monitoring visit.

78. The first monitoring visit (usually between 6-8 months from the original inspection) will give significant evidence on where the school stands. Inadequate progress at the first visit will not normally trigger notice of reconsideration, but it is a clear indication that the school still needs to make an urgent step forward to secure the necessary improvements. This is likely to be the case if the LA has taken little action to drive forward improvements at the school up to this point. In such situations, LAs should review the action being taken and rapidly consider implementing other options – which would include the school opting to become a trust school or alternative federation or collaborative arrangements.

80. In contrast, a school which is at least satisfactory on its second monitoring visit should not regard re-consideration as a hurdle which has passed. Such a

DRAFT

school should quickly demonstrate good progress, and the removal of special measures soon afterwards. The Secretary of State would, for example, be likely to use the reconsideration power following the fourth or fifth monitoring visit if the school was still making no more than satisfactory progress, nearly two years after special measures was first confirmed.

81. Nonetheless, in considering this power, the Secretary of State will look at each case on its merits, taking into account the original range of problems and the rate at which they are being solved. A summary of the likely trigger points discussed above is shown in the table below.

Time since special measures first applied / monitoring visit	Trigger point	Discretionary Action taken by Secretary of State
6 – 8 months / 1 st visit	Inadequate progress made	Unlikely to issue notice. Urgent step change in progress is required – LA should reconsider action
11-13 months / 2 nd visit	Inadequate progress made	SoS issues notice to the LA that case has become urgent – closure default option
15-16 months / 3 rd visit		
Beyond 18 months / 4 th or 5 th Visit	No more than satisfactory progress still being made; special measures still required	SoS issues notice to the LA – closure default option

Duty on LAs if case has become urgent

82. If the Secretary of State has given a notice to the LA that the case has become urgent, the LA must prepare a statement of action within 10 working days of receipt of the notice, as set out before, with specific reference to the evidence from the latest Ofsted monitoring visit.

83. The LA should send a copy of the new statement of action to the Secretary of State, the governing body, the Chief Inspector, to the diocese or

DRAFT

other appropriate appointing authority and the local LSC (if the school has a sixth form).

Special cases

84. In the case of special schools, and particularly schools catering for pupils with behavioural, emotional and social difficulties (BESD), the need to consider, or re-consider, radical action will still be needed, and there will often be a case for alternative replacement provision, after closure. The Secretary of State will not, however, encourage authorities to reduce the extent of existing provision, including closure with no replacement. There will be no automatic presumption of closure, unless the proposed alternative provision provides a similar or better series of options for BESD pupils.

85. Similar arguments apply in the case of Pupil Referral Units. While it is essential that institutions catering for highly vulnerable children improve quickly after failing an Ofsted inspection, authorities should not take precipitate action to close these schools without securing alternative arrangements which safeguard the needs of the children concerned.

Removal from special measures

86. If at the conclusion of a monitoring inspection HMI conclude that the school no longer needs special measures, the inspection will be treated as though it were an inspection under section 5 of the Education Act 2005 and a report will be published giving this judgement. In some cases, however, the school may still require significant improvement.

87. A school that is closed in order to be given a “Fresh Start” or a “Collaborative Restart” or to become an Academy is no longer subject to special measures. Wherever possible, Ofsted will make monitoring visits to new Academies and Fresh Start schools to check on progress at the new school.

DRAFT

Special Measures Timeline

1-2 weeks	<p>School inspected. At the end of the inspection feedback is given to the school that special measures are required. LA should be present if they suspect school requires significant improvement or special measures. This judgement is moderated.</p> <p>School should begin to take action, including reviewing its development or improvement plan.</p> <p>Draft report sent to governing body or proprietor with 5 working days given for comments.</p>
3 – 5 weeks	<p>HMCI considers comments and if he agrees with inspection judgement notifies the school, the Secretary of State, LA or school proprietor.</p>
4 weeks	<p>Final version of inspection report sent to school and LA or proprietor. LA has 10 working days to produce a Statement of Action Proprietor of non-maintained school has 10 working days to produce a statement of action.</p>
5 – 7 months	<p>HMI will usually undertake their first monitoring visit before the end of the term following that in which the school was judged to require special measures. They will judge the progress of a school, its effectiveness and capacity to improve.</p> <p>They will also make a judgement on the quality of the LA or proprietor's statement of action. Advice may be given if there are areas of weakness.</p> <p>HMI will report their judgments to the governors and LA, the Secretary of State and where appropriate the Diocese or other appointing authority and/or the LSC.</p>
11-13 months	<p>Second monitoring visit.</p>
15-17 months	<p>Third monitoring visit</p>
19-20 months	<p>Fourth monitoring visit (if required)</p>