

LEICESTERSHIRE SECONDARY EDUCATION AND INCLUSION PARTNERSHIPS

GUIDANCE FOR ACADEMIES, SCHOOLS AND PARTNERSHIPS ON PREPARING FOR OFSTED FOR ISSUES LINKED TO THE PARTNERSHIPS

1. Introduction

Academies and schools are well aware that the Inspection Framework and the Inspection Handbook refer to Inspectors collecting information about

- *the safeguarding of learners who are attending “education settings other than schools.”*
- *the effectiveness of planning, monitoring and review of these arrangements.*

The documents indicate that Inspectors may wish to visit the settings (IH para 213). If Inspectors find weaknesses in the school’s arrangements (described in paras 247-252 – see appendix) this will impact on the leadership and management judgement (para 253)

It is clear that Ofsted as an organisation understands and recognises the type of arrangements that we have in Leicestershire to support students who cannot sustain a place in their mainstream school. The Inspection Handbook (para 213) refers to “partnerships with other schools”. Schools work collectively in partnership to organise and quality assure the provision that is made for these learners.

Links to the Partnership Agreement and Memo of Understanding can be found at:

<https://www.leicsseips.org/links-to-public-documents>

ACCOUNTABILITY OF PARTNERSHIPS

The LCC – Secondary Schools and Academies Partnership Agreement sets out the way in which the Partnerships are accountable to the local partnership schools and academies. The commitment of schools is documented in the “Memorandum of Understanding” that all schools and academies signed in 2018 and is due to end in July 2021

The LCC – Secondary Schools and Academies Partnership Agreement established a second accountability process to ensure that the Partnerships are compliant with the terms of the agreement. An Executive Steering Group chaired by an LCC officer, composed of Chairs of Partnership and representatives from other sectors collects financial, provision and outcome data from each Partnership using this to review the performance of each Partnership

2. The Guidance

This Partnership Guidance is designed to ensure that:

- a) Academies, schools and the partnerships have organised their work with this cohort of students effectively and in ways that demonstrate effectiveness to Ofsted.
- b) Academies, schools and the partnerships can answer Ofsted questions consistently and with confidence.
- c) The Partnerships are prepared for the possibility of a visit from Ofsted as part of an individual school Inspection and have prepared the providers they use for this possibility.

The Guidance is in three sections.

Section 1 sets out our arrangements for securing effective safeguarding of students in settings other than schools. Up to now this has been the principal focus of Ofsted teams visiting schools when looking into this area of their work. Common practice has been for the school to facilitate a phone call to the local Partnership Co-ordinator so that questions about this area of practice can be answered authoritatively. Section 1 also outlines the way that we ensure that the providers we use are not acting illegally as unregistered schools.

Section 2 sets out the expectations (that we believe Ofsted has) of the way that schools should remain involved with their students even when they are fully “programme managed” by the partnerships. We anticipate that DFE regulations may in future expect the same level of continuing involvement by schools for (the very few) permanently excluded students in the Partnerships.

Section 3 sets out the responsibilities and accountabilities for every individual school for the quality of the provision that the Partnerships are making for their students, ensuring that no individual school carries the accountability burden alone.

3. Section 1: Safeguarding Students at settings other than schools

- a) Students are only placed in settings that are registered with Leicestershire Education and Business Company (LEBC). You can find out about LEBC by clicking here <https://www.leics-ebc.org.uk/about-lebc>
- b) LEBC carries out an annual audit on behalf of the Partnerships. This audit is triggered by the first placement of a student any of the five Partnerships makes at the start of each year.
- c) The audit includes a check to ensure that the Provider has a single central record and a Designated Safeguarding Lead. In addition these audits:
 - Ensure that Providers are aware of and understand the rules about the need to register as a school if working with students for a significant proportion of their education time.
 - Ensure that Providers have appropriate insurances and proper health and safety arrangements in place.
- d) Each time a Partnership places an individual student with a provider they register this with LEBC. This ensures that :
 - There is a direct link to the student’s Partnership records to show that the provider has been checked by LEBC for safeguarding, insurances and health and safety.
 - The Partnerships are therefore able to provide schools with an evidence trail to show that they are satisfied that requirements for safeguarding have been met in full, student by student. Partnership Co-ordinators are aware that they may be contacted by schools undergoing Ofsted Inspections and asked to provide information to demonstrate this.
 - There is a mechanism for ensuring that the Partnerships pay a fair share of the cost of LEBC’s audit service based on the number of students placed with providers. (This is currently around £40 per placement)
- e) In addition the Partnerships:
 - Hold an annual meeting for all the Providers they work with. In 2019 all providers were offered discounted safeguarding training, including the chance to do a follow up to gain updated DSL certification. This was provided by the LA’s Safeguarding Team.
 - Carry out Quality Assurance Visits using an agreed framework. The reports

are shared across the five partnerships, are held in the Partnership web site and can be accessed swiftly by Co-ordinators on request of schools.

- Have a process in place to ensure that individual students are effectively inducted when they first start a placement. This pays particular attention to issues such as who is the DSL and what a student should do if they feel unsafe.
- f) Partnership students are not placed in illegal settings. All our providers know that if they offer the substantial part of the education programme (the DFE guidance suggests more than 18 hours per week) to students they need to be a registered school. Partnership Co-ordinators take care to ensure that our students **are not** “handed over” to an unregistered provider either to:
- to take on the main responsibility for the student’s programme
 - to provide three or more days of provision per week

Most of our providers are unregistered. This group know that they must limit the work they do with individual students to ensure they do not need to register as a school. The Partnerships and LEBC continue to ensure that our providers understand the law about registering.

ADVICE TO SCHOOLS USING ALTERNATIVE SETTINGS

If you make your own arrangements for placing students in “settings other than schools” you are advised to follow the procedure described above – working directly with LEBC and paying the necessary fee per student placement.

You should take care not to use an unregistered provision if it is acting illegally. You can find Partnership advice to providers here:

<https://www.leicsseips.org/draft-policies-and-documents-for-ap>

4. Section 2: School Involvement with Programme Managed Students

You should be ready and able to demonstrate to an Ofsted Inspector that your school/academy:

- a) ensures that at least one member of staff has a full overview of those students who are on full or part time programmes with their Partnerships
- b) has made a referral using the Partnership Exclusion Forum and/or Panel/ Core Group following the locally agreed procedures
- c) has provided information about previous attendance, well being and academic progress as requested by the Partnership
- d) has participated in the Partnership’s regular review of progress of each individual student, following a “plan, do, review” process
- e) has received and processed attendance data from the Partnership at least weekly and has actively followed up any issues of attendance and punctuality working with the Partnership

- f) has visited the student each term in one or more settings to gain an independent view of the quality of provision

ADVICE TO SCHOOLS - BALANCING REALISM AND CHALLENGE IN PROGRAMME PLANNING

Schools, Academies, The Local Authority, the Chairs of Partnerships and the Partnership staff teams share a commitment to work to “get these learners back on track”. Some of the students referred to the Partnerships have become disengaged from education and as a result are at high risk of further degradation of their life chances. Programmes that fail to address the challenge of securing re-engagement of these students have no little or no chance of restarting educational progress. A difficult balance between the ambition to secure outcomes that are in line with the learners’ potential and the need to secure some realisable progress needs to be struck. Schools and Academies, when participating with Partnerships in developing a plan and programme for individuals can be confident that the right plan has been established if it:

- sets a route back to engagement and onto a pathway for educational progress
- sets outcomes that allow a secure judgement of whether the planned progress has been achieved.
- Has timely reviews built in so that the plan can be readjusted as needed.

5. **Section 3: The quality assurance of the alternative provision and the quality assurance and accountability for the Partnerships’ “in-house provision” and overall management of its students**

The Chair of Partnership’s School and /or the Fund Holding School may feel an unfair burden of responsibility for the operation of the Partnership. This sense of responsibility has increased as the Partnerships have developed their own “in house provision”. If the Partnership was to be regarded by Ofsted as a “unit” of the Chair’s school, any adverse judgement of a Partnership by an Ofsted Inspector risks having a significant impact on the final judgement the school receives. It is clear from the Inspection Handbook and by implication that Ofsted corporately understand the nature of our partnerships. Chair/fund holding schools can be robust in asserting to Ofsted that their responsibility for Partnership provision is a shared one. Para 253 in the Inspection Handbook sets out the accountabilities for individual schools.

In order to demonstrate that they meet the requirements of Para 253 all local partnership members schools/academies should ensure that they have:

- Contributed to the development of arrangements for securing the local accountability of their Partnership provision

- actively participated in the agreed local arrangements as part of the Partnership's quality assurance of settings other than schools
- actively participated in the agreed local arrangements for securing the accountability of the Partnership itself to the local schools group including participating in any local arrangements to quality assure the Partnership's in house provision.

Schools/Academies should also ensure that Ofsted Inspectors are made aware of the significant role played by LCC and the Chairs through the Executive Steering Group in quality assuring provision including:

- The robust collection and analysis of data across the Partnerships
- The two level quality assurance process for settings other than schools – using LEBC and our own QA visits.
- The support network that Links the LA Inclusion Team with the Co-ordinators

The Annual Report of the five Secondary Education and Inclusion Partnerships can be found at <https://www.leicsseips.org/schools>

In summary an Ofsted Inspection will consider the way each school participates in the quality assurance of its local Partnership and this consideration will impact on the leadership and management judgement in the school's report. A Chair's or Fund Holding School should be judged in exactly the same way as all of the other schools in the Partnership.

Appendix A

Extract from School inspection handbook

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213. Over the course of inspection, inspectors will carry out evidence-gathering activities. In some cases, inspectors will be able to gather this evidence as part of other activities they are carrying out. The activities are:

- visiting any off-site unit that the school runs (on its own or in partnership with other schools) for pupils whose behaviour is poor or who have low attendance.

247. Inspectors must evaluate how well a school continues to take responsibility for its pupils who attend alternative or off-site provision. Inspectors need to be assured that leaders have ensured that the alternative provision is a suitable and safe placement that will meet pupils' academic/vocational/technical needs, pastoral needs and, if appropriate, SEND needs. Inspectors will speak to a selection of pupils who attend off-site provision, where possible.

248. Inspectors must ask the school about the registration status of any alternative providers that they use. Any provider of alternative provision must be registered as an independent school if it caters full time for five or more pupils of compulsory school age, or one pupil who is looked after or has an education, health and care (EHC) plan. If a school uses alternative provision that should be registered but is not, inspectors will carefully consider whether this affects the likelihood that pupils are safeguarded effectively.

249. Inspectors will normally visit a sample of any part-time unregistered alternative providers during the inspection, as directed by the relevant Ofsted region. This is to assess the adequacy of the school's quality assurance process. Inspectors should visit any registered alternative provision site that Ofsted has not yet inspected to assess the adequacy of the school's quality assurance process.

250. Inspectors will consider the quality of registered alternative provision using Ofsted's latest inspection report and assess its impact on the overall quality of education for pupils in a proportionate way.

251. Inspectors will consider:

- the reasons why leaders considered off-site provision to be the best option for the pupils concerned
- whether leaders have made the appropriate checks on the registration status of the provision
- what safeguarding checks leaders have made and continue to make to ensure that the provision is a safe place for their pupils to attend
- the extent to which leaders ensure that pupils benefit from a well-planned and sequenced, well-taught, broad and balanced curriculum
- the attendance and behaviour of the pupils who attend the provision
- how well the provision promotes the pupils' personal development.

252. If a school uses a provider that is not registered, the inspector must contact the

duty staff so that they can notify Ofsted's unregistered schools team. Following the inspection, the team will determine if we need to take further action because there is reasonable cause to believe that the setting is operating as an unregistered school.

253. A school is likely to be judged inadequate for leadership and management if:

- it is making ineffective or inappropriate use of alternative provision
- it is using inappropriate alternative provision
- leaders have not taken the necessary steps to assure themselves of the suitability of a provision
- leaders are not aware of how many of their pupils attend alternative provision
- leaders are not taking responsibility for their pupils who attend alternative provision.

Appendix B

Framework for Inspection 2019

Curriculum...

leaders take on or construct a curriculum that is ambitious and designed to give all learners, particularly the most disadvantaged and those with special educational needs and/or disabilities (SEND) or high needs, the knowledge and cultural capital they need to succeed in life

- the provider's curriculum is coherently planned and sequenced towards cumulatively sufficient knowledge and skills for future learning and employment
- the provider has the same academic, technical or vocational ambitions for almost all learners.
- Where this is not practical – for example, for some learners with high levels of SEND – its curriculum is designed to be ambitious and to meet their needs.
- learners study the full curriculum. Providers ensure this by teaching a full range of subjects for as long as possible, 'specialising' only when necessary