

Children, Young People and Families Scrutiny Panel

13 April 2016

Report title	City of Wolverhampton Academy Protocol - A framework for improved partnership working between the Council and Wolverhampton Academies & Free schools	
Cabinet member with lead responsibility	Councillor Claire Darke Education	
Wards affected	All	
Accountable director	Julien Kramer, Education	
Originating service	School Planning & Resources	
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Report to be/has been considered by	List any meetings at which the report has been or will be considered, e.g.	

Recommendation(s) for action or decision:

The Scrutiny Panel is recommended to:

1. To note the implications of the new White Paper, "Educational Excellence Everywhere", the growing number of academy schools and the importance of securing an effective dialogue and improved working relationship with these schools.
2. To scrutinise and comment upon a proposed protocol designed to promote more effective dialogue and improved working relationships with academy schools.
3. Suggest any matters for amendment/ inclusion.

1.0 Purpose

- 1.1 A growing number of schools within the City have already become academy schools. A list of current academy schools is detailed in **Appendix A**. Academy schools employ their staff directly, may vary their curriculum and operate largely independently of the Council. Recent announcements by the Government in connection with their new White Paper, Educational Excellence Everywhere, and announcements in connection with national formula funding changes make clear that the Government proposes to bring forward legislation to require all schools to become academies.
- 1.2 The City of Wolverhampton Council is committed to working positively with all academies, sponsors and new providers to ensure continuous school improvement and realise the vision for children's education in Wolverhampton, as set out in our Corporate Plan and current School Improvement Strategy. We wish to create an education system that promotes the very highest standards for all children and young people, closes the attainment gap and allows every pupil in Wolverhampton to reach their full potential.
- 1.3 In support of the above it is proposed to invite academy trusts and individual academy schools to sign a new Protocol setting out mutual expectations and shared commitments. A draft of this document is attached at **Appendix B**.

2.0 Background

- 2.1 The growth in the number of academy schools in the City and the implications of the new White Paper and recent government announcements require the City Council to review how it engages with academy and free schools.
- 2.2 The principles informing the Protocol are set out in **Appendix B**.
- 2.3 The Protocol sets out respective roles and responsibilities in terms of safeguarding and the continuous improvement in the educational outcomes of Wolverhampton's children and young people.
- 2.4 This Protocol supports the development of productive open dialogue between the Council and all City Academies and is intended to apply to all convertor and sponsored Academies and Free Schools. It is envisaged that the Protocol itself will be subject to regular review in the light of operational experience and the enactment of new legislation.
- 2.5 Following consideration by Scrutiny it is proposed to invite individual academy trusts and schools to consider signing up to this protocol.
- 2.6 The Protocol will be reviewed initially in the Spring Term of 2017 following a period of operation and feedback from academy and free school partners.

3 Financial implications

- 3.1 There are no financial implications arising immediately from this Report. Academy schools are currently funded centrally through the same funding formula used for maintained Wolverhampton schools. Adoption of the Protocol will help improve dialogue with academy schools around this and other matters of shared concern. [MF/31032016/S]

4. Legal implications

- 4.1 There are no immediate legal implications arising from this Report. The adoption of the Protocol will however provide a basis for greater transparency and improved dialogue about matters of shared concern. It should also underpin future collaborative endeavour. [Legal Code: TS/18032016/A]

5. Equalities implications

- 5.1 There are no equality implications arising from this Report.

6.0 Environmental implications

- 6.1 There are no direct environmental implications arising from this Report

7.0 Human resources implications

- 7.1 Academy schools are the employer of all staff engaged at their schools and therefore there are no direct HR implications for the Council arising from this Report.

8.0 Corporate landlord implications

- 8.1 There are no direct Corporate Landlord implications arising from this report. The adoption of the Protocol will however provide a basis for improved dialogue around estate management and future collaborative activity around estate sufficiency.

9.0 Schedule of background papers

- 9.1 N/A

APPENDIX A**Academies in Wolverhampton (April 2016)**

Name of Academy	Conversion Date	Trust
South Wolverhampton and Bilston Academy (Secondary)	1 September 2009	Wolverhampton Academy Trust
North East Wolverhampton Academy (Secondary)	1 September 2010	Wolverhampton Academy Trust
Heath Park (Secondary)	1 December 2011	Central Learning Partnership Trust
Moseley Park (Secondary)	1 June 2012	Central Learning Partnership Trust
S. Peter's Collegiate Church of England (Secondary)	1 October 2012	S. Peter's Collegiate CE Academy Trust
Aldersley High (Secondary)	1 January 2013	Aldersley High School Trust
Woden Primary School (Primary)	1 April 2013	Central Learning Partnership
St Edmund's Catholic Academy (Secondary)	1 July 2013	Bishop Cleary Catholic Multi Academy Company
SS Mary and John's Catholic Academy (Primary)	1 July 2013	Bishop Cleary Catholic Multi Academy Company
St Teresa's Catholic Academy (Primary)	1 July 2013	Bishop Cleary Catholic Multi Academy Company
The Giffard Catholic Primary Academy and Nursery (Primary)	1 July 2013	Bishop Cleary Catholic Multi Academy Company
St Michael's Catholic Academy and Nursery (Primary)	1 July 2013	Bishop Cleary Catholic Multi Academy Company
Perry Hall (Primary)	1 July 2013	Perry Hall Multi Academy Trust
Smestow School a Specialist Sports College (Secondary)	1 February 2014	Education Central

St Jude's Primary Schools	1 March 2014	Lichfield Diocese
Wolverhampton Girls' High (Secondary)	1 April 2014	Wolverhampton Girls' High School Trust
Berrybrook Primary School	1 April 2014	Perry Hall
Northwood Park Primary School	1 January 2015	TBC
Wednesfield High Specialist Engineering Academy (Secondary)	1 January 2015	Education Central Multi Academies Trust
Corpus Christi Catholic Primary Academy	1 March 2015	
Holy Rosary Catholic Primary Academy	1 March 2015	
Our Lady and St Chad Catholic Academy	1 March 2015	
St Mary's Catholic Primary Academy	1 March 2015	
Field View Primary School	1 March 2015	St Martin's Multi Academy Trust
St Martin's Church of England Primary School	1 March 2015	St Martin's Multi Academy Trust
Grove Primary	1 April 2016	St Martin's Multi Academy Trust
Elston Hall Primary School	1 October 2015	Elston Hall Multi Academy Trust
Highfields	1 December 2016	Highfields
Palmers Cross	1 April 2016	Elston Hall Multi Academy Trust
Northern House (Wolverhampton)	1 February 2016	Northern House Multi Academy Trust

Primary	15
Secondary	12
Specials	1

APPENDIX B

City of Wolverhampton

Academy Protocol

**A framework for improved partnership working between
The City of Wolverhampton Council and Wolverhampton
Academies & Free schools**

March 2016

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1. Purpose and key principles

Purpose

1.1 This Protocol provides a framework to promote cooperation and partnership working between the City of Wolverhampton Council and all academies and free schools operating across the City. The Protocol sets out respective roles and responsibilities in terms of safeguarding and the continuous improvement in the educational outcomes of Wolverhampton's children and young people.

1.2 This Protocol supports an open dialogue between the Council and all City Academies and applies to convertor and sponsor Academies and Free Schools.

1.3 The City of Wolverhampton Council is committed to working positively with all academies, sponsors and new providers to ensure continuous school improvement and realise the vision for children's education in Wolverhampton, as set out in our Corporate Plan; to create an education system in Wolverhampton that promotes the very highest standards for all children and young people, closes the attainment gap and allows every pupil in Wolverhampton to reach their full potential. The Council celebrates school autonomy and supports school leaders and teachers in leading City wide collaboration and school improvement.

1.4 We believe that all families in Wolverhampton want their children and young people to succeed in education. We believe they want an education system that values and celebrates high standards, and where no child is left behind as they learn and achieve through a broad and balanced curriculum. We will ensure that our education system prepares all children and young people to become confident and responsible adult citizens. We will equip them with the skills they need for their own future economic prosperity, and that of the City.

1.5 Our strategy for achieving this, in partnership with a self-improving, self-sustaining school to school support system, is set out in the current Wolverhampton School Improvement Strategy. This states that the City of Wolverhampton will:

- Maintain and build upon the effective working relationships with schools to facilitate the development of strong, local school to school support networks through a systems leadership and partnership working approach that involves all relevant stakeholders in the school improvement work across the City.
- Implement a robust and effective challenge and support programme to all schools across the City through a staged and differentiated approach based on a schools individual position, in order to hold them fully to account for school improvement.
- Complete a full audit of all governing boards to have a rag rated system to fully understand their needs and or requirements in regards to training and support. A recruitment and retention programme for governors. Comprehensive training package to train chair and inspiring chairs to give them the support and skills that will make their governing boards become the professional bodies which is required of them. There is also an induction and

full training for all other governors. All of this training and support is fully subsidised by the Council

- Ensure that safeguarding is accorded with the highest priority in all Wolverhampton schools; and
- Maintain an Education Board with the remit to (a) hold the Director of Education accountable for educational performance in Wolverhampton through a corporate, cross-directorate monitoring and review of the performance in all schools and settings; and (b) remove barriers to attainment by mobilising the assets and resources of the City Council.

1.6 The council celebrates school autonomy and supports school leaders and teachers in leading City wide collaboration and school improvement. Together we can act as the champion of pupils and families, particularly our most vulnerable. We believe that:

- All schools and colleges will take collective responsibility for all the improved outcomes of all the children in the City;
- 0-19 education provision within the City should be inclusive and organised to enable children to avoid transition dips and realise their full potential;
- All schools should have a common intent to work together to share good practice, actively address underperformance and support City schools in challenging circumstances regardless of their status.

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Key principles

1.7 The Council and Wolverhampton Academy Trusts agree to the following key principles which underpin this Protocol:

- To work in partnership on all matters relating to the education and welfare of children and young people;
- To support an inclusive culture and ensure that the City can meet the needs of all vulnerable children, including those who are identified with special education needs and disabilities (SEND) and those children who are looked after (LAC);
- To raise issues and concerns about any aspect of council or academy performance in an open and transparent manner;
- To act fairly and with impartiality at all times and show mutual respect;
- To actively participate in local partnerships and other forums, including collaborations between schools and other settings, related to improving educational outcomes for children and young people;
- To agree to share data in line with the agreed protocol and not use information or data publicly in a manner that criticises other providers;
- To work together to ensure all Wolverhampton's learners remain safe and secure.

2. Partnership working

Context

2.1 The number of academies in Wolverhampton has grown significantly over the last few years and will continue to grow. A number of sponsors/providers are now represented in the City including:

Aldersley High School Trust	St Martin's Multi Academy Trust
Bishop Cleary Catholic Multi Academy Company	St Peters Colleigate CE Academy Trust
Education Central Multi Academy Trust	Elston Hall Multi Academy Trust
Northwood Park Single Academy Trust	The Wulfrun Academy Trust
	Northern House Multi Academy Trust
Perry Hall Multi Academy Trust	Wolverhampton Academy Trust
Pope John XXIII Catholic Multi Academy Trust	Wolverhampton Girls' High Academy Trust

It is anticipated that this list will continue to expand in the months to come.

In order to identify and share best practice and achieve continuous improvement in educational and wellbeing outcomes for Wolverhampton's children and young people it is essential that the Council and the various Academy Trusts work closely together.

Agreed protocol

2.2 The Council agrees to:

- Recognise that some Academy Trusts in the City are keen to expand, develop local hubs and broaden their influence. The Council will work closely with Academy Trusts to achieve this and where appropriate it will contribute to improved outcomes for children and young people;
- Invite Academy partners to participate in all networks and forums co-ordinated by the Council and have full access to the range of traded services offered by the Council;
- Ensure that academies have appropriate representation on the Schools Forum.

2.3 Academy partners agree to:

- Share best practice with others and promote high quality teaching & learning practices;

- Continue to work in partnership with local schools, including participating within local learning communities and providing practical assistance to other schools upon request wherever possible.

2.4 Both parties agree to:

- Open communications, and meetings as necessary, where there are any local issues/concerns or strategic developments.

3. School Improvement

Context

3.1 The underlying principle of school improvement is that all schools, including academies, are responsible for their own improvement. The City of Wolverhampton Council acknowledges this principle, respects the independence and autonomy of all academies and wishes to maintain a constructive and fruitful relationship with all academies.

3.2 Academies are accountable to the Secretary of State for Education through the Regional Schools Commissioner. Therefore, the Council will focus its school improvement activity on the schools the Council continues to maintain into the future, in line with DfE expectations and guidance.

3.3 The local authority has no statutory powers of intervention in academy schools but is expected to refer any concerns it may have to the Secretary of State, via the Regional Schools Commissioner.

3.4 The local authority will continue to strive to secure 'efficient' primary, secondary and further education in order to meet the needs of the local population.

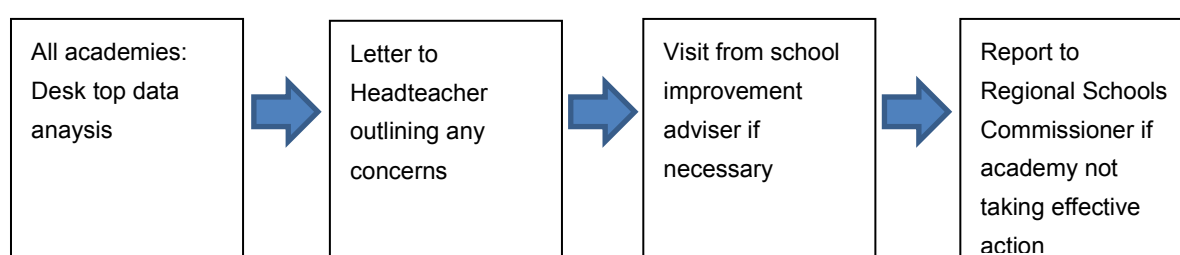
3.5 Local authorities can therefore look at the overall performance in their area (including academies) using data available to them such as RAISEonline summary reports and OFSTED Inspection Dashboards, Local Authority Interactive Tool, National Consortium for Examination Results and DfE's Keys to Success, together with any data supplied voluntarily by academies.

3.6 The Wolverhampton School Improvement Strategy outlines a core programme of challenge and intervention for all schools. For academies and free schools the minimum allocation of time, from a school improvement adviser, is a one day desk top data analysis, production of a summary report identifying key priorities with an accompanying letter to the Headteacher every Autumn Term. The Strategy will be amended in accordance with the enactment of new legislation as required.

Schools causing concern

3.7 Statutory DfE guidance regarding 'schools causing concern' sets out the local authority's role in relation to maintained schools that are causing concern. It underlines the importance of early intervention and swift and robust action to tackle failure, including the use of Warning Notices and Interim Executive Boards (IEBs) in maintained schools. The guidance is clear about the Government's expectation that academy status, with the support of a strong sponsor, is the best way of securing lasting improvement in these circumstances.

3.8 The Council's approach to 'schools causing concern' is set out in our school improvement strategy. In relation to academies the procedure is summarised as follows:



3.9 Where the local authority has concerns about the performance of an academy, for example following the annual desk top data analysis, it will in the first instance write to the individual establishment to discuss the issue with the Headteacher / Principal, Chair of Governors and, where appropriate, the provider. If necessary this will be followed by a visit from a school improvement adviser in order to be informed about potential solutions within an agreed timescale. If the Local Authority is not satisfied that concerns have been effectively addressed it will report concerns to the Regional Schools' Commissioner.

3.10 Rapid intervention may also mean raising concerns about safeguarding at an Academy (refer to Section 6 of the Protocol). Where the Local Authority has concerns about the an academy's safeguarding arrangements or procedures (arising as a result of investigations about individual children or otherwise), these concerns will be reported to the Education Funding Agency (EFA) who have the responsibility to take any necessary improvement action and monitor the situation.

Agreed protocol

3.11 The Council agrees to:

Work with academies and sponsors, particularly where:

- An Academy is consistently below minimum standards of performance or the desk top data analysis identifies specific areas of concern;

- The Council has been made aware of parental / community concerns;
- There are reported safeguarding concerns;
- If requested by the Academy, attend the feedback session with Ofsted at the end of a Section 5 inspection.

3.12 The Academy agrees to:

- Respond to any queries or concerns raised following the Local Authority's annual desk top data analysis, including meeting with a school improvement adviser if requested by the Council;
- For Key Stage 1 and 2 statutory assessment requirements, the Academy must consider and advise whether it wishes to be included in the Council's monitoring and moderation visit arrangements or part of the statutory moderation arrangements of another local authority;
- Work with an allocated School Improvement Advisor from the Council, if defined as an academy causing concern, to provide the Council with information and reassurance to confirm that plans are in place to address any identified concerns;
- Inform the Local Authority of a Section 5 Ofsted inspection and the provisional outcome of that inspection;

3.13 In the case of large Academy Trusts, who are responsible for more than one academy in the City, a school improvement adviser will request an annual meeting with the Executive Headteacher and Chair of the Trust to discuss pupil outcomes across the Trust and the wider role of the Trust in city wide school improvement.

4. Data sharing

Context

The Council retains the responsibility for certain functions in relation to Academies e.g.

Education, Health and Care needs assessments; Education, Health and Care plans; pupil place planning; co-ordinating admission arrangements for transfer groups; prosecution of parents for non-attendance; placing pupils in alternative provision (notably following permanent exclusion or children looked after placements); etc.

In order to administer these functions the Council is required to maintain an up to date and relevant central pupil database. The Council's preferred method to maintain this database is to run weekly data feeds from schools' management information systems which are stored and updated on the Council's central pupil database. This also allows the Council to support schools and academies that have purchased local authority services through traded services agreements.

The key benefits of agreeing to a shared protocol around data can be summarised as follows:

- Maintaining the quality of pupil data
- Reducing the administrative burden on academies - data will only be inputted once but used many times for the benefit of children
- Ensuring appropriate access to information to provide better services for children and assist in safeguarding
- Supporting academies to retain knowledge around statutory data returns
- Supporting the development of Academy Trusts
- Enabling school improvement advisers to fulfil their duties where these services have been purchased by an academy.

Agreed protocol

Data transfer feeds

This concerns the secure transfer of child level information from each School's Information Management Systems to the central pupil database within the Local Authority. Information is transferred via a secure transfer mechanism which must conform to the Council's requirements.

The Council agrees to:

- Prepare formal data exchange agreements as necessary
- Make the data available to identified children's services professionals via the Capita ONE system removing the need for them to contact the Academy directly
- Notify the Academy if the Council becomes aware of any inaccuracies in the data they receive to ensure that data held by both parties is accurate and up to date
- Provide advice and guidance to support the data transfer process.

The Academy agrees to:

- Respond positively to requests from the Council to enter into formal data exchange arrangements as required
- Transfer weekly updates of child level personal data (including on / off roll data, attendance marks and may in the future include exclusions) via an agreed secure transfer mechanism
- Make the necessary changes to the Information Management systems if / when informed by the Council's Education Information Services Team of discrepancies in any data held.

School Census

The School Census is a statutory return completed by all state sector schools within England. Data is collected on the third Thursday in January and May and the first Thursday in October. Data items vary according to each census but all three census returns include child level personal data.

The Academy agrees to:

- Work with the Council to resolve any duplicate enrolment / dual registration issues with LA maintained schools
- Work with the Council to resolve any discrepancies in pupil exclusion data.

Attainment data collections

The Council uses attainment data to target the provision of services to schools and localities where there is the greatest need in order to improve outcomes for the City.

Attainment data is required to be submitted to the DfE at the end of Foundation Stage, Key Stage 1 and Key Stage 2, plus Phonics Check data for Year 1 pupils (and Year 2 pupils who did not pass in Year 1).

Only the KS2 data can be submitted to the DfE by academies. EYFSP, KS1 and Phonics have to be submitted to the DfE via COLLECT; currently DfE do not give academies access to submit this data themselves. The Council is therefore required to collect this from academies and submit it on their behalf.

The Council requests a set of headline Key Stage 4 outcomes from all secondary schools to be received by on publication day (3rd Thursday in August).

The Council requests a set of headline Key Stage 5 outcomes from all secondary schools with post 16 provision, to be received on publication day 2nd Thursday in August.

The Council agrees to:

- Collect EYFSP, KS1 and Phonics data from academies and submit it to the DfE on their behalf
- Support the transfer process by giving the Academy advice on the collection, recording and submission of the data required by the DfE.

The Academy agrees to:

- Transfer data to the Council within required timescales, for Foundation Stage, Key Stage 1 and Year 1 and Year 2 phonics in CTF (common transfer file) format
- Provide a set of headline Key Stage 4 (from all secondary phase academies), to be received on publication day (3rd Thursday in August).
- Provide a set of headline Key Stage 5 data (from post 16 providers), to be received on publication day (2nd Thursday in August).

Both parties agree to:

- A shared timetable for the submission of data.

Young People's Participation Data

Local Authorities have a range of statutory duties in respect of young people's participation in education and training. These include:

Securing sufficient suitable education and training provision for all young people aged 16 to 19 and for those up to age 25 with a learning difficulty assessment (LDA) or Education, Health and Care (EHC) plan in their area.

Local authorities must promote the effective participation in education and training of 16 and 17 year olds in their area with a view to ensuring that those persons fulfil the duty to participate in education or training. Local authorities must make arrangements – i.e. maintain a tracking system - to identify 16 and 17 year olds who are not participating in education or training.

Local authorities should provide strategic leadership in their areas to support participation in education, training and employment. To discharge this duty, local authorities must collect information about young people in their area in order to identify those who are not participating, or who are at risk of not doing so, and to target their resources on those who need them most.

Local authorities are expected to continue to work with schools to identify those who are in need of targeted support or who are at risk of not participating post-16. They will need to agree how these young people can be referred for intensive support, drawn from the range of education and training support services available locally.

Every young person who reaches the age of 16 or 17 in any given academic year is entitled to an offer of a suitable place, by the end of September, to continue in education or training the following year. Local authorities are required to lead this September Guarantee process for:

- 16 year olds who are educated in their area; and
- 17 year olds who are resident in their area.

The Council agrees to:

- Collect intended destination information on year 11 students and provide updates on those who do not have an intended destination and work with them across the summer to secure a post 16 place
- Provide regular updates on the destinations of young people who have transitioned to year 12 in line with the DfE KS4 Destination Performance Indicator and an annual activity survey with a full breakdown of information.
- Provide support to Careers Guidance staff through the Careers Education, Information, Advice and Guidance Service on a termly basis and review the latest DfE Destination Performance Indicator data for KS4 and KS5.

The Academy agrees to:

- Adhere to the requirements of a separate data sharing agreement with the Council to provide data in relation to young people's Intended Destinations, September Guarantee and Activity survey data.

In addition, where the Academy delivers post-16 provision, the Academy agrees to:

- Adhere to the requirements of a post 16 data sharing agreement with the Council, sharing on roll data to enable the Council to track young people's participation post 16 and to work with the academy to provide support where a young person is at risk of becoming NEET or has become NEET.

External Attainment Data Sources

The Department of Education has deemed that Local Authorities have an automatic right to attainment data of all schools located within their area, regardless of type.

The City of Wolverhampton Council currently receives pupil level attainment and estimate information from the National Consortium for Examination Results (NCER), DfE's Key to Success website and FFT. All data used is derived from the National Pupil Database.

Children looked after (Children in Care) reconciliation

In order to ensure accurate data on the status of children who are looked after, this data reconciliation process will take place once every half term.

The Council agrees to:

- Provide advice, guidance and the necessary tools to make the data return.
- Undertake a reconciliation of the data and check the validity of common status for every pupil both in Wolverhampton and / or time in the care of other Local Authorities
- Inform the Academy of any changes that are recognised to ensure accurate data is being held in the Information Management System of the academy.

The Academy agrees to:

- Return looked after children data on a half termly basis
- Make the necessary changes to the Information Management systems if / when informed by the Council's One Team of discrepancies in any of the data held.

Fair processing of data

The Council agrees to:

- Only process data if a condition from Schedule 2 of the Data Protection Act 1998 is met. The Council will use the data to provide and plan services for children. Data will only be used in the best interests of the individual.

The Academy agrees to:

- Notify data subjects (pupils and adults) of which organisations their personal data may be shared with using the privacy notices recommended by the DfE.

Appropriate Security Measures

The Council agrees to:

- Comply with the seventh principle of the Data Protection Act 1998 regarding security and arrangements are in place, in order to protect the integrity and confidentiality of the information held. Any personal data that is held electronically will be password protected.

Both parties agree:

- Not to transfer personal information by unsecure email, only to use secure electronic mechanisms such as the Shared Secure Environment (SSE), Proofpoint, AVCO, AVCO Anycomms +, GCSX secure email, S2S, etc.

Designated officers

Both parties will agree to:

- Confirming which individuals (designated officers) are authorised to send and receive data to be shared
- Ensure that all of its designated officers are fully conversant with the provisions of this Protocol and receive training regarding Data Protection principles.

5. Admissions and school place planning

Context

The Local Authority has a statutory duty to ensure that every child in Wolverhampton has a school place and to increase opportunities for parental choice. Academies have a vital role in contributing to the overall capacity of school places in Wolverhampton.

There is currently significant pressure on school places which the Council is addressing by expanding primary schools and planning for the future expansion of secondary schools. The Council is also proposing to review the adequacy of special schools and develop a more inclusive mainstream education.

Agreed protocol

The Council agrees to:

- Ensure the annual co-ordinated admissions processes are administered in accordance with the Admissions Code and will consult academies on the annual schemes
- Co-ordinate In-year admissions for all schools in Wolverhampton including academies.

The Academy agrees to:

- Share accurate and timely information regarding their school capacity and available places.
- Actively engage in strategic place planning processes and share relevant information in support of that process

- Participate in Wolverhampton's Fair Access Protocol.

Both parties agree to:

- Meet to discuss any admissions dispute and seek to avoid any application to the Secretary of State for Education to direct the admission of any child.

6. Vulnerable children (including looked after children) and safeguarding

Context

Section 175 of the Education Act 2002 places a duty on local authorities (in relation to their education functions and governing bodies of maintained schools and further education institutions, which include sixth-form colleges) to exercise their functions with a view to safeguarding and promoting the welfare of children who are pupils at a school, or who are students under 18 years of age attending further education institutions. The same duty applies to independent schools (which include Academies and free schools) by virtue of regulations made under section 157 of the same Act.

Section 157 of the Education Act 2002 requires that proprietors of independent schools (which includes Academies and Free Schools) *must* make arrangements to safeguard and promote the welfare of pupils and in doing so have regard to statutory guidance. This will include Working Together 2015, Dealing with Allegations of Abuse Against Teachers and Other Staff 2012 and Keeping Children Safe in Education'. Working Together (March 2015) also defines the statutory objectives of the Local Safeguarding Children Board (LSCB).

Local Authorities have a duty under the Children Act 1989 to safeguard and promote the welfare of a child looked after by them (i.e. a child subject to a care order (or an interim care order) or who is accommodated by the local authority). This includes a particular duty to promote the child's educational achievement, wherever they live or are educated.

The Children and Families Act 2014 amended the Children Act 1989 to require local authorities to appoint at least one person for the purpose of discharging the local authority's duty to promote the educational achievement of its looked after children - the Virtual School Head (VSH). The Council has established a virtual school lead by a VSH.

All children looked after (children in care) should have a Personal Education Plan (PEP) which is part of the child's care plan or detention placement plan.

Promoting the education of looked after children - statutory guidance for local authorities July 2014

The Council has a named Designated Officer (DO) in line with part four of the statutory guidance 'Keeping children safe in education'. All allegations made against staff by children in a school / nursery setting must be reported to the named Designated Officer (formerly known as the Local Authority Designated Officer or LADO) immediately an allegation has been made or a concern raised.

Details of the requirements placed on all schools can be found on the Wolverhampton Safeguarding Children Board website: <http://www.wolvesscb.org.uk/>

Agreed protocol

The Council agrees to:

- Provide a dedicated link worker to the Academy from the virtual team within the Council's education service and allocate an education case worker for each looked after child in the Academy.

The Academy agrees to

- Commit to participating in local arrangements for the early identification of children and young people at risk of underachievement and poor outcomes and to utilise local referral arrangements (e.g. the Common Assessment Framework (CAF) where appropriate to access locally co-ordinated support services offered by the Council and other agencies and to work in partnership with them
- Contact the Council's Designated Officer immediately if there is a safeguarding allegation against a member of staff and report the information on the notification form.
- Recognise the particular role of the Council as the corporate parent of Wolverhampton's looked after children, and will share data, progress and concerns as it would with any other parent
- Commit to the Personal Education Plan (PEP) process to support the personalised learning of a looked after child including termly updates of the PEP and attendance at meetings as appropriate.
- Appoint a designated member of staff (the 'designated teacher') to have responsibility to promote the educational achievement of looked after children who are registered pupils at the academy.
- Ensure that the designated teacher is a qualified teacher, a headteacher or acting headteacher at the academy and that the designated teacher undertakes appropriate training

- Commit to contributing to the local arrangements for the planning and monitoring of progress of Wolverhampton's Children who are looked after , including half termly data reports to the Council.

Both parties agree to:

- Meet to discuss any disputes involving an Academy in relation to the assessment, support, progress or placement of any vulnerable pupil (special educational need, looked after child or child at risk of exclusion, etc).

7. Special education needs and disabilities

Context

All academies, as state funded schools, have a duty to comply with Special Educational Needs & Disability (SEN&D) legislation (Children & Family Act 2014, Section 3), the SEN&D regulations, the SEN Code of Practice 2014 and Equality Act 2010.

Head Teachers and Governing Bodies should have particular regard to Sections 1, 4, 6, 8, 9 and 10 of the current SEN Code of Practice, 2014. Academies, through their DfE contract, are subject to the national SEN funding formula, which the City of Wolverhampton Council is fully compliant with.

Parents and young people aged 16 - 25 have the following rights of redress, should the educational setting, Governing Body or Local Authority fail in their duty to provide, if the parent / young person disagrees with a decision or feels that there is discriminatory practice:

- the setting's and / or LA's complaints procedure
- an appeal to the First Tier Tribunal (for LA decisions)
- a claim against the responsible body (Chair of Governors, proprietor or LA) for disability discrimination to the First Tier Tribunal
- a complaint to the LA Ombudsman (Schools and LA) or Ofsted.

Maintained schools and PRUs must ensure that pupils from Year 8 until Year 13 are provided with independent careers guidance. Academies are subject to this duty through their funding agreements.

Agreed protocol

SEND Code of Practice

Academies will:

- Have due regard to the statutory guidance within the current SEN Code of Practice and the relevant legislation and regulations cited in the Code when carrying out duties towards all pupils with special education needs and disabilities.

Managing placements

Inclusion, and inclusive educational practice in mainstream settings, remains the central tenet of the SEN&D reforms. It continues to be a fact that the vast majority of children and young people with SEN&D will continue to be educated in mainstream settings. Only children and young people with the most complex special educational needs will be educated in specialist settings.

The Council will seek to maintain a broad spectrum of special education provision in the city including: mainstream education, with support resourced provision, attached to mainstream settings special education.

The Council will continue to work with all educational establishments within the local authority boundary, and with its neighbouring local authorities, to forecast and plan sufficient places to meet the needs of all pupils, including pupils with Statements of Special Educational Needs or Education, Health & Care Plans that require placement in a specialist educational setting.

Academies are subject to the same admissions arrangements as maintained schools for pupils with Statements of Special Educational Needs or Education, Health & Care Plans. The Relevant legislation is in Sections 33 and 39 of the Children and Families Act 2014.

Parents / Carers of pupils with Statements of Special Educational Needs or Education, Health & Care Plans can express a preference of school or academy for their child to attend. Mainstream education cannot be refused by a local authority on the grounds that it is not suitable. If a child's parent or a young person makes a request for a particular nursery, school, academy or post-16 institution in these groups the local authority must comply with that preference and name the school, academy or college in the EHC plan unless:

- it would be unsuitable for the age, ability, aptitude or SEN of the child or young person, or
- the attendance of the child or young person there would be incompatible with the efficient education of others, or the efficient use of resources.

The Council must consult the governing body, principal or proprietor of the academy concerned and consider their comments very carefully before deciding whether to name it in the child or young person's EHC plan, sending the academy a copy of the draft plan.

Where a local authority names an academy in a Statement of Special Educational Needs or Education, Health & Care Plan, the academy must admit the pupil. All placements are subject to annual review and routes of recourse, as described above.

8. Exclusions and fair access

Context

The City of Wolverhampton Council respects the independence of academies to exclude pupils in line with government guidance, but will offer constructive support to academy schools in Wolverhampton with regard to the use of permanent and fixed term exclusions.

Exclusions in Wolverhampton have historically been high, but through partnership working, effective protocols and viable alternatives, permanent exclusions have reduced significantly. Fixed period exclusions are decreasing.

There is recognition that exceptionally a child may need to be placed on a reduced timetable but this must be monitored for safeguarding purposes in line with the guidance that all schools and academies have signed up to, as the child is considered to be at risk of becoming a child missing education.

Agreed protocol

The Council agrees to:

- Work with the Academy to support the commissioning of alternative provision and development of bespoke provision to meet local need
- Funding in relation to and permanently excluded pupil will be recovered and redistributed to support that child's continued education as detailed below;

The Academy will:

- Where a pupil is permanently excluded passport the remainder of the age weighted pupil unit (AWPU) for that financial year to the Council, based on the calculation set out within the School and Early Years Finance (England) Regulations 2012.

The City's Fair Access Protocol (which has been agreed by the majority of Head Teachers across the City) will apply to the determination of any placements. (This will be reviewed on a regular basis and all schools will be encouraged to contribute to this.)

The Academy agrees to:

- Support the Council in reducing permanent exclusions for vulnerable groups by consulting the local authority when considering the exclusion of any child but particularly children in care, those with a statement of special educational need and others who are particularly vulnerable;
- Copy the Council in on any exclusion letters sent to parents - the Council will enter the data into the Capita ONE database;
- Engage with other schools in their geographical cluster and city wide to explore best practice and potential solutions to reduce both fixed and permanent exclusions.

9. School attendance

Context

The Local Authority has a statutory duty to ensure that parents / carers meet their duty to ensure that their children are educated at school or otherwise. This is met through the work of the Council's Education Welfare Service.

Agreed protocol

The Council agrees to:

- Discharge its responsibilities to ensure that parents meet their responsibilities including where appropriate to undertake legal actions in respect of non-school attendance.

The Academy agrees to:

- Provide the Local Authority, as required by the Pupil Regulations (2006) and amendments, with:
- a return of any pupil whose absence has been unauthorised for a continuous period of not less than ten school days. (Pupil Attendance Review Meetings between the school and the School Attendance Service is the agreed way of discharging this duty)
- any correspondence received by the schools where parents have requested that their child is removed from the school roll as they intend to educate their child at home
- any amendments to the school roll where pupils have been removed. This met through the completion of a migration report.

Both parties agree to:

- Have regular meeting between designated officers and school staff to ensure that robust plans are in place for individual pupils whose attendance is a concern
- Work together to help promote the importance of school attendance across the City.

10. Traded Services

Context

The City of Wolverhampton is proud to provide a wide range of quality services to City schools.

The Council published the 2016/17 directory of traded services in January 2016.

For 2017/18 academies the Council will develop traded services contracts with separate Academy terms and conditions recognising that academies are independent charitable companies and therefore require different and more robust legal agreements.

Agreed protocol

The Council agrees to:

- Where economically viable, continue to offer traded services to both LA maintained and academy schools
- Invite Academies input and advice as to how Council traded services may be improved, and about any additional services that it may be appropriate for the Council to provide

The Academy agrees to:

- Sign and return the formal agreement (stating where an academy wishes to take up one or more of the services on offer) and operate in accordance with it
- Provide reasonable feedback in response to request about how services can be improved.

11. Major incidents

Context

On rare occasions a school or academy may face a major incident. This might be a critical incident associated with trauma, or a number of incidents requiring urgent action and / or closure. Schools and academies should have contingency plans in place to deal with major incidents.

Agreed protocol

The Council agrees to:

- Liaise closely with any academy who experiences a critical event and deploy its resources e.g. communications, staff, educational psychologists and any other support teams as is relevant and practicable to support children and their continued learning.
- There will be no difference between LA maintained schools and academies in relation to the critical incident support provided by the Education Psychology Team.

The Academy agrees to:

- Maintain appropriate insurance covers and individual business continuity plans
- Inform the appropriate senior council official of any major/ critical incident and to assist the Council in any dealings with statutory bodies resulting from a major event.

Both parties agree to

- Provide and regularly update contact(s) details for emergencies including out of hours

Signed by:

Julien Kramer

Director of Education, City of Wolverhampton

Date:

Signed by:

On behalf of Academy Trusts operating schools within the City of Wolverhampton

Date:

This Protocol will be the subject of an initial review in the Spring of 2017 and thereafter on an annual basis