



Derbyshire Education Improvement Service Local Authority Procedures for Schools Causing Concern

Local Authority Procedures for Schools Causing Concern

September 2023

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Introduction: The duties of local authorities

As part of Derbyshire County Council, the ambition set out in the Children's Strategy 2022-25 is that:

'We will work creatively and collaboratively to inspire and empower children, young people and their families to be the best they can be. Our ambition is that all children and young people in Derbyshire are safe, healthy, happy, learning, and ready for work.'

The significant majority of Derbyshire schools are successful in enabling children and young people to do well in their education, as indicated by our high levels of achievement across the county. These schools manage and sustain their own success by implementing rigorous self-evaluation and effective school improvement planning.

The Education and Inspections Act 2006 ('the 2006 Act') clearly identifies the duties of local authorities to promote high standards, to ensure fair access to educational opportunities for all children, and to promote the fulfilment of each child's educational potential. This Act and subsequent statutory guidance provide the basis for these procedures.

The Academies Act 2010 ('the 2010 Act') permits the Secretary of State to make an academy order following application from a governing board or if the school is eligible for intervention.

The <u>Schools causing concern statutory guidance for local authorities and regional directors</u> was updated in July 2023.

The statutory guidance places a statutory duty on all local authorities when exercising their functions in respect of maintained schools causing concern to have regard to this guidance and provides details for local authorities and Regional Directors on how to work with schools to support improvements to educational performance and, on using intervention powers. It has introduced new powers that can be used in schools that are not making necessary improvements. These schools have met the statutory definition of 'coasting'.

The new 'coasting' measure applies to a school if:

- The school's overall effectiveness at its most recent Ofsted inspection under section 5 of the Education Act 2005 was 'Requires Improvement' (RI), and
- The school's overall effectiveness was also below Good at the inspection under Section 5 of the Education Act 2005 immediately before the most recent inspection.

The power to intervene in schools not making necessary improvements is discretionary and so once eligible, the relevant Regional Director (RD) will assess each school on a case-by-case basis.

Although academies are accountable to the Secretary of State for Education, local authorities are expected to raise any concerns about an academy's standards, leadership, or governance directly with the relevant RD. Where the concerns are related to an academy's safeguarding arrangements or procedures, the local authority is expected to raise the concerns with the Education and Skills Funding Agency (ESFA).

Section 1: What are schools causing concern?

As part of the Core Support package, the local authority makes a joint risk assessment with the school leadership team about the school's capacity to provide a good standard of education and be judged as at least good at the next inspection. Schools causing concern are those where there is a high degree of risk that there may be insufficient capacity to continue improving outcomes for pupils and therefore, they are more likely to be under scrutiny by Ofsted and the RD.

Risk assessment	Development state of school
Low risk	 A school which: has a consistent trend of outstanding or good outcomes, or has established a strong upward trajectory and the school leadership team and link adviser agree it is likely to be judged as at least good, based on the evidence from comprehensive self-evaluation activities including joint activities as part of the core support package has outcomes in either progress or attainment which are consistently good following a successful curriculum review has had an Ofsted judgement of 'outstanding' prior to the 4 May 2021 and has had a successful curriculum review and has pupils with SEND whose needs are being met and achieve the best possible outcomes.
Medium risk	 A school which: has been judged by Ofsted as outstanding or good but outcomes suggest a declining trajectory, or following an ungraded (section 8) inspection has been advised to address priorities for improvement in readiness for a graded (full section 5 inspection), or has been judged as requiring improvement* within the last four years or in the coming year the school leadership team and link adviser agree it is likely to be judged as at least requiring improvement for the first time was judged outstanding by Ofsted prior to the 4 May 2021, but the curriculum review suggests some concerns, although the published data is good or better had leadership and management judged to be Requires Improvement at the last Ofsted inspection is deemed to have some concerns regarding just one of the following: off-site provision behaviour and attitudes absence has minor safeguarding weaknesses that can be put right and do not leave children at risk is deemed to have some concerns about the wider curriculum offer.
High Risk (and therefore, School Causing Concern)	 A school which: requires higher intervention to secure capacity to remove concerns has strong evidence which indicates there is 'gaming' of attendance data, exclusion data or exam entry has strong evidence which suggests off-rolling is taking place and leaders are taking insufficient action to address it.

 has leadership and management which was judged Requires Improvement at the last Ofsted inspection and leaders have not addressed the weakness identified in the report. gives the local authority substantial concerns about the wider curriculum offer (including fundamental British values and spiritual, moral, social, and cultural (SMSC). has pupils with SEND whose needs are not being met and do not achieve the best possible outcomes. at risk of requiring improvement for more than two judgements
or it has been or could be judged by Ofsted as: having serious weaknesses** requiring special measures***

^{*}Schools which have been judged as Requiring Improvement are eligible for additional support through the DfE trust and school improvement offer of up to 10 days' support and advice from a system leader. <u>Trust and school improvement offer - GOV.UK</u>

Ofsted categories	Definition: School inspection handbook for September 2023 - GOV.UK
**School has serious weaknesses:	' it is performing significantly less well than it might in all the circumstances be reasonably expected to perform.' Paragraph 155 but managers and governors are demonstrating the capacity to improve. Paragraph 178
	Where a school is placed in serious weaknesses solely due to safeguarding, that Ofsted will return within 3 months for an early monitoring inspection. Paragraph 151
***School requires special measures:	'it is failing to give its pupils an acceptable standard of education and the persons responsible for leading, managing or governing the school are not demonstrating the capacity to secure the necessary improvement in the school' Paragraph 155

Section 2: How are schools causing concern identified?

Sources of concern and communication routes

Schools causing concern may be identified from a combination of sources over time. These may include:

- governors;
- headteachers and school staff;
- local authority staff;
- parents and members of the public;
- elected members;
- analysis of school performance data,
- · complaints made directly to Ofsted,
- · identification following an Ofsted inspection;
- Department for Education (DfE)

A very small percentage of all schools are identified as causing concern or at high risk as part of an assessment process following an in-depth dialogue with school leaders about the achievement of all pupils and the capacity of the school to make rapid improvements. Local authority advisers and officers maintain a regular dialogue in relation to schools undergoing difficulties. The link adviser undertakes a vital role in co-ordinating the relevant information.

To undertake this role effectively requires:

- schools to evaluate their own performance rigorously and effectively,
- systematic record keeping by local authority advisers and officers; and
- clear communication with senior local authority staff where a concern is identified.

Much of this information will remain confidential to the school and the local authority but must be used by both partners to plan action which may include working alongside other schools and partners.

The extent to which these characteristics indicate concern requiring intervention is dependent upon:

- the severity and impact of each criterion on the overall performance of the school;
- the degree to which the criteria are characteristic of the school's performance in terms of frequency, scale and severity;
- the degree to which the criteria combine to indicate overall concern; and
- the overall progress the school is making in relation to the indicators, together with its capacity to deliver sustained improvement for the benefit of pupils.

Section 3: What are the procedures for local authority maintained schools?

When a school is identified as at high risk and therefore causing concern, discussions take place with the Headteacher and/or the governors. The purpose of these discussions is to clarify the causes of concern and agree the next steps which the local authority will confirm in writing. If a school does not respond to the identified causes of concern with suitable urgency and action or that the actions they are taking are not having sufficient impact, then a subsequent letter from the most senior local authority officer for schools will be sent. This letter will require the school to take specified actions to assure the local authority that the identified causes of concern will be addressed within a designated timescale. The letter does not constitute a warning notice under Part 4 of the 2006 Act. However, as a form of early intervention the local authority will reserve its right to issue a warning notice.

Warning notices can be given to schools that are causing concern but have not been judged by Ofsted as inadequate. Both RDs and local authorities may issue warning notices but there are differences in the circumstances under which they may be issued. Local authorities and RDs should work together where they judge that a warning notice is necessary: Schools causing concern

Schools causing concern to the local authority but are not in Ofsted categories

The local authority has a set of procedures and protocols which are consistently applied to all schools identified as causing the local authority concern.

Where a school has a range of persistent difficulties that are beyond its capacity to resolve without additional support, challenge or intervention from the local authority, the following procedures usually apply:

- The headteacher, chair of governors and link adviser discuss concerns or difficulties.
 Agreement is reached that the school needs local authority support to resolve the difficulties.
- The link adviser reports the concerns to the senior adviser for the locality to broker support for actions in the school's improvement plan. The senior adviser provides the assistant director with a summary report of the concerns.
- The assistant director confirms these concerns in writing to the headteacher and the chair of governors. In the case of faith schools, the local authority will inform the Diocese, as appropriate.
- The senior adviser convenes a School Progress Review meeting at least three times per year, to
 determine the impact of support and intervention and identify next steps. The composition of the
 meeting may vary according to the nature of the concerns, but will include, as a minimum, the
 headteacher, the chair of governors, and the senior adviser.
- The assistant director takes regular reports from senior advisers in all localities and report these to the most senior local authority officer for schools, so that the relevant elected members can be kept appropriately informed. The Executive Director of Children's Services may recommend the issuing of a warning notice by the Cabinet Member for Young People. In such circumstances, there will be a discussion with the Chair of Governors and/or the headteacher in advance of the warning notice being issued.

Local authority procedures for schools causing concern to the local authority and which are in Ofsted categories

- When a lead inspector has indicated that the school's overall effectiveness is likely to be judged as 'inadequate' and that the school will be judged as requiring significant improvement or to require special measures, the headteacher should alert the local authority as soon as the concern is raised.
- The link adviser will contact the lead HMI Ofsted inspector to share the local authority view of the school and to discuss the support being provided. The school's senior adviser attends inspectors' feedback to the governing board and reports outcomes to an assistant director.
- In the interim period, the senior adviser establishes a timetable of School Progress Reviews with the headteacher, governors, and appropriate local authority officers to support and monitor impact of support and intervention and identify next steps
- The senior adviser supports the headteacher and governing board in meeting the statutory requirement to amend the school's improvement plan in such a way that concerns will be removed within the designated timescale. Action planning and implementation of the initial actions are expected to begin before the publication of the final report.
- Local authority officers advise the governing board and the headteacher on their statutory duties
 and responsibilities in relation to the inspection outcomes. Advice is also provided to manage
 effective communication with parents, the local community and media. This is likely to include open
 meetings led by the school with parents to explain the inspection outcomes, to clarify the planned
 actions for improvement and the support to be provided, and to establish a programme of progress
 reports for parents and carers.
- The senior adviser draws up a Local Authority Plan of Action to support and monitor implementation of the school's action plan. The local authority plan will set out the support available to the school and the action the local authority will take to ensure the removal of concerns within the designated timescale. The senior adviser also provides a local authority statement of action which is submitted to Ofsted, and which sets out the local authority's current and planned support for the school and assesses the school's viability. This statement of action also specifies that the local authority will work with the governing board, the RD, and the identified sponsor to facilitate swift academy conversion. HMI will review the statement of action to judge whether it is fit for purpose. All local authority plans will be shared with the headteacher and governing board via the School Progress Reviews.
- During the interim period between a maintained school receiving an academy order and the school
 re-opening as an academy the local authority retains the responsibility for the school's performance,
 including provision for school improvement. The school may choose to buy back additional support
 for its action plan from a range of sources, including teaching school and subject hubs, the local
 authority, higher education bodies, support agencies and other schools, both locally and outside the
 county. The authority will advise the school of the range of support available and, where appropriate,
 broker support and partnership arrangements with other schools and providers.
- Once identified by the RD, a meeting for parents and carers will be led by the identified sponsor before the school is converted to an academy, to outline plans for improvement.

Section 4: What support and challenge can a school causing concern expect?

The link adviser, working with the senior adviser for the school, will lead the bespoke operational support for the school. Such support will be set out in the school's own improvement plan and is likely to include elements of the Core Support package.

The senior adviser convenes a termly School Progress Review to check on the impact of actions on pupil outcomes. In addition, the senior adviser can signpost the leadership team to:

- effective practitioners and leaders form other schools with proven success in the areas of weakness identified, and
- support for the appropriate Human Resource procedures such as for capability and disciplinary procedures.

Although there are three days of link adviser support included as part of the Core Support package Entitlement, every school, irrespective of the development state can purchase additional support from:

- local authority advisers, consultants and officers;
- teaching school and subject hubs;
- effective headteachers:
- other leading practitioners such as National Leaders of Education, Local Leaders of Education,
 Specialist Leaders of Education as well as National leaders of Governance;
- effective schools in the local school improvement cluster, or in similar contexts;
- other support agencies such as the multi- agency teams and
- other educational institutions and organisations

Through the range of support that is provided and/or brokered, the local authority is keen to ensure that each school's capacity to improve and to sustain improvement is being developed. To this end, support will be tailored and co-ordinated in such a way as to enable the school's leadership team to take ownership of, and responsibility for, the necessary improvement actions.

The local authority will continue to develop its register of teachers, headteachers and governors who may be prepared to support a school in difficulty by acting as locum or associate support staff. The local authority also has a number of consultant mentor headteachers who can be deployed effectively in schools. Their role is to mentor the substantive headteacher and support the implementation of the school action plan.

Annex 1 is the protocol for advisers and consultants working in schools causing concern. Annex 2 is the protocol for seconding staff to schools causing concern

What schools can do

Our experience of working successfully with schools causing concern tells us that the following actions help schools to develop the capacity to improve quickly:

- accept the judgements and the areas for improvement quickly;
- action plan for improvement immediately with local authority support;
- ensure that action plans have clear objectives, which are focused on pupil outcomes;
- define the criteria by which success can be recognised by all stakeholders;
- implement actions at the same time as action planning;
- ensure all stakeholders have a clear view of their individual role in improvement;
- gather a pace and momentum for schoolimprovement;
- implement a range of regular and comprehensive monitoring arrangements which include:
 - discussion:
 - observation;
 - document scrutiny; and above all
 - pupil performance data analysis.
- evaluate the impact on standards of attainment, progress, behaviour and attendance against the success criteria specified in the action plan;
- be ready to revise action plans appropriately in the light of evaluations and/or changed circumstances to ensure that success criteria are achieved in the necessary timescales.

The role of governors

Governors play an essential role in the improvement of all schools and particularly those causing concern. They should:

- have a clear understanding of their strategic role;
- have in place monitoring arrangements to maintain oversight of safety, performance standards and finance:
- gain a clear understanding of the issues for improvement;
- ensure they have the necessary skills and knowledge by accessing high quality training
- have early involvement in the action planning;
- work in partnership with the school and the local authority to improve:
- develop effective procedures for monitoring and evaluation;
- effectively monitor the progress being made with the action plan;
- demonstrate a willingness to share the workload;
- support the school frequently and regularly;
- ensure good communication with parents and the local community;
- implement the agreed disciplinary and competence procedures where appropriate and
- ensure that statutory requirements are met.

It is particularly helpful for a designated governor/pair of governors to meet regularly with the headteacher/leadership team to discuss the progress the school is making and to identify any barriers to improvement.

The local authority can provide support for governing bodies in self-evaluation, monitoring of progress and establishing the conditions for improvement, as required.

Section 5: How is progress in removing the concerns monitored?

Monitoring and evaluation

A key role for the local authority is to work with the headteacher and governing board and, where appropriate, HMI, to monitor and evaluate progress and the impact for pupils. Monitoring will focus on the effective implementation of actions and evaluation will assess their impact on the standards and quality of the education provided. The joint monitoring and evaluation activities of the school and local authority will be set out in agreed action plans and progress will be judged against clearly identified success criteria.

In schools identified at high risk and therefore causing concern to the local authority:

- The link adviser will support the headteacher and governing board to select the most appropriate activities within the Core Support package to make an impact on outcomes for pupils;
- the senior adviser will monitor progress with both the school and the local authority action plans at the School Progress Reviews meetings;
- the senior adviser will report progress to the appropriate assistant director.

In schools identified at high risk and therefore causing concern to the local authority and in Ofsted categories:

- The link adviser will support the headteacher and governing board to select the most appropriate
 activities within the Core Support package to make an impact on outcomes for pupils;
- the senior adviser will monitor progress at the School Progress Reviews meetings;
- the senior adviser will report progress to the assistant director;
- the most senior local authority officer for schools will liaise with the RD to facilitate academy conversion.

In all cases:

- the headteacher should ensure that regular reports of progress are made to the governing board;
- the governing board should ensure that progress reports are discussed at each meeting and subsequent actions agreed, including any adjustments to the action plans.

Annex 3 includes the format for the local authority statement of action and the local authority action plan.

Section 6: How is school improvement sustained?

When the causes of concern are judged to have been removed, the school will need to sustain its improvement through an agreed exit strategy. The purpose of the exit strategy is to ensure that improvements are sustained and that any issues arising from the final evaluation, or HMI report, are addressed prior to the next inspection.

The local authority will provide lighter touch monitoring to support the school's own quality assurance process. It is anticipated that the school will apply principles of best value and purchase support to maintain momentum from the most appropriate provider, including the local authority.

It is essential that the school implements the lessons learned throughout the period of action planning, monitoring and review and embeds these processes in order to enhance its capacity for self-evaluation and continuous improvement.

How to sustain improvement

Schools sustain their continuous improvement by:

- maintaining the processes which have supported the removal of concerns;
- rigorous self-evaluation and robust monitoring and evaluation;
- maintaining a clear focus on pupil outcomes;
- sustaining improvement in pupils' work, behaviour, attitudes and attendance;
- maintaining the pace and momentum of developments;
- acknowledging and celebrating good practice in school;
- securing and maintaining commitment from the whole school community to improvement;
- building the capacity of the school through staff development, training and succession planning to ensure that momentum can be sustained even if key members of staff leave;
- sustaining partnerships and collaboration with other schools to promote improvement.

Sources of further information

The following are sources of further information and have been used to inform the production of this document.

Education Act, 2005

Education and Inspections Act, 2006

The Academies Act 2010

School inspection handbook, September 2023

The White Paper - Opportunity for all: strong schools with great teachers for your child. (March 2022)

Schools causing concern Statutory guidance for local authorities and regional directors (DfE July 2023)

GOV.UK website

Ofsted website

Protocol for advisers and consultants working in schools causing concern

General Principles

Senior advisers, link advisers and consultants will always:

- Operate in line with the authority's statutory duties.
- Put the interests of children first in carrying out their work, having due regard for the impact of agreed actions on staff.
- Uphold the highest professional standards in their work and ensure that school staff are treated fairly to benefit from the intervention and support which has been brokered.

Senior advisers, link advisers, consultants and school staff will have a reasonable expectation of each other, to be co-operative, courteous, and helpful in implementing the agreed programmes.

Action will be carried out professionally, to secure the full co-operation of the school and its staff, inspire confidence in advisers', link advisers' and consultants' work and their judgements and make a valuable contribution to the school's improvement.

Protocol

In working with schools at high risk and therefore causing concern, advisers and consultants will:

- Specify clearly the causes of concern and identify the actions required to remove them.
- Support the school in developing its action planning, as part of the school improvement plan, by
 identifying needs, setting realistic and attainable targets, advising on the allocation of resources, and
 monitoring and reviewing outcomes to appropriate deadlines.
- Identify the programme of additional support available to the school to remove the causes of concern.
- Recognise and respond appropriately to the needs of the school and individuals and do all they can
 to support those involved in the school by respecting the confidentiality of information, particularly
 about individuals and their work.
- Ensure that their judgements are clear, valid, and reliable and based on evidence and communicated well.
- Monitor and evaluate aspects of provision confidently, provide high quality constructive feedback in a positive and developmental manner and report honestly and fairly.
- Provide advice, guidance, and training within the agreed programmes to support the professional development of staff in the school.
- Ensure that intervention and support develop the internal capacity of the school to manage improvement upon the withdrawal of additional support.
- Deal sensitively with people, recognising the different needs of professionals and taking account of them when working to raise standards further in the school.
- Treat all those they meet with courtesy and respect. Listen actively, ask searching questions, clarify points and check understanding.

Protocol for seconding staff to schools causing concern

In some cases where schools are unable to address the causes of concern because of staffing difficulties, the local authority, in consultation with governing boards, Diocese, Teaching School Hubs and multi-academy trusts will seek to second a locum headteacher/teacher.

The recommendation of the placement of a locum headteacher/teacher in the school will be made by the senior adviser, in consultation with the governing board and where appropriate, the Diocese. Reference will be made at this stage to headteachers and teachers who:

- have indicated their willingness to act as a locum;
- have the support of their governing board for their release in this capacity;
- may have been accredited as a NLE/SLE.

Where there is sufficient time and there may be more than one potential candidate for the locum position, an appropriate selection process will take place.

Procedures

Most locum teachers and headteachers are recruited from existing posts in Derbyshire schools or academies and the following procedures will apply:

Donor School:

- The senior adviser will outline the locum proposal to the donor school and propose the terms and conditions of the placement.
- The senior adviser will consult with the chair of governors and attend any governors' meetings to agree arrangements.

Receiving School:

- The senior adviser will consult with the chair of governors and identify the recommended locum placement. The senior adviser will signpost this information to the Schools' HR Advisory team, who will agree the basis of the secondment with the chair of governors.
- Once the initial arrangements have been made, the link adviser of the receiving school in consultation with the senior adviser will be responsible for briefing the locum headteacher/teacher, establishing expectations, and for setting performance indicators and/or targets.
- The Schools' HR team will be responsible for liaising with the Chair of Governors and the Shared Service Centre in setting up contractual and salary arrangements.

They will communicate to the chair of both donor and receiving schools and the locum headteacher/teacher outlining the following:

- the length of the secondment;
- any financial arrangements;
- staffing arrangements;
- practical arrangements for induction of the locum into the receiving school and procedure for debriefing at the end of the secondment;
- any additional support arrangements for either/both schools.

Where, in exceptional circumstances, it becomes necessary to extend the period of secondment beyond that initially agreed; negotiations will be carried out with both the donor and receiving school by the senior adviser.

Formats for the Local Authority Statement of Action, the Local Authority Action Plan, and the Progress Report

[Name of School] The Authority's Statement of Action

(As required by Ofsted)

1. Context

2. Scope for closure

School	Net capacity	Current year	Current year +1	Current year +2

The projections are based on the number of children living in the normal area of the school and an analysis of three-year rolling trends.

The available accommodation and pupil population of other schools in the locality and bordering on the school's normal area is listed below:

School	Available accommodation	Current year	Current year +1	Current year +2

Local authority commentary on the above data

3. Local authority action

Action already taken by the Local Authority prior to the inspection

- Core Support Package and focus of support
- Identification of any concerns
- Interventions, etc
- Perceived impact: successes and barriers

Action taken by the Local Authority following the inspection

- School Progress Reviews meetings: constitution and purpose
- Focus of plans etc
- Monitoring, evaluation and reportingarrangements

Arrangements to consult with and involve parents

Communicate strategy including regular meetings linked to HMI monitoring reports

Local authority actions to support the school's conversion to academy status

Communication with the RD to facilitate swift conversion.

4. Support from the local authority and other partners

Availability of Local Authority resources

Involvement of partners

Support priorities, including proposed actions to build the leadership and management capacity of the school

Full details of all the support offered by the local authority, including quantified success criteria by which its success may be judged, are set out in the attached Local Authority action plan.

5. Use of local authority powers

• or reasons why additional powers are not being deployed.

Name of most senior local authority officer for schools

Date

Public - controlled on completion

DERBYSHIRE COUNTY COUNCIL Children's Services

Local Authority Action Plan for

School (830/DfE No.)

Date

Inadequate

KEY ISSUE 1	Directly from the report	Local Authority Plan of Action
Success Criteria	The intended outcomes – how success will be recognised To include quantitative and qualitative outcomes	Evaluation: Date and strategy for each success criterion

Actions	Lead Person	Performance milestones	Monitored by	Monitoring strategy	Resources	Links to School Action Plan

Additional issues	IF APPROPRIATE: From the body of the report / added by the school	Local Authority Plan of Action
Success Criteria	The intended outcomes – how success will be recognised To include quantitative and qualitative outcomes	Evaluation: Date and strategy for each success criterion

Actions	Lead Person	Performance milestones	Monitored by	Monitoring strategy	Resources	Links to School Action Plan

SUMMARY FINANCE PLAN

Source	Key issue 1	Key issue 2	Key issue 3	Key issue 4	TOTALS
LA					
System leader					

Lead person	Key activities	Days allotted
LA SASI Time	Monitoring through quality assurance and SPR meetings.	
LA Link Adviser		
Other LA staff	e.g., Safeguarding review, consultant support	
Others - External	e.g., NLG review.	

LOCAL AUTHORITY SUPPORT TEAM

	Role / name
LA Education	Assistant Director:
Improvement Service	Senior Adviser: Link Adviser:
	Ellik / Kaviser.
School community	Headteacher:
	Chair of governors