

# Blackwater Academy

68-69 Cecil Street, Birmingham B19 3SU

**Inspection dates**

6 October 2020

**Overall outcome**

**The school does not meet all of the independent school standards that were checked during this inspection**

## Main inspection findings

### Part 3. Welfare, health and safety of pupils

*Paragraphs 7, 7(a), 7(b) and 32(1)(c)*

- At the time of the previous inspection, leaders had not ensured that safeguarding arrangements were effective. Only the headteacher had completed the necessary training to be the designated safeguarding lead (DSL). Governors had not completed safeguarding training. As a result, they were not familiar with their statutory duties. This combination limited the capacity of leaders to ensure that up-to-date safeguarding procedures were in place. The school's policy was available on the school's website, but it had not been updated to reflect current guidance. Consequently, staff were not provided with specific guidance on how to manage specific risks in school, such as peer-on-peer abuse.
- Leaders have taken swift action to address the safeguarding concerns. Pupils told the inspector that they feel safe in school. Staff know exactly what to do if they have a concern about a pupil's welfare. Staff are clear that safeguarding is the responsibility of everyone.
- The deputy headteacher has now completed the necessary training to be the deputy DSL. She supports the headteacher in his role as the DSL. At the start of this academic year, all staff completed training linked to the updates in 'Keeping children safe in education 2020'. The training also covered specific aspects of safeguarding, such as the 'Prevent' duty. Staff completed a test after the training to identify future training needs.
- Governors have completed level 2 safeguarding training through a commercial company. Minutes of governing body meetings show that safeguarding and related areas are regularly discussed during these meetings.
- The safeguarding policy on the website is for the last academic year. However, leaders are currently reviewing and updating the safeguarding policy in line with the most recent government guidance. Leaders plan to present the policy to governors next week. They will then upload it to the school's website with any further amendments. These timings are in line with the school's cycle for uploading new policies in the autumn term. This is because the first governing body meeting is in October.
- These standards are now met.

*Paragraphs 11, 12, 16, 16(a) and 16(b)*

- At the time of the last inspection, leaders had not ensured that the health and safety policy was implemented effectively. Regular health and safety checks were not being carried out. Issues identified in a fire risk assessment from the previous year had not been addressed. For example, pupils were unclear about the location of the fire assembly point, door closers had not been fitted and records of fire drills were limited.
- Leaders have appointed a manager to oversee health and safety throughout the school. The health and safety manager completes daily checks on teaching areas. He records any issues and deals with them as soon as possible. Leaders carry out a more in-depth, monthly health and safety audit that covers all areas of the school building. Minutes of governing body meetings show that findings from health and safety checks are shared and discussed with governors.
- Leaders have developed effective systems to ensure that fire safety is given a high priority. An external company checks the fire alarm system, fire extinguishers and other fire safety measures. Leaders have risk assessed the fire evacuation procedure and reviewed their procedures. Pupils and staff are clear about the fire evacuation procedure and the location of the fire assembly point.
- These standards are now met.

*Paragraph 15*

- Leaders have ensured that pupils are admitted and registered in line with current government guidelines.
- Some pupils are dual registered. This has been done appropriately and in line with registration guidance.
- This standard remains met.

**Part 4. Suitability of staff, supply staff, and proprietors**

*Paragraphs 18(2), 18(2)(a), 18(2)(b), 18(2)(c), 18(2)(c)(i), 18(2)(c)(ii), 18(2)(c)(iii), 18(2)(c)(iv), 18(2)(d), 18(2)(e), 18(3), 20(6), 20(6)(a), 20(6)(a)(i), 20(6)(a)(ii), 20(6)(b), 20(6)(b)(i), 20(6)(b)(ii), 20(6)(b)(iii), 20(6)(c), 21(1), 21(2), 21(3), 21(3)(a), 21(3)(a)(i), 21(3)(a)(ii), 21(3)(a)(iii), 21(3)(a)(iv), 21(3)(a)(v), 21(3)(a)(vi), 21(3)(a)(vii), 21(3)(a)(viii) and 21(3)(b)*

- At the time of the previous inspection, leaders were not making sure that the single central record (SCR) was being kept up to date. Some adults were missing from the record. Suitable employment checks had not been carried out and recorded, including employment checks on new members of staff.
- Leaders have acted accordingly. The SCR is now up to date and accurately records the checks made on staff. Leaders have put systems into place to make sure that pre-employment checks are carried out before appointing any staff. In some areas, leaders have gone the extra mile. For example, they have carried out section 128 checks on all teachers, as well as the adults in management positions. The headteacher records completed checks on the SCR for all staff. The deputy headteacher also checks the SCR as an extra safeguard.
- These standards are now met.

## Part 5. Premises of and accommodation at schools

*Paragraphs 24(1), 24(1)(b), 25, 28(1), 28(1)(b), 28(1)(c) and 28(1)(d)*

- At the time of the previous inspection, the accommodation for the medical examination of pupils was in a poor state. The floor was not level and the mattress did not have a suitable cover. The bathroom facilities did not have a supply of hot water. Pupils had access to drinking water, but water supplies for drinking were not labelled.
- Leaders have acted to rectify these issues. A medical bed has been installed in the medical room and the flooring has been replaced with vinyl. The school employed a plumber to fit a sink in the medical room. All sinks in the school have a supply of hot water. Water supplies for drinking are clearly labelled. Daily checks ensure that the school premises are well maintained.
- These standards are now met.

*Paragraphs 29(1) and 29(1)(b)*

- At the time of the last inspection, the outdoor space was small, strewn with litter and unsuitable.
- Leaders had planned for the outdoor space to be extended in April this year. However, due to COVID-19 (coronavirus) restrictions the builders rescheduled the work for September 2020. The builders currently have a backlog of work and have pushed the planned work back by a further two months. These circumstances are out of the school's control. Leaders aim to complete the improvements to the outdoor space by December 2020.
- These standards remain unmet.

## Part 6. Provision of information

*Paragraphs 32(1)(c), 32(2), 32(2)(b)(i), 32(2)(c), 32(3), 32(3)(d), 32(3)(e) and 32(3)(f)*

- At the time of the previous inspection, leaders were not making the required information available to parents on the school website. The names of the proprietor and the chair of governors were not listed. The school had not published its first-aid policy or reported on the number of complaints made about the school in the previous academic year. Also, leaders had not provided information about the academic performance of pupils in the previous academic year.
- The name of the proprietor and the chair of governors are now listed on the homepage of the school's website. Leaders have made sure that policies, including the first-aid policy and behaviour policy, and information about pupils' academic performance in the previous year are available on the school's website. The number of complaints made about the school in the previous two years is also available.
- These standards are now met.

## Part 8. Quality of leadership in and management of schools

*Paragraph 34(1), 34(1)(a) and 34(1)(b)*

- At the time of the most recent inspection, the proprietor, governors and leaders had not ensured that all the independent school standards were being met consistently and continually. The proprietor and governors acknowledged that the headteacher had not

been given enough support. This limited the headteacher's ability to ensure that the independent school standards were being met.

- Despite the best efforts of leaders, two of the independent school standards in Part 5 remain unmet.
- School leaders, with the support of the governors and the proprietor, have worked at pace to ensure that the majority of the independent school standards are now met. Leaders and governors have attended training to support them in their respective leadership roles. This is having a positive impact on the school.
- Leaders have welcomed support and advice from an external consultant and a neighbouring local authority. This has helped leaders to make positive changes within the school.
- These standards remain unmet.

*Paragraph 34(1)(c)*

- At the last inspection, there were weaknesses in the school's safeguarding arrangements and recruitment checks. Governors had not received recent safeguarding training, which limited their capacity to carry out their statutory duties. Leaders had not ensured that health and safety standards had been maintained. As a result, pupils were at risk of harm.
- Leaders have created systems to ensure that safeguarding, recruitment checks and health and safety are a priority. Leaders and staff have attended training, which supports them in their respective roles. The well-being of pupils is promoted through all aspects of school life.
- Pupils and staff speak very positively about the changes that leaders have made within the school. Staff say that leaders are approachable, supportive and always available. Pupils' comments, such as, 'The school ticks all the boxes,' 'The staff care about us and help us manage our feelings,' and 'I enjoy school now, my old school wasn't right for me,' reflect how the pupils feel about Blackwater Academy.
- This standard is now met.

Schedule 10 of the Equality Act 2010

Leaders ensure that the school meets the requirements of schedule 10 of the Equality Act 2010.

## **Compliance with regulatory requirements**

The school does not meet the requirements of the schedule to The Education (Independent School Standards) Regulations 2014 ('the independent school standards') and associated requirements that were checked during this inspection. This included the standards and requirements that the school was judged to not comply with at the previous inspection. Not all of the standards and associated requirements were checked during this inspection.

## School details

Unique reference number	143039
DfE registration number	330/6026
Inspection number	10161819

This inspection was carried out under section 109(1) and (2) of the Education and Skills Act 2008, the purpose of which is to advise the Secretary of State for Education about the school's suitability for continued registration as an independent school.

Type of school	Other independent school
School status	Independent school
Age range of pupils	12 to 16
Gender of pupils	Mixed
Number of pupils on the school roll	42
Number of part-time pupils	3
Proprietor	Naumann Tassarar
Chair	Andra Iordache
Headteacher	Mr Kyle Morrison
Annual fees (day pupils)	£8,000 – £10,000
Telephone number	0121 238 0758
Website	<a href="http://www.blackwateracademy.co.uk">www.blackwateracademy.co.uk</a>
Email address	<a href="mailto:info@blackwateracademy.co.uk">info@blackwateracademy.co.uk</a>
Date of previous standard inspection	22–24 May 2018

## Information about this school

- Some of the information held on the government's 'Get information about schools' (GIAS) website is not accurate. GIAS states that the proprietor is Blackwater Academy Ltd, and the age range of pupils is 12 to 18. Leaders confirm that this information is not correct. The proprietor is Naumann Tassarar and the age range of pupils is 12 to 16.
- The school offers alternative provision for pupils who are at risk of being, or who have been, permanently excluded from mainstream schools.
- Pupils join the school at different times of the year. The school offers places to pupils from surrounding local authorities. A few pupils have an education, health and care plan.

- The school does not have a religious ethos.
- The school opened in 2017. It relocated to its current site in September 2018.
- The school use one alternative provider: Work n Learn, 27 Frederick Street, Jewellery Quarter, Birmingham B1 3HH.

## Information about this inspection

- This inspection was carried out at the request of the registration authority for independent schools. The purpose of the inspection was to monitor the progress the school has made in meeting the independent school standards and other requirements that it was judged to not comply with at its previous inspection.
- Progress monitoring inspections are normally completed without notice. However, in line with the interim phase guidance, the lead inspector telephoned the school to announce this inspection 30 minutes before he arrived at the school.
- The inspector met with the headteacher, the deputy headteacher, the proprietor, the health and safety manager, the English leader, the pastoral leader and the history teacher.
- The inspector toured the premises, accompanied by the health and safety manager.
- The inspector met with a group of Year 10 and Year 11 pupils.
- The inspector reviewed a range of documentation, including: safeguarding policies and related information, the school's single central record, a range of health and safety documents and electronic admission registers. He checked a range of information available on the school's website.

## Inspection team

Wayne Simner, lead inspector

Her Majesty's Inspector



## **Annex. Compliance with regulatory requirements**

### **The school does not meet the following independent school standards**

*Standards that were not met at the previous inspection and remain un-met at this inspection*

#### **Part 5. Premises of and accommodation at schools**

- 29(1) The standard in this paragraph is met if the proprietor ensures that suitable outdoor space is provided in order to enable-
  - 29(1)(b) pupils to play outside.

#### **Part 8. Quality of leadership in and management of schools**

- 34(1) The standard about the quality of leadership and management is met if the proprietor ensures that persons with leadership and management responsibilities at the school-
  - 34(1)(a) demonstrate good skills and knowledge appropriate to their role so that the independent school standards are met consistently;
  - 34(1)(b) fulfil their responsibilities effectively so that the independent school standards are met consistently.

### **The school now meets the following requirements of the independent school standards**

#### **Part 3. Welfare, health and safety of pupils**

- 7 The standard in this paragraph is met if the proprietor ensures that-
  - 7(a) arrangements are made to safeguard and promote the welfare of pupils at the school; and
  - 7(b) such arrangements have regard to any guidance issued by the Secretary of State.
- 11 The standard in this paragraph is met if the proprietor ensures that relevant health and safety laws are complied with by the drawing up and effective implementation of a written health and safety policy.
- 12 The standard in this paragraph is met if the proprietor ensures compliance with the Regulatory Reform (Fire Safety) Order 2005.
- 16 The standard in this paragraph is met if the proprietor ensures that-
  - 16(a) the welfare of pupils at the school is safeguarded and promoted by the drawing up and effective implementation of a written risk assessment policy; and
  - 16(b) appropriate action is taken to reduce risks that are identified.

#### **Part 4. Suitability of staff, supply staff and proprietors**

- 18(2) The standard in this paragraph is met if-
  - 18(2)(a) no such person is barred from regulatory activity relating to children in accordance with section 3(2) of the 2006 Act where that person is or will be engaging in activity which is regulated activity within the meaning of Part 1 of Schedule 4 to that Act;
  - 18(2)(b) no such person carries out work, or intends to carry out work, at the school in contravention of a prohibition order, an interim prohibition order, or any direction made under section 128 of the 2008 Act or section 142 of the 2002 Act, or any disqualification, prohibition or restriction which takes effect as if contained in either such direction;
  - 18(2)(c) the proprietor carries out appropriate checks to confirm in respect of each such person-
    - 18(2)(c)(i) the person's identity;
    - 18(2)(c)(ii) the person's medical fitness;
    - 18(2)(c)(iii) the person's right to work in the United Kingdom; and
    - 18(2)(c)(iv) where appropriate, the person's qualifications;
  - 18(2)(d) the proprietor ensures that, where relevant to any such person, an enhanced criminal record check is made in respect of that person and an enhanced criminal record certificate is obtained before or as soon as practicable after that person's appointment;
  - 18(2)(e) in the case of any person for whom, by reason of that person living or having lived outside the United Kingdom, obtaining such a certificate is not sufficient to establish the person's suitability to work in a school, such further checks are made as the proprietor considers appropriate, having regard to any guidance issued by the Secretary of State.
  
- 18(3) The checks referred to in sub-paragraphs (2)(c) and (except where sub-paragraph (4) applies) (2)(e) must be completed before a person's appointment.
  
- 20(6) The standard in this paragraph is met in relation to an individual ("MB"), not being the Chair of the school, who is a member of a body of persons corporate or unincorporate named as the proprietor of the school in the register or in an application to enter the school in the register, if-
  - 20(6)(a) MB-
    - 20(6)(a)(i) is not barred from regulated activity relating to children in accordance with section 3(2) of the 2006 Act where that individual is or will be engaging in activity which is regulated activity within the meaning of Part 1 of Schedule 4 of that Act; and
    - 20(6)(a)(ii) does not carry out work, or intend to carry out work, at the school in contravention of a prohibition order, an interim prohibition order, or any direction made under section 128 of the 2008 Act or section 142 of the 2002 Act or any disqualification, prohibition or restriction which takes effect as if contained in either such direction;
  - 20(6)(b) subject to sub-paragraphs (7) to (8), the Chair of the school makes the following checks relating to MB-
    - 20(6)(b)(i) where relevant to the individual, an enhanced criminal record check;
    - 20(6)(b)(ii) checks confirming MB's identity and MB's right to work in the United Kingdom; and
    - 20(6)(b)(iii) where, by reason of MB's living or having lived outside the United Kingdom, obtaining an enhanced criminal record certificate is not sufficient to establish MB's suitability to work in a school, such further checks as the Chair of the school considers appropriate, having regard to any guidance issued by the Secretary of State;

- 20(6)(c) subject to sub-paragraph (8), where the Secretary of State makes a request for an enhanced criminal record check relating to MB countersigned by the Secretary of State to be made, such a check is made.
- 21(1) The standard in this paragraph is met if the proprietor keeps a register which shows such of the information referred to in sub-paragraphs (3) to (7) as is applicable to the school in question.
- 21(2) The register referred to in sub-paragraph (1) may be kept in electronic form, provided that the information so recorded is capable of being reproduced in legible form.
- 21(3) The information referred to in this sub-paragraph is–
  - 21(3)(a) in relation to each member of staff (“S”) appointed on or after 1st May 2007, whether–
    - 21(3)(a)(i) S’s identity was checked;
    - 21(3)(a)(ii) check was made to establish whether S is barred from regulated activity relating to children in accordance with section 3(2) of the 2006 Act;
    - 21(3)(a)(iii) a check was made to establish whether S is subject to any direction made under section 128 of the 2008 Act or section 142 of the 2002 Act or any disqualification, prohibition or restriction which takes effect as if contained in such a direction;
    - 21(3)(a)(iv) checks were made to ensure, where appropriate, that S had the relevant qualifications;
    - 21(3)(a)(v) an enhanced criminal record certificate was obtained in respect of S;
    - 21(3)(a)(vi) checks were made pursuant to paragraph 18(2)(d);
    - 21(3)(a)(vii) a check of S’s right to work in the United Kingdom was made; and
    - 21(3)(a)(viii) checks were made pursuant to paragraph 18(2)(e),
  - 21(3)(b) in relation to each member of staff (“S”), whether a check was made to establish whether S is subject to a prohibition order or an interim prohibition order, including the date on which such check was completed.

## **Part 5. Premises of and accommodation at schools**

- 24(1) The standard in this paragraph is met if the proprietor ensures that suitable accommodation is provided in order to cater for the medical and therapy needs of pupils, including–
  - 24(1)(b) accommodation for the short term care of sick and injured pupils, which includes a washing facility and is near to a toilet facility.
- 25 The standard in this paragraph is met if the proprietor ensures that the school premises and the accommodation and facilities provided therein are maintained to a standard such that, so far as is reasonably practicable, the health, safety and welfare of pupils are ensured.
- 28(1) The standard in this paragraph is met if the proprietor ensures that–

- 28(1)(b) toilets and urinals have an adequate supply of cold water and washing facilities have an adequate supply of hot and cold water;
  - 28(1)(c) cold water supplies that are suitable for drinking are clearly marked as such; and
  - 28(1)(d) the temperature of hot water at the point of use does not pose a scalding risk to users.
- 29(1) The standard in this paragraph is met if the proprietor ensures that suitable outdoor space is provided in order to enable–
- 29(1)(b) pupils to play outside.

### **Part 6. Provision of information**

- 32(2) The information specified in this sub-paragraph is–
- 32(2)(b)(i) where the proprietor is an individual, the proprietor’s full name, address for correspondence during both term-time and holidays and a telephone number or numbers on which the proprietor may be contacted, or
  - 32(2)(c) where there is a governing body, the name and address for correspondence of its Chair.
- 32(3) The information specified in this sub-paragraph is–
- 32(3)(d) particulars of arrangements for meeting the standards contained in paragraphs 9, 10, 11 and 13;
  - 32(3)(e) particulars of the school’s academic performance during the preceding school year, including the results of any public examinations;
  - 32(3)(f) details of the complaints procedure referred to in paragraph 33, and the number of complaints registered under the formal procedure during the preceding school year.

### **Part 8. Quality of leadership in and management of schools**

- 34(1)(c) actively promote the well-being of pupils.

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