



Department
for Education

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FAO: Mrs Lana Wild (Proprietor)
Cheshire Alternative Provision School
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Lower Park Street Mill
CW12 1EH

Date: 12 July 2023

Email: lwild@caps.cheshire.sch.uk

Dear Proprietor,

Cheshire Alternative Provision School

REQUEST FOR VOLUNTARY CLOSURE OF THE SCHOOL

As you will be aware, an inspection was carried out at Cheshire Alternative Provision School ("the School"), on 4-6 July 2023 by inspectors from Ofsted. We have received advice from Ofsted related to that inspection (relevant aspects of which are set out in Annex 2 to this letter).

As a result of that advice, it appears to us that pupils are not safe at the School – for example, it appears that neither staff nor pupils are aware of fire evacuation procedures, there is no evidence of an independent fire risk assessment having been carried out at the School premises, and leaders do not appear to know how many pupils are on roll at the School. Furthermore, few staff appear to have had up-to-date and appropriate safeguarding training and it is not apparent that the necessary checks, as required by Part 4 of the Independent School Standards, have been carried out on the School's bus driver. In addition, pupils appear to have had access to dangerous chemicals and controlled medicines and inspectors found no evidence that fundamental checks related to electrical equipment, water quality and asbestos had been carried out.

Consequently, we are writing to you asking that the School is closed to students with immediate effect in order that pupils are protected from the risk of harm. Moreover, that you assure us that the School will be closed until such time that the Secretary of State is satisfied that children would be safe at the School, following a further inspection by Ofsted, and consequently agrees that it can be re-opened.

The current situation at the School means that there are a number of breaches of the Independent School Standards. Where there are breaches of these standards, there are a number of formal (or legislative) powers available to the Secretary of State to enforce them. [DfE's regulatory and enforcement action policy statement \(see link below\)](#) provides information about how we regulate independent schools in England:

[DfE external document template \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

We have decided to exercise one of those formal powers now (see below) to require from you an action plan. Where the Secretary of State has required an action plan, and the Independent Schools Standards are not being met, then further action may be taken – which includes the option of removing a school from the register of independent schools. Removal of an independent school from the register means that it becomes a criminal offence to continue to operate it as such.

In addition, where a pupil at a school is suffering or likely to suffer significant harm, the Secretary of State can make an emergency application, under section 120 of the Education and Skills Act 2008, to the Magistrates' Court seeking an order for, for example, the removal of the school from the register.

Can you please confirm by 4pm on Thursday 13 July 2023 that the School is closed and that you will keep it closed until such time that the Secretary of State agrees that it may be re-opened.

We intend to consider what, if any, further formal steps are appropriate in light of either your response to our request above or how you respond to the notice to you below requiring an action plan.

We would strongly advise that you take independent legal advice on the contents of this letter.

NOTICE REQUIRING AN ACTION PLAN – SECTION 114(5) OF THE EDUCATION AND SKILLS ACT 2008

The Secretary of State has considered evidence in the form of advice from Ofsted related to the inspection of Cheshire Alternative Provision School (“the School”) which took place on 4-6 July 2023. As a result, the Secretary of State is satisfied that Independent School Standards specified in Annex 1 to this letter are not being met in relation to the School.

Annex 2 to this letter sets out detail from the Ofsted advice referred to above which relates to the failings against the standards specified in Annex 1 to this letter.

In the light of the failings at your School against the Independent School Standards specified in Annex 1 to this letter, the Secretary of State has decided to require you to submit an action plan for approval.

This letter, therefore, constitutes **notice to you**, as the proprietor of the School, **that you are required to submit an action plan** to the Secretary of State for approval and **that you must do so by 19th July 2023**. Furthermore, that action plan must specify the steps that will be taken to meet each of the Independent School Standards that are listed in Annex 1 to this letter and the time by which each step will be taken.

Ordinarily, DfE before issuing a notice requiring an action plan will await a final inspection report. We have decided not to do so in this case because of what appears to be the urgency of the situation at the School (see above and Annex 2). Since you have not had an opportunity to make representations on the factual accuracy of a draft report of the inspection which took place on 4-6 July, you are free to make representations regarding the accuracy of the information in Annex 2. If you make any representations (which should be made when you submit the required action plan), they will be taken into account by the Secretary of State in determining whether or not to approve the action plan.

FOR INFORMATION: Our expectation is that the date or dates, given in the action plan which you submit, by which any steps will be taken to meet the standards in question from the **Independent School Standards** will not be after **19 August 2023** given what we consider to be the urgency of the situation at the School (see above) and because, we cannot be currently satisfied that children will not be returning to the School after the summer holidays, into an unsafe setting.

A template and supporting advice are enclosed which should help you in drawing up a satisfactory action plan.

The action plan should be sent to registration.enquiries@education.gov.uk.

Further, you are reminded that the Independent School Standards will require that a copy of the final inspection report is published and maintained on the School's website¹ and that a copy is provided to the parents of each registered pupil at the School (by the deadline set by Ofsted).

It is important you respond to this notice by submitting an adequate action plan and then properly implementing it where it is approved by us. The non-submission of an action plan, the rejection by the Secretary of State of an action plan or an approved action plan not being implemented can lead to enforcement action.

In addition, you are asked to provide us with the names and addresses of every pupil on roll at the School, together with the name(s) of any commissioning body which has placed any pupil who is currently on your School's roll. This will assist us, together with the relevant local authority, in establishing where children absent from the school are being educated.

Finally, you may wish to note that reference to this notice being issued will be published shortly on the gov.uk website.

Yours faithfully,


Deputy Director, Independent Education and School Safeguarding Division, For and on behalf of the Secretary of State for Education

¹ See paragraph 32(1)(d) in the Schedule to the Education (Independent School Standards) Regulations 2014

ANNEX 1

****Cheshire Alternative Provision School** ("the School")**

The following Independent School Standards, as prescribed in the Schedule to the Education (Independent School Standards) Regulations 2014, are not being met in relation to the School:

PART 3: Welfare, health and safety of pupils

7. The standard in this paragraph is met if the proprietor ensures that—

(a) arrangements are made to safeguard and promote the welfare of pupils at the school; and

(b) such arrangements have regard to any guidance issued by the Secretary of State.

9. The standard in this paragraph is met if the proprietor promotes good behaviour amongst pupils by ensuring that—

(c) a record is kept of the sanctions imposed upon pupils for serious misbehaviour.

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.

13. The standard in this paragraph is met if the proprietor ensures that first aid is administered in a timely and competent manner by the drawing up and effective implementation of a written first aid policy.

14. The standard in this paragraph is met if the proprietor ensures that pupils are properly supervised through the appropriate deployment of school staff.

15. The standard in this paragraph is met if the proprietor ensures that an admission and attendance register is maintained in accordance with the Education (Pupil Registration) (England) Regulations 2006.

PART 4: Suitability of Staff, Supply Staff and Proprietors

18. (1) The standard in this paragraph relates to the suitability of persons appointed as members of staff at the school, other than the proprietor and supply staff.

18. (2) The standard in this paragraph is met if:

(c) the proprietor carries out appropriate checks to confirm in respect of each such person -

- (i) the person's identity
- (ii) the person's medical fitness
- (iii) the person's right to work in the United Kingdom; and
- (iv) where appropriate, the person's qualifications.

(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.

ANNEX 2

****Cheshire Alternative Provision School** ("the School")**

Part 3 of the ISS – Welfare, Health and Safety of Pupils

Ofsted advises that the following standards were being breached at the 04-06 July 2023 inspection – the standards in paragraphs 7, 9, 11, 12, 13, 14 and 15, of the Independent Schools Standards

The reasons given are as follows:

- No records of behaviour or bullying incidents. No records of sanctions including suspensions, exclusions or use of part-time timetables despite staff confirming these had been used.
- During the inspection, the Senior Ofsted Inspector contacted Cheshire Fire and Rescue Services due to serious concerns relating to:
 - No record of fire drills – pupils and staff could not say when the last drill was.
 - Leaders had not tested the fire alarm. They were unable to locate the fire panel.
 - Staff and pupils had not heard the fire alarm being sounded.
 - Conflicting information in the school's evacuation procedures policy
 - Fire doors being blocked by office furniture.
 - The front and rear exits being locked.
 - Not all staff carry the key for the fire exit. Staff who do carry the key have it in a large bunch of keys so not easy to identify.
- Ahead of the full audit on 12 July 2023, the Fire Service recommendations are:
 - All staff need to carry the specific key on its own on a lanyard, so it is readily available at all times and there needs to be a recorded policy for this. The fire officer has required a picture of the keys and an email to confirm this had been actioned by the end of 08 July 2023
 - Carry out a fire drill at the earliest opportunity.
 - All pupils made aware of evacuation procedures and for this to be part of each pupil's induction.
 - Logbook sent by Fire Service for school to record fire drills.
- In addition, the other urgent safeguarding concerns identified were:
- Several members of staff have not had recent safeguarding training, which the Deputy Head Teacher indicated should take place every three years. The school bus driver who works on his own with pupils, appointed in October 2022, has not had safeguarding training.

- No admissions register seen – during the inspection no more than five pupils seen on any given day. The Deputy Head Teacher indicated that 12 or 13 pupils were on the school's roll. However, different numbers of pupils on roll given to inspectors during the inspection.
- Safeguarding policy, hard copy and website version, were not current.
- Dangerous chemicals and medicines were accessible to pupils.
- Building was in a poor state of repair.
- PAT checks, boiler checks, independent fire checks, including to extinguishers, not found. Cheshire Fire Service officers indicated that there is no evidence that alarm checks have ever been carried out.
- Ad hoc records kept of pupils' behaviour – incidents are not collated and analysed.

Part 4 of the ISS – Suitability of Staff, Supply Staff and Proprietors

Ofsted advises that the standard in paragraph 18 of the Independent Standards was being breached at the 4 to 6 July 2023 inspection.

The reasons given are as follows:

- Inspectors could not validate information held on the A4 sheet presented by the Deputy Head Teacher, which he described as the Single Central Record. Therefore, inspectors could not establish whether staff at the school are suitable to work with children. They could not establish qualification checks, right to work in the UK checks or overseas checks on staff.
- There was no evidence to show how the Single Central Record was collated (single A4 sheet presented), no details about induction procedures, no information on Single Central Record audit and no evidence that checks were carried out. No one in the school, including the Deputy Head Teacher, could talk with any authority about the Single Central Record.