

Blackwater Academy

68–69 Cecil Street, Birmingham B19 3SU

Inspection dates

2 October 2019

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

- All of the standards in this part were met at the school's last standard inspection in May 2018.
- The proprietor, governors and leaders have not made sure that pupils' welfare is ensured. Currently, only the headteacher has completed the necessary training to be the designated safeguarding lead (DSL). The inspector saw evidence that two deputy DSLs are due to be trained in December 2019. The governors have not completed recent safeguarding training so are not familiar with their statutory responsibilities. As a result, the school has limited capacity to ensure that up-to-date policies and procedures are in place.
- Staff have completed annual, online safeguarding training. They know what to do if pupils are at risk of harm. However, the school's safeguarding policy, available on the school's website, has not been updated. It does not have regard for the most recent guidance issued by the Secretary of State. As a result, staff are not provided with guidance on how they are expected to manage specific risks in school such as peer-on-peer abuse, sexual violence and harassment, and sexting. There is no clear policy on how new staff will be inducted into the school.
- Staff are providing some effective support for vulnerable pupils. Leaders identify local and individual risks to pupils. They work with external agencies to make sure that pupils get the support they need. Pupils to whom the inspector spoke said that they felt safe at school. The small number of parents spoken to agreed.
- These standards are not met.

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

- The proprietor and leaders have not ensured that their health and safety policy has been put into practice. They have not checked to make sure that daily and weekly health and safety checks are carried out. Records show that these checks have not happened for over a year.
- They have not addressed actions that were identified in a fire risk assessment in 2018. A fire exit continues to be partially blocked. Leaders and pupils are not clear

about fire assembly points, which are currently somewhere in a public car park at the rear of the building. Door closers have not been fitted on all fire doors. The inspector found that one fire door was swollen by rain and was very difficult to open and close. Fire exits have not been suitably labelled. Only one brief record of a fire drill has been completed. Leaders were unable to provide any evidence of previous drills being carried out.

- Leaders have ensured that they put their risk assessment policy into practice for some activities, including off-site physical education (PE) at the local gym. However, they have not assessed the risks for evacuating pupils from the building on to a public car park. Assembly points have not been clearly marked.
- These standards are not met.

Paragraph 14

- Leaders have ensured that pupils are appropriately supervised throughout the school day, including at breaktimes and lunchtimes. Additional staff mentors are on hand to offer help to pupils who need it, or who need to take a break from learning.
- This standard is met.
- Not all the paragraphs in this part are likely to continue to be met if the material change is implemented.

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)(ii), 20(6)(b)(iii), 20(6)(c), 21(1), 21(3), 21(3)(a), 21(3)(a)(i), 21(3)(a)(ii), 21(3)(a)(iv), 21(3)(a)(v), 21(3)(a)(vi), 21(3)(a)(vii), 21(3)(a)(viii) and 21(3)(b)

- All of the standards in this part were met at the school's last standard inspection in May 2018.
- Leaders are not making sure that the school's single central record (SCR) is kept up to date. A few adults are missing from the record. This means that suitable pre-employment checks have not been carried out. Until the day of the inspection, the appropriate section 128 checks on adults in management positions had not been completed. Recently completed checks on new staff have not been recorded.
- Leaders could not assure the inspector that they have checked that new staff are fit to begin work at the school. Leaders are not checking potential new staff's application forms well enough for any gaps in employment.
- These standards are not met.

Paragraphs 21(2) and 21(3)(a)(iii)

- The school maintains its SCR in electronic form. All section 128 checks have now been completed, with no concerns about individuals identified.
- These standards are met.
- Not all of the paragraphs in this part are likely to continue to be met if the material change is implemented.

Part 5. Premises of and accommodation at schools

Paragraphs 24(1), 24(1)(b), 25, 28(1), 28(1)(b), 28(1)(c), 28(1)(d), 29(1) and 29(1)(b)

- All the standards in this part were met at the school's last standard inspection in May 2018.
- The accommodation for the medical examination of pupils is in a poor state. The floor appears to have been damaged by water. As a result, the surface is not level and is a tripping hazard. The mattress did not have suitable covering in the event of a pupil requiring first aid. The tank which supplies water to the portable sink is empty. None of the bathroom facilities have a supply of hot water.
- Pupils have access to a supply of drinking water in kitchen areas. However, water supplies for drinking are not labelled.
- The small outdoor space for pupils is unsuitable. It is strewn with litter. Leaders allow 16-year-old pupils to smoke in this area.
- These standards are not met.

Paragraphs 23(1), 23(1)(a), 23(1)(b), 23(1)(c), 24(1)(a), 24(2), 26, 27, 27(a), 27(b), 28(1)(a), 28(2), 28(2)(a), 28(2)(b) and 29(1)(a)

- Suitable toilet and changing facilities are provided for pupils in the school. Pupils are taught in a suite of classrooms, which have suitable lighting and acoustics. Pupils take part in PE activities at a local venue.
- These standards are met.
- Not all of the paragraphs in this part are likely to continue to be met if the material change is implemented.

Part 6. Provision of information

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

- All the standards in this part were met at the school's last standard inspection in May 2018.
- Checks to part 6 of the independent school standards were not in the original scope of the inspection. However, during the inspection, the lead inspector identified several unmet standards regarding information that should be published on the school's website.
- The name of the proprietor and their contact details are not listed on the website. There are no details for the chair of governors. The proprietor reported that two governors share this role, but only one is listed.
- The school has not published its first aid policy. It has not reported on the number of complaints made about the school in the previous year. Leaders have not provided information about the pupils' academic performance in the last year.
- These standards are not met.
- The paragraphs in this part are currently unmet and are therefore unlikely to continue to be met if the requested material change is implemented.

Part 8. Quality of leadership in and management of schools

Paragraphs 34(1), 34(1)(a), 34(1)(b) and 34(1)(c)

- All of the standards in this part were met at the school's last standard inspection in May 2018.
- The DfE has not been notified about some of the changes to the school.
- While both the proprietor and the chair of governors are supportive of leaders and the school, they have not ensured that all of the independent school standards are being met consistently and continually. There are weaknesses in safeguarding and recruitment checks. Leaders and governors have not made sure that the school's website is kept updated.
- Governors have not had recent safeguarding training. The chair of governors recognises that this needs to be updated. This will enable governors to ensure that they are familiar with, and able to carry out, their statutory duties.
- The proprietor and governors acknowledge that the newly appointed headteacher has not received enough support so that he can ensure that the independent school standards are consistently and continually met.
- While staff aim to keep pupils safe every day, and pupils say that they are kept safe, wider safeguarding concerns remain. Leaders have not ensured that health and safety standards have been maintained. As a result, pupils are at potential risk of harm. During the inspection, leaders began to take action to address these standards to ensure that pupils are not at immediate risk of harm.
- These standards are not met.
- The paragraphs in this part are currently unmet and are therefore unlikely to continue to be met if the requested material change is implemented.

The school's application to make a material change to its registration

- Leaders have not given sufficient consideration to accommodating up to 55 additional pupils. Many standards are not met at present. These standards are unlikely to be met in the future unless substantial improvements are made.

Requirements unlikely to be met if the material change relating to the school provision is implemented

Part 3: Welfare, health and safety of pupils; Part 4: Suitability of staff, supply staff, and proprietors; Part 5: Premises of and accommodation at schools; Part 6: Provision of information; Part 8: Quality of leadership in and management of schools; as listed in the main body of the report.

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, as set out in the annex of this report. 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	10118287

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	45
Number of part-time pupils	0
Acting proprietor	Naumann Tassarar
Chair	Andra Iordache
Headteacher	Kyle Morrison
Annual fees (day pupils)	£8,000 to £10,000
Telephone number	0121 238 0758
Website	www.blackwateracademy.co.uk
Email address	info@blackwateracademy.co.uk
Date of previous standard inspection	22–24 May 2018

Information about this school

- The information held on the government's 'get information about schools' (GIAS) website is not accurate. There is no proprietor listed. The proprietor continues to be absent due to ill health and this role has been taken on by his brother in an acting capacity.
- The school caters for pupils aged between 12 and 16 years, but the website states that it caters for pupils up to the age of 18 years. A few pupils have an education, health and care plan but GIAS does not reflect this.
- The school has recently appointed a new headteacher. The school has had two acting

headteachers since the previous headteacher left due to ill health.

- The school opened in 2017. It relocated to its current site in September 2018. It caters for pupils who are at risk of being, or who have been, permanently excluded from mainstream schools.
- The school received its first standard inspection in May 2018. It was judged to be good. An additional material change inspection took place in September 2018, as the school had applied to the DfE to extend its age range.
- The school uses two alternative providers: Dare2Dream Foundation, Newton Road, Nuneaton CV11 4HG and Worknlearn, 27 Frederick Street, Jewellery Quarter, Birmingham B1 3HH.
- The school does not have a religious ethos.

Information about this inspection

- The Department for Education (DfE) commissioned this inspection because of complaints received about the welfare, health and safety of pupils. They asked Ofsted to check on safeguarding arrangements and the quality of leadership and management in the school. The lead inspector concluded that the issues raised in the complaints were dealt with appropriately. However, the inspection revealed wider concerns about safeguarding.
- The one-day inspection was conducted without notice.
- The DfE asked for additional standards to be checked because the school has applied for a material change. It plans to admit up to 100 pupils to the school. The school is unlikely to meet the range of independent school standards if the material change is implemented.
- The inspector met with the headteacher, deputy headteacher, the proprietor and the chair of governors. She spoke to staff and pupils informally during the inspection. The inspector met with three parents.
- The inspector toured the premises, accompanied by the headteacher.
- The inspector reviewed a range of documentation, including: safeguarding policies and related information; the school's single central record and a sample of personnel files; behaviour records; and a range of health and safety documents, including those relating to fire safety. She checked a range of information available via the school's website.

Inspection team

Deb Jenkins, lead inspector

Her Majesty's Inspector

Annex. Compliance with regulatory requirements

The school does not meet the following 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 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 regulated 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; and
- 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(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) a 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)(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) either:
 - 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; and

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

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