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Date: 30th October 2019

Dear Sir/Madam,

A meeting of the **Education Scrutiny Committee** will be held in the **Sirhowy Room, Penallta House, Tredomen, Ystrad Mynach** on **Tuesday, 5th November, 2019** at **5.30 pm** to consider the matters contained in the following agenda. Councillors and the public wishing to speak on any item can do so by making a request to the Chair. You are also welcome to use Welsh at the meeting, both these requests require a minimum notice period of 3 working days, and a simultaneous translation will be provided if requested.

All Committee meetings are open to the Press and Public, observers and participants are asked to conduct themselves with respect and consideration for others. Please note that failure to do so will result in you being asked to leave the meetings and you may be escorted from the premises.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Chrissy'.

Christina Harrhy
INTERIM CHIEF EXECUTIVE

AGENDA

- | | Pages | |
|---|-----------------------------------|--|
| 1 | To receive apologies for absence. | |
| 2 | Declarations of Interest. | |

Councillors and Officers are reminded of their personal responsibility to declare any personal and/or prejudicial interest(s) in respect of any item of business on this agenda in accordance with the Local Government Act 2000, the Council's Constitution and the Code of Conduct for both Councillors and Officers.

A greener place Man gwyrddach



To approve and sign the following minutes: -

- | | | |
|---|--|--------|
| 3 | Education Scrutiny Committee held on the 24th September 2019. | 1 - 6 |
| 4 | Consideration of any matter referred to this Committee in accordance with the call-in procedure. | |
| 5 | Education Scrutiny Committee Forward Work Programme. | 7 - 30 |

To receive and consider the following Scrutiny reports: -

- | | | |
|---|---|----------|
| 6 | Youth Service Pilot Project Delivery - Demonstration of Preferred Youth Work Model. | 31 - 40 |
| 7 | Period Dignity Update. | 41 - 48 |
| 8 | Regional Schools Causing Concern Protocol and Risk Register. | 49 - 118 |

Circulation:

Councillors C. Andrews (Vice Chair), P.J. Bevan, A. Collis, S. Cook, W. David, A. Farina-Childs, D.T. Hardacre, D. Havard, M.P. James, B. Miles, Mrs G.D. Oliver, Mrs T. Parry (Chair), J.E. Roberts, R. Saralis, J. Simmonds and R. Whiting

Co-opted Members:

Cardiff ROC Archdiocesan Commission for Education Representative (with voting rights on educational matters) Mr M. Western

Parent Governor Representatives (with voting rights on educational matters) Mr M Barry and Mr R Morgan

Outside Body Representatives (without voting rights) Mrs J. Havard (NEU) and Mrs P. Ireland (NEU)

Caerphilly Governors Association (without voting rights) Mr D Davies

And Appropriate Officers

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EDUCATION SCRUTINY COMMITTEE

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH
ON TUESDAY, 24TH SEPTEMBER 2019 AT 5.30PM.

PRESENT:

Councillor T. Parry - Chair
Councillor C. Andrews – Vice Chair

Councillors:

A. Collis, A. Farina-Childs, D. Havard, B. Miles, J.E. Roberts, R. Saralis, J. Simmonds and R. Whiting.

Together with:

R. Edmunds (Corporate Director – Education and Corporate Services), K. Cole (Chief Education Officer), S. Richards (Head of Education, Planning and Strategy), P. Warren (Strategic Lead for School Improvement), S. Ellis (Lead for Inclusion and ALN), J. Southcombe (Finance Manager), M. Jacques (Scrutiny Officer) and C. Evans (Committee Services Officer)

Also Present:

Co-opted Members: Mr R. Morgan (Parent Governor).

E. Pryce (Education Achievement Service) and R. Simms (Education Achievement Service).

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors P. J. Bevan, S. Cook, W. David, D.T. Hardacre, M. James and Mrs G. Oliver, P. Marsden (Cabinet Member for Education and Achievement) and Mr M. Western (Cardiff ROC Archdiocesan Commission for Education Representative), Mr M. Barry (Parent Governor Representative), Mrs J. Havard (NEU), Mrs P. Ireland (NEU) and Mr D. Davies (Caerphilly Governors Association).

2. DECLARATIONS OF INTEREST

There were no declarations of interest received at the commencement or during the course of the meeting.

3. MINUTES – 2ND JULY 2019

RESOLVED that the minutes of the Education Scrutiny Committee meeting held on
Page 1

Tuesday the 2nd July 2019 (minute nos. 1- 10) be approved as a correct record and signed by the Chair.

4. CONSIDERATION OF ANY MATTER REFERRED TO THE SCRUTINY COMMITTEE IN ACCORDANCE WITH THE CALL-IN PROCEDURE

There had been no matters referred to the Scrutiny Committee in accordance with the call-in procedure.

5. EDUCATION FOR LIFE SCRUTINY COMMITTEE FORWARD WORK PROGRAMME

The Scrutiny Officer presented the report which outlined the draft Education Scrutiny Committee Forward Work Programme from September 2019 to May 2020.

The Committee were asked to note that since the publishing of the report, it has been requested that the EAS Business Plan, originally scheduled for 13th January 2020 be moved to the February meeting, as it is anticipated this will not be ready.

Members discussed the Forward Work Programme and noted the number of blank spaces. Officers explained that work is underway to get these areas completed in readiness for the next meeting.

The Committee were asked whether there were any items to be included in future meetings, and it was requested that a report be presented on the level of Vocational Education being conducted within Secondary Schools.

Following consideration, it was moved and seconded that the recommendation in the report and the changes proposed by the Officer be approved.

RESOLVED that subject to the aforementioned changes, the Forward Work Programme appended to the report be approved.

6. CABINET REPORTS

None of the Cabinet reports listed on the agenda had been called forward for discussion at the meeting.

REPORTS OF OFFICERS

Consideration was given to the following reports.

7. FREE SCHOOL MEALS (FSM) STRATEGY.

The report provided the Scrutiny Committee with an outline of the education strategy that aims to further improve the attainment of pupils in receipt of free school meals (FSM).

The report provided a summary of the revised strategy to improve the attainment of this group of pupils. The Strategy recognised the need to accelerate improvement, taking account of local and national data. The document included the following areas:

- Effective use of grant funding;
- The role of schools in raising attainment;

- The role of the Local Authority in raising attainment;
- The role of parents/carers;
- The role of other partners.

The strategy also recognised that some pupils, in receipt of free school meals, attain in line or above the expected level at all stages of education from Early Years to end of Key Stage 5. However, the document aimed to ensure that all pupils, regardless of prior attainment, make very good progress throughout their school education. In addition to sharpening accountability processes in place to monitor, track and evaluate the progress of this group of learners, the document identified the establishment of a new 'Pupil Aspiration Board' which aims to specify and share the very best practice taking place across Caerphilly Schools.

The Scrutiny Committee thanked the Officer for the report and discussion ensued.

In noting the contents of the report, a Member raised queries on the contents page and sought further information on the date of the Strategy, querying how long the Strategy would be in place. Officers explained that the Strategy is a working document and under constant development, however noted the comments and would make this clear in future publications.

Discussions took place around the Pupil Aspirations Board (detailed at page 59 of the report), and further information was sought around the implementation of the cultural change, accountability and measuring the impact of the change. It was noted that the Pupil Aspirations Board has only recently been introduced and is therefore a work in progress, however there are members on the board with extensive expertise, all of which aim to share best practice and provide consistency across all schools. Work will be undertaken with Head Teachers to identify their schools individual needs and criteria in order to measure successes. Members were assured that further reports on progress would be provided to the Committee at a later date.

A Member queried whether there are any representations from Governors on the Board. Officers noted that this is something that can be implemented, however Members were assured that there are a wide number of stakeholders on the Board, but welcome any further suggestions.

Following consideration and discussion, it was moved and seconded that the recommendation be approved. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons contained in the Officers Report, the Education Scrutiny Committee note the report.

8. END OF FOUNDATION PHASE, KEY STAGE 2 AND KEY STAGE 3

The report informed Members of Welsh Government Policy changes regarding the use of teacher assessment performance data at the end of Foundation Phase, Key Stage 2 and Key Stage 3 and provided Members with an overview of Caerphilly Schools' performance, within the revised framework.

Members were asked to note that the report is very different to former Performance reports because different measures have to be reported and individuals cannot be identifiable. Also, data cannot be represented at a Local Authority level. Therefore, the report outlined the current arrangements in regard to Teacher Assessment and provided an anonymised overview of Caerphilly Schools' performance in relation to the other schools in the region.

The Scrutiny Committee were advised of the arrangements that will remain, including National Reading and Numeracy Tests and Teacher Assessments for individual learners; Headteacher Performance Report for parents; and Governing Bodies are still required to report school performance to parents and adult learners each year. However, changes include the loss of comparative information about teacher assessments and tests in relation to other schools

within the local authority; and Welsh Government will no longer produce or publish School Comparative Reports and All Wales Core Data Sets for schools and local authorities in respect of teacher assessment data.

The report provided the Committee with an anonymised overview of data submitted by schools as part of the National Data Collection Process in June 2019, and Members were provided with a detailed explanation of the graphs and tables and data therein. Members were asked to note that there was an error in the data at page 78 of the report (Percentage of Pupils achieving Level 5+) and as a result Officers agreed to circulate a corrected version of the chart.

The Scrutiny Committee thanked the Officer for the report and discussion ensued.

A Member queried whether Caerphilly specific data could be provided in later reports, to demonstrate progress. Officers explained that this could be done, however the principle has been agreed. Ideally all Wales data would be available.

Concerns were raised that Teacher Assessment data and National Reading and Numeracy Test data at school, local authority and consortia level would no longer be published, and sought further information on future monitoring of standards. Officers explained that there is support available to schools in the form of Challenge Advisers, who meet regularly with schools and provide support where needed. However, there is further development required around feeding back monitoring information to Scrutiny. Members noted that this is a regional issue in which delivery could be problematic due to the change from targets and numbers.

Discussions took place around future inspections. It was noted that Governors play a key role in schools, in particular around performance and scrutiny; however there will be changes around the reporting of data, with less focus on numerical data. Members were assured that now that the process is in place training sessions can be provided.

Following consideration and discussion, it was moved and seconded that the recommendation be approved. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons contained in the Officers Report the Education Scrutiny Committee note content of the report.

9. SELF-EVALUATION PROCESS AND ITS IMPACT ON THE EDUCATION DIRECTORATE'S SERVICE IMPROVEMENT PLAN

The report informed Members of the process of self-evaluation and its impact on the Education Directorate's Service Improvement Plan (SIP), and provided a summary of key strengths and priorities for improvement that are identified as a result of the self-evaluation process.

The self-evaluation process is an integral part of the overall cycle of service improvement. It is fundamental in ensuring the directorate secures ongoing improvements that positively contribute to the objectives in the Caerphilly Local Authority Service Improvement Plan and Corporate Plan. Over the last twelve months, strategies have been embedded to ensure that process is increasingly robust, leading to an increasingly accurate list of strengths and priorities for improvement.

The Committee thanked the Officer for the report and discussion ensued.

A Member, in acknowledging the strengths identified in the report, queried how the improvements identified are prioritised and responsibility for completion allocated. Officers explained that there are clear lines of responsibility for each of the areas of improvement,

however the Officer identified that the SIP has overall responsibility for the Plan. There are a number of Officers involved at various points within the Plan, for the delivery of service as well as Stakeholders, all contributing to the overall requirements of the Plan.

In addition, it was noted that there will shortly be an Estyn Inspection undertaken on the Local Authority, and as a result, preparations are underway to evidence Plans and their outcomes and demonstrate how Plans fit together. The SIP is an overarching plan in which a number of other plans underpin the delivery of service. It was agreed that the meeting in December would provide the story so far in respect of performance and meeting the requirements of the Plan. Members thanked the Officer for the explanation and it was agreed that the Service Improvement Plan be shared with the Committee.

In discussing the 26 priorities identified within the Plan, a Member sought further information on how these are prioritised and deadlines for completion. Officers explained that there are 7 priorities identified within the SIP which link to the Well Being Objectives (WBO), under which there are specific actions to be undertaken in order to meet the requirements of the WBO.

Discussions took place around the Main priorities/actions for improvement and a Member sought clarification on the priority to Reduce the number of secondary schools requiring the highest level of support (amber and red) and Reduce the number of secondary schools identified as 'Estyn Review' following statutory inspection. Officers explained that the aim for these priorities is to continue to provide support where needed but to reduce the number of schools in need of support.

Following consideration and discussion, it was moved and seconded that the recommendation be approved. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons contained in the Officers report the Education Scrutiny Committee note the contents of the report.

10. SAFEGUARDING

The report provided the Scrutiny Committee with an update around Safeguarding developments in 2018/19.

It was noted that Safeguarding children and young people is a key statutory duty of the Council and is embodied in the Social Services and Well Being (Wales) Act 2014. The Local Authority (LA) has clear policies and procedures linked to safeguarding children in education services. Safeguarding underpins priorities within the Directorate Plan (2018 – 2023) and all related plans.

The report outlined that the LA works in partnership with Children's Services, education providers, parents, The South East Wales Consortium (SEWC), the Education Achievement Service (EAS) and other partners to ensure that there is a robust approach towards safeguarding arrangements. In addition, it was noted that the LA has a pivotal role in safeguarding activities at a national, regional and local level, for example the National Safeguarding in Education Group (SEG), and the regional South East Wales Consortium (SEWC) SEG. This ensures that policy and practice are well informed.

The LA has a clear system of self evaluation in relation to safeguarding (linked to ESTYN guidance and broader self evaluation processes), which informs developments in processes and practice. The LA provides robust advice and support and there are effective processes in place in relation to school audits, the monitoring of child protection referrals and professional concerns.

The LA has a revised model of training for schools and is reviewing practitioner forums.

There are robust monitoring arrangements in place with regard to the scrutiny of physical intervention forms, which ensure that the LA exercises its duty of care in relation to pupils and staff members.

The Committee were assured that robust systems are in place regarding the recording and monitoring of discriminatory incidents. Guidance is updated to reflect any new categories as they are defined. The LA has been recognised by Stonewall as developing good practice in this area.

The Officer informed Members that interviews are being conducted shortly for the Safeguarding Coordinator and will be shortlisting for the LAC Coordinator.

The Scrutiny Committee thanked the Officer for the report and discussion ensued.

A Committee Member raised concerns that due to Welsh Government changes in process, there could be a reduction in Looked After Children support, and sought reassurance that this would not be the case in the Authority. Officers assured Members that the role is vital with ever increasing responsibility, and as such Caerphilly CBC will continue to support Looked After Children. In addition, it was noted that the work undertaken to reshape the roles within Social Services and Education is to ensure that there is effective support services in place for Looked After and Vulnerable Children, which is a crucial part of the Social Services and Wellbeing Act.

Following consideration and discussion, it was moved and seconded that the recommendations be approved. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons contained in the Officers report:

- i) It is recommended that an annual report be presented to Scrutiny Committee;
- ii) Members are requested to note the contents of the report.

The meeting closed at 7:05pm

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 5th November 2019 they were signed by the Chair.

CHAIR



EDUCATION SCRUTINY COMMITTEE – 5TH NOVEMBER, 2019

SUBJECT: EDUCATION SCRUTINY COMMITTEE FORWARD WORK PROGRAMME

REPORT BY: CORPORATE DIRECTOR FOR EDUCATION AND CORPORATE SERVICES

1. PURPOSE OF REPORT

1.1 To report the Education Scrutiny Committee Forward Work Programme

2. SUMMARY

2.1 Forward Work Programmes are essential to ensure that Scrutiny Committee agendas reflect the strategic issues facing the Council and other priorities raised by Members, the public or stakeholders.

3. RECOMMENDATIONS

3.1 That Members consider any changes and agree the final forward work programme prior to publication.

4. REASONS FOR THE RECOMMENDATIONS

4.1 To improve the operation of scrutiny.

5. THE REPORT

5.1 The Education Scrutiny Committee forward work programme includes all reports that were identified at the scrutiny committee work meeting on Tuesday 24th September, 2019. The work programme outlines the reports planned for the period November 2019 to May 2019.

5.2 The forward work programme is made up of reports identified by officers and members. Members are asked to consider the work programme alongside the cabinet work programme and suggest any changes before it is published on the council website. Scrutiny committee will review this work programme at every meeting going forward alongside any changes to the cabinet work programme or report requests.

5.3 The Education Scrutiny Committee Forward Work Programme is attached at Appendix 1, which presents the current status as at 14th October, 2019. The Cabinet Work Programme is attached at Appendix 2. A copy of the prioritisation flowchart is attached at appendix 3 to assist the scrutiny committee to determine what items should be added to the forward work programme.

5.4 **Conclusion**

The work programme is for consideration and amendment by the scrutiny committee prior to publication on the council website.

6. **ASSUMPTIONS**

6.1 No assumptions are necessary.

7. **LINKS TO RELEVANT COUNCIL POLICIES**

7.1 The operation of scrutiny is required by the Local Government Act 2000. The Local Government Wales Measure 2011 and subsequent Statutory Guidance include requirements to publicise the work of scrutiny committees. The operation of scrutiny committee forward work programmes was agreed following decisions by Council in October 2013 and October 2015.

7.2 **Corporate Plan 2018-2023.**

Scrutiny Committee forward work programmes contributes towards and impacts upon the Corporate Well-being Objectives by ensuring that the Executive is held to account for its Corporate Objectives, which are:

Objective 1 - Improve education opportunities for all

Objective 2 - Enabling employment

Objective 3 - Address the availability, condition and sustainability of homes throughout the county borough and provide advice, assistance or support to help improve people's well-being

Objective 4 - Promote a modern, integrated and sustainable transport system that increases opportunity, promotes prosperity and minimises the adverse impacts on the environment

Objective 5 - Creating a county borough that supports a healthy lifestyle in accordance with the sustainable Development Principle within the Wellbeing of Future Generations (Wales) Act 2015

Objective 6 - Support citizens to remain independent and improve their well-being

8. **WELL-BEING OF FUTURE GENERATIONS**

8.1 The Forward Work Programmes contribute to the following Well-being Goals within the Well-being of Future Generations Act (Wales) 2016 by ensuring there is an effective scrutiny function and that council policies are scrutinised against the following goals:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh Language
- A globally responsible Wales

9. EQUALITIES IMPLICATIONS

9.1 There are no specific equalities implications arising as a result of this report.

10. FINANCIAL IMPLICATIONS

10.1 There are no specific financial implications arising as a result of this report.

11. PERSONNEL IMPLICATIONS

11.1 There are no specific personnel implications arising as a result of this report.

12. CONSULTATIONS

12.1 There are no consultation responses that have not been included in this report.

13. STATUTORY POWER

13.1 The Local Government Act 2000.

Author: Mark Jacques, Scrutiny Manager

Consultees: Richard Edmunds, Corporate Director for Education and Corporate Services
Keri Cole, Chief Education Officer
Robert Tranter, Head of Legal Services/ Monitoring Officer
Lisa Lane, Head of Democratic Services and Deputy Monitoring Officer, Legal Services
Councillor Teresa Parry Chair Education Scrutiny Committee
Councillor Carol Andrews, Vice Chair Education Scrutiny Committee

Appendices:

Appendix 1 Education Scrutiny Committee Forward Work Programme
Appendix 2 Cabinet Forward Work Programme
Appendix 3 Forward Work Programme Prioritisation Flowchart

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Education Scrutiny Committee Forward Work Programme - May 2019 - May 2020			
Meeting Date: 5th November 2019			
Subject	Purpose	Key Issues	Witnesses
Youth Service Pilot	To report on the outcomes of the Youth Service's pilot work in the Caerphilly East area. Cabinet has determined that this work will be fully evaluated in the Autumn term.	The pilot seeks to demonstrate the worth of conducting general youth work in a more flexible and inclusive way. If successfully demonstrated, a determination will be made as to whether this approach can be rolled out to all sections of the Borough.	Paul O'Neill, Senior Youth Service Manager
Period Dignity Update	Identify progress against the period dignity action plan.	<ul style="list-style-type: none"> Identify how the period dignity grant has been utilised and consider the impact on pupils' wellbeing across Caerphilly. Identify how the grant funding has been spent in support of the action plan 	Keri Cole, Chief Education Officer
Schools Causing Concern	To report on the progress of schools currently listed on the Schools Causing Concern register.	<ul style="list-style-type: none"> Ascertain the number of schools currently listed on the SCC register. Consider the number of schools removed from the SCC register over the last twelve months Consider additional schools placed on the SCC register over the last twelve months. Consider the range of evidence to determine inclusion on the SCC register. <p>Identify the strategies to support schools that are listed on the SCC register</p>	Keri Cole, Chief Education Officer

Education Scrutiny Committee Forward Work Programme - May 2019 - May 2020			
MTFP Special Meeting Date: 9th December 2019			
Subject	Purpose	Key Issues	Witnesses
Medium-Term Financial Plan. Draft Savings Proposals	To update Members with regards to the Directorates draft budget savings proposals for 2020-21	To consult with Members as part of the Authority's budget process.	Jane Southcombe Finance Manager (Education and Lifelong Learning and Schools)

Education Scrutiny Committee Forward Work Programme - May 2019 - May 2020			
Meeting Date: 13 th January 2020			
Subject	Purpose	Key Issues	Witnesses
Performance Management			Richard Edmunds, Corporate Director for Education & Corporate Services Steve Harris, Interim Head of Business Improvement Services
'Shared Ambitions' Update	This could be training?		Keri Cole, Chief Education Officer Sue Richards, Head of Education, Planning & Strategy
Key Stage 4 & 5 Performance	Identify attainment and achievement of pupils at end of Key Stage 4 and end of Key Stage 5	<ul style="list-style-type: none"> Identify attainment and achievement of FSM pupils at end of Key Stage 4 and end of Key Stage 5 Identify attainment and achievement of boys at end of Key Stage 4 and end of Key Stage 5 	Keri Cole, Chief Education Officer + EAS

Education Scrutiny Committee Forward Work Programme - May 2019 - May 2020			
Meeting Date: 24th February 2020			
Subject	Purpose	Key Issues	Witnesses
Schools Capital Programme	To consider recommendations for the allocation of resources for 2020/21 financial year prior to being presented to Cabinet	Members to consider the school bids and recommendations for the allocation of funds against the different component parts of the 2020/21 Education Capital Programme.	Sue Richards, Head of Education Planning & Strategy Andrea West 21 st Century Schools Manager
Library Standards	To provide Scrutiny members with details of the Welsh Governments annual standards assessment of Caerphilly Library Service 2018/19	The Welsh Government Public Library Standards 2017/2020 includes a range of 12 core entitlements, 16 quality indicators, 10 of which have targets assigned to them. This includes qualitative data in addition to traditional input and output information, and a number of case studies	Sue Richards, Head of Education Planning & Strategy
EAS Business Plan			Ed Pryce, Interim Strategic Service and Policy Lead at EAS

Education Scrutiny Committee Forward Work Programme - May 2019 - May 2020			
Meeting Date: 31st March 2020			
Subject	Purpose	Key Issues	Witnesses
Youth Forum Priorities	To advise Scrutiny on the outcomes of the Youth Forum conference in determining young people's key priority issues to be worked against in the coming year.	To seek acceptance and approval from Scrutiny to support the youth Service's/young people's efforts in relation to addressing the priority issues and support the elevation of this request to Cabinet.	Paul O'Neill, Senior Youth Service Manager
Faith Schools	To update Members on the current Faith provision available for CCBC pupils.	<ul style="list-style-type: none"> • Capacity • Demand • Admission Numbers • Transport 	Sue Richards, Head of Education, Planning & Strategy Andrea West 21 st Century Schools Manager

Education Scrutiny Committee Forward Work Programme - May 2019 - May 2020			
Meeting Date: 18th May 2020			
Subject	Purpose	Key Issues	Witnesses
Additional Support Review	To provide members with information regarding the outcome of the review	<ul style="list-style-type: none"> • Delegation of additional support • Responsibilities of schools and LAS in relation to meeting ALN 	Sarah Ellis, Lead for Inclusion and ALN

Education Scrutiny Committee Forward Work Programme - May 2019 - May 2020			
Date to be Confirmed			
Subject	Purpose	Key Issues	Witnesses
EAS VFM			Richard Edmunds, Corporate Director for Education & Corporate Services
Vocational Education in our Secondary Schools			Requested by Cllr Havard 24/9/19
Safeguarding Annual Report			Recommendation 3.1 in Safeguarding Report noted by Committee on 24/9/19

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Appendix 1.

Education Scrutiny Committee Information Reports Forward Work Programme: May 2019 – May 2020			
Meeting Date: 5th November 2019			
Subject	Purpose	Key Issues	Witnesses
21 st Century Schools Update	To provide members with an update on the 21 st Century Schools Programme	<ul style="list-style-type: none"> • Band A <ul style="list-style-type: none"> ○ Project Delivery Update ○ Financial Update • Band B <ul style="list-style-type: none"> ○ Changes to Intervention rates ○ Financial update ○ Business Cases ○ School Organisation Code ○ Consultation requirements. 	Sue Richards, Head of Education, Planning & Strategy Andrea West, 21 st Century Schools Manager

Education Scrutiny Committee Information Reports Forward Work Programme: May 2019 – May 2020			
Meeting Date: 9th December 2019			
Subject	Purpose	Key Issues	Witnesses

Education Scrutiny Committee Information Reports Forward Work Programme: May 2019 – May 2020			
Meeting Date: 13 th January 2020			
Subject	Purpose	Key Issues	Witnesses
Budget Monitoring	Second budget monitoring report of the year, to provide Members with an update on the forecast outturn position for 2019-20.	To ensure Members are updated with regards to any projected variances to the 2019-20 budget plan.	Jane Southcombe Finance Manager (Education and Lifelong Learning and Schools)
ALN Act Update. (Or covered by training workshops for Members instead)?	To provide members with an update regarding readiness for the Act and new Code	<ul style="list-style-type: none"> • Requirements of the Act and Code • Readiness • Developments to date • Next steps 	Sarah Ellis, Lead for Inclusion and ALN
School Admission Arrangements 2021-22	To consult scrutiny members on the proposed Council's admission arrangements for the 2021/22 prior to consideration by Cabinet.	Members invited to offer comments on the proposed admission arrangements for the 2021/22 academic year as part of the annual consultative process.	Sue Richards, Head of Education Planning and Strategy

Education Scrutiny Committee Information Reports Forward Work Programme: May 2019 – May 2020			
Meeting Date: 24th February 2020			
Subject	Purpose	Key Issues	Witnesses

Education Scrutiny Committee Information Reports Forward Work Programme: May 2019 – May 2020			
Meeting Date: 31st March 2020			
Subject	Purpose	Key Issues	Witnesses
WESP Update on new guidelines	To provide members with an update of the changes to regulations and requirements in the new plan and update on progress to date	Report to include: <ul style="list-style-type: none"> • Highlight changes in requirements for the WESP • Highlight achievements of the current plan during 2019 	Sarah Mutch,, Early Years Manager
Categorisation	Inform Scrutiny Members of the national school categorisation system and Caerphilly school categorisations.	<ul style="list-style-type: none"> • Process of categorisation • Schools in inspection follow-up or in an Estyn category • Self evaluation and the capacity to improve • Regional standardisation and moderation processes • National verification processes 	Paul Warren, Strategic Lead for School Improvement Keri Cole, Chief Education Officer
Inspections Profile	Inform members of the judgements made by Estyn inspection teams of Caerphilly schools for the academic year 2018-2019 and 2019-20 to date (where published) and provide a summary of Caerphilly schools' inspection judgements since the introduction of the new Common inspection Framework in	<ul style="list-style-type: none"> • Overview of the Estyn Inspection Framework • Evaluation of judgements 	Paul Warren, Strategic Lead for School Improvement Keri Cole, Chief Education Officer

Education Scrutiny Committee Forward Work Programme

	September 2017.		
21 st Century Schools Update	To provide members with an update on the 21 st Century Schools Programme	<ul style="list-style-type: none"> • Band A and Band B 21st Century Schools and Education update to include <ul style="list-style-type: none"> ○ Project Delivery ○ Financial Update 	<p>Sue Richards, Head of Education, Planning & Strategy</p> <p>Andrea West, 21st Century School Manager</p>

Education Scrutiny Committee Information Reports Forward Work Programme: May 2019 – May 2020			
Meeting Date: 18 th May 2020			
Subject	Purpose	Key Issues	Witnesses
Childcare Offer Update	To provide members with an update on the Childcare Offer to date	Report to include: <ul style="list-style-type: none"> • Take up of places / applications • Any demographic data available • Any changes to future implementation / delivery proposed by Welsh Government 	Sarah Mutch Manager, Early Years.

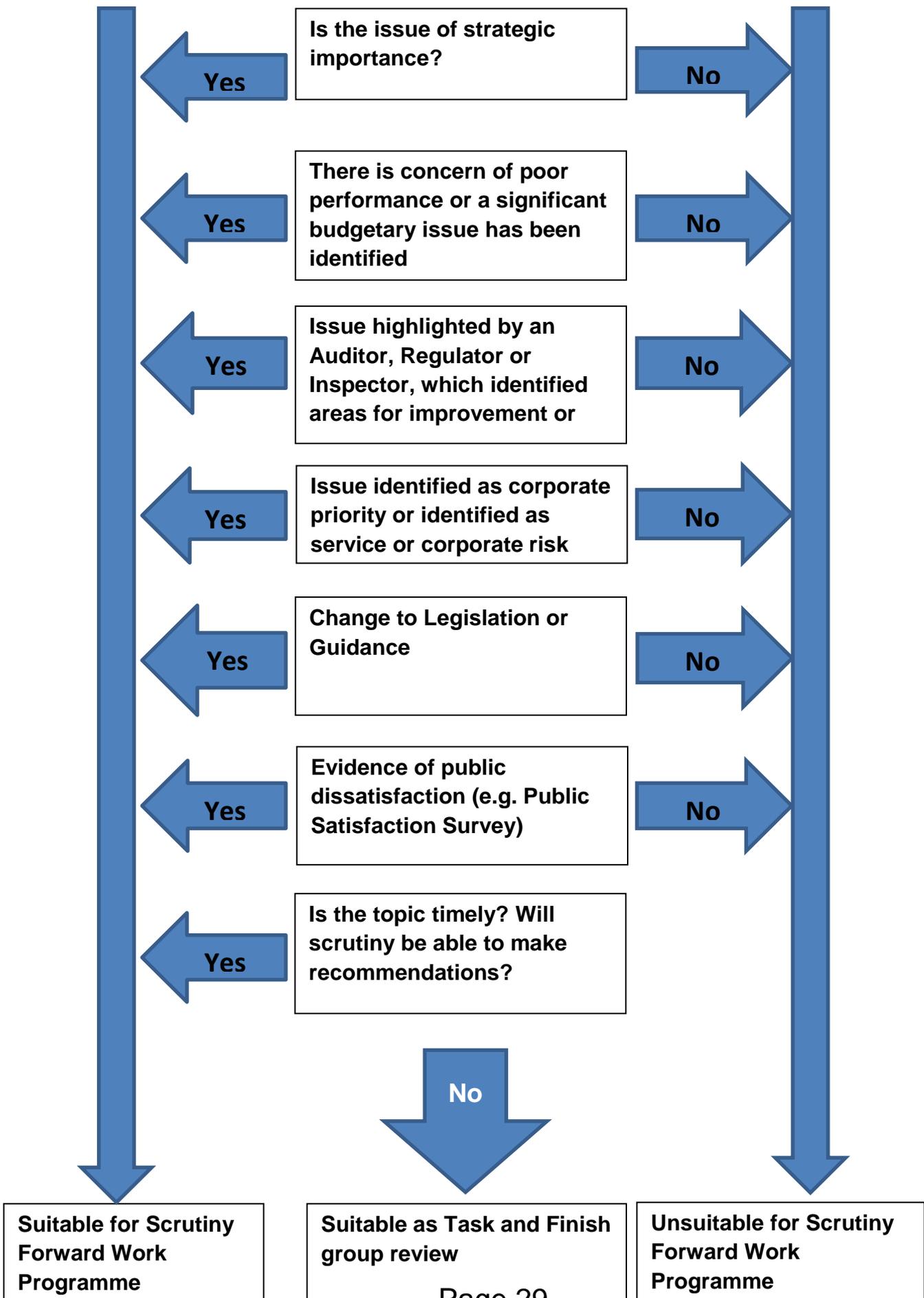
Education Scrutiny Committee Information Reports Forward Work Programme: May 2019 – May 2020			
Meeting Date: TBC			
Subject	Purpose	Key Issues	Witnesses
EOTAS Update (Keri asked if we could re-schedule in light of waiting for new information?) New date TBC			Keri Cole, Chief Education Officer

Appendix 2 - Cabinet Forward Work Programme

Date	Title	Key Issues	Author	Cabinet Member
30/10/19 10:00	Chartist Gardens - Development Options	To seek approval of the development proposal and associated financial model prior to submitting scheme	Couzens, Shaun; Williams, Mark;	Cllr. Phipps, Lisa;
13/11/19 10:00	20/21 Draft Budget Proposals	To discuss the draft budget proposals	Harris, Stephen R;	Cllr. Jones, Barbara;
13/11/19 10:30	Acquisition of Virginia Park Golf Club		Edmunds, Richard (Ed);	Cllr. Marsden, Philippa;
13/11/19 11:00	Funding Formula for Cwm Rhymni	To consider proposals to change the current funding arrangements for YGG Cwm Rhymni and the possible funding sources.	Richards, Sue;	Cllr. Marsden, Philippa;
13/11/19 11:10	European Social Fund Operation - Inspire to Achieve (ISA)	To seek approval from CMT to deliver Inspire to achieve as part of a regional operation lead by Blaenau Gwent CBC	Richards, Sue;	Cllr. Marsden, Philippa;
13/11/19 11:15	Integrated Wellbeing Hubs	To provide an update to Cabinet	Street, Dave;	Cllr. Cuss, Carl J.;
27/11/19 10:30	Transformation Strategy – 6th month update	to provide a 6 monthly update	Harris, Stephen R;	Cllr. Jones, Barbara;
27/11/19 10:30	Renewable Energy Generation - Tredomen Campus	To present a basket of options to Cabinet for achieving carbon neutrality at the Tredomen Campus	Rossiter, Paul;	Cllr. Morgan, Sean;
27/11/19 10:45	Waste and Recycling Collection Systems	To advise Cabinet of the findings of the Regeneration and Environment Scrutiny Waste Review Working Group and to seek Cabinet approval for recommendations relating to the Authority's waste and recycling services.	Hartshorn, Robert;	Cllr. George, Nigel;
27/11/19 11:00	Regeneration Board - Project Proposals	To recommend the allocation of £370k Regeneration Project Board Development Funds towards two previously endorsed and re-evaluated projects, namely Llanbradach and Ystrad Mynach Park & Ride schemes	Kyte, Rhian;	Cllr. Morgan, Sean;
27/11/19 11:15	Making of a Compulsory Purchase Order - Land and buildings at Woodside	For Cabinet to authorise the making of a Compulsory purchase Order to acquire land and buildings known as 1-20 Woodside Terrace, 1 & 2 Woodside Shops and Yr Adfa at Hafod-yr-ynys Road together with ancillary rights to achieve compliance with the Air Quality Direction 2019 and the EU Ambient Air Quality Directive (2008/50/EC) in the shortest possible time.	Godfrey, Maria;	Cllr. Stenner, Eluned;
27/11/19 11:30	Cabinet Forward Work Programme	For discussion and update	Tranter, Robert J.	Cllr. Jones, Barbara;
15/01/20 10:30	Affordable Housing New Build	For Cabinet to note the progress on a number of new builds and refurbishment projects, and to seek Cabinet approval to appropriate the land at Ty Darren, Risca and the transfer of associated funds to Caerphilly Homes.	Couzens, Shaun; Williams, Mark;	Cllr. Phipps, Lisa;
15/01/20 10:30	Community Asset Transfer Policy to be finalised and approved by Cabinet	Approval by Cabinet of Community Asset Transfer Policy	Harris, Stephen R;	Cllr. Phipps, Lisa;
15/01/20 10:30	Community Sport - Regional agenda	To consider future delivery options for community sport on a regional (pan "Gwent") basis.	Lougher, Jared;	Cllr. George, Nigel;
15/01/20 10:45	Develop a Consultation and Engagement Framework to support empowerment	To approve the consultation and engagement framework	Harrhy, Christina; Peters, Kathryn;	Cllr. Jones, Barbara;
15/01/20 11:15	Corporate Volunteering	To consider our options for the establishment of a Corporate Volunteering Scheme on a Directorate or Whole Organisation basis.	Peters, Kathryn; Street, Dave;	Cllr. Cuss, Carl J.
29/01/20 10:40	(11) Commercial and Investment Strategy to be drafted and approved by Cabinet	To consider the draft Strategic Plan	Camp, Victoria; Harrhy, Christina;	Cllr. Jones, Barbara;
29/01/20 10:45	Proposed Use of Reserves	To consider proposals for the use of reserves.	Harris, Stephen R;	Cllr. Jones, Barbara;
12/02/20 10:30	Heads of the Valleys Masterplan	The report is seeking the view of members prior to its presentation to Cabinet, where Cabinet will be asked to endorse the Draft Masterplan as the basis for a public consultation exercise.	Kyte, Rhian;	Cllr. Stenner, Eluned;
12/02/20 10:30	(9) Structured programme of service reviews to be agreed	Strategic Action Plan - item to be agreed.	Harris, Stephen R;	Cllr. Jones, Barbara;
11/03/20 00:00	Caerphilly County Borough Council's Strategic Equality Plan 2020-2024	To seek approval of the Strategic Equality Plan 2020-2024 to be formally adopted as Council Policy.	Cullinane, Anwen;	Cllr. Jones, Barbara;
11/03/20 10:30	EAS Business Plan		Cole, Keri;	Cllr. Marsden, Philippa;
10/06/20 10:30	#Team Caerphilly -Transformation Strategy - 6 Monthly Update		Peters, Kathryn;	Cllr. Jones, Barbara;
27/11/19 00:00	Hafodyrynys Air Quality Direction - Compulsory Purchase Order Process	To obtain Cabinet agreement on the Compulsory Purchase process on Hafodyrynys Road.	Godfrey, Maria;	Cllr. Stenner, Eluned;

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Scrutiny Committee Forward Work Programme Prioritisation



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EDUCATION FOR LIFE SCRUTINY COMMITTEE 5TH NOVEMBER 2019

SUBJECT: YOUTH SERVICE PILOT PROJECT DELIVERY –
DEMONSTRATION OF PREFERRED YOUTH WORK MODEL

REPORT BY: CORPORATE DIRECTOR, EDUCATION AND CORPORATE
SERVICES

1. PURPOSE OF REPORT

- 1.1 To update Members regarding the Youth Service's delivery of a pilot model of youth work methodology, which began in November 2018.
- 1.2 To seek the views of Members with regard to the findings to date of this delivery.

2. SUMMARY

- 2.1 In 2018, the Youth Service, as part of its ongoing review process, had provided a preferred model of universal youth work delivery based on the adoption of a three cluster model structure, including revisions to its portfolio of youth clubs and profile of its part time youth worker employment.
- 2.2 The Youth Service subsequently began the delivery of a limited (in terms of time and area covered) pilot project in order to exemplify the advantages to young people that a more wholesale adoption of a revised youth work model would result in.
- 2.3 Starting in November 2018, the pilot project continues at present – based on positive results to date, its originally proposed period of delivery, until September 2019, has been extended until Christmas 2019 and a further extension (to gather further evidence) may be sought for up until March 31st 2020 for the same purpose. The additional cost of extending until March 31st is estimated at £15,000.
- 2.4 The pilot project is based in Crosskeys Youth Centre, the 'hub' youth facility in the Caerphilly East area.
 - The project's aims and activities are consistent with the professional direction contained within the new national Youth Strategy for Wales for young people to.....'have access to opportunities that enhance informal learning and support engagement with social, non-formal and more structured learning experiences...through these, they will build healthy relationships, avoid isolation and

loneliness, develop social and emotional capabilities, autonomy, self-control, confidence and resilience.'

3. RECOMMENDATIONS

3.1 That Members note the content of the report and comment on this.

4. REASONS FOR THE RECOMMENDATIONS

4.1 To seek members views on findings to date.

5. THE REPORT

5.1 The pilot delivery aims to increase the effectiveness and participation of youth work engagement in a specific local area through co-ordinated multi-agency work, offering one to one work, group work, outreach sessions, and drop in sessions in Crosskeys Youth Centre.

5.2 The context for this activity is the wider Youth Service proposal to transition its universal, open access and core funded work to a model that –

- i. embraces the modern needs of young people, communities and other stakeholders;
- ii. is more professional and efficient;
- iii. better safeguards young people;
- iv. is more effectively aligned with the grant maintained and other, project-based elements of the Youth Service, including its Families First work, Junior and Youth Forums, information services, EOTAS teams, NEETs framework, crime reduction activity, learning support and homelessness and wellbeing work.

5.3 In line with the wider structural considerations that would underpin service change across the county borough, two additional full time members of staff were recruited to occupy roles pivotal to the functioning of the pilot and in addition the work of existing part time staff was adapted to enhance pilot delivery.

5.4 The project functions, in line with wider Youth Service intentions, have been -

- i. to reach and support young people from wider communities in the cluster area;
- ii. to provide additional support to young people not yet in crisis that need an enhanced form of engagement (as per Youth and Junior Forum objectives);

- iii. to foster more effective forms of partnership working with schools, EOTAS, social services, community organisations, mental health/wellbeing structures, Leisure services, and the Engagement and Progression (NEETs) framework, in addition to other teams within the Youth Service, including the Youth and Junior Forums, the Targeted Youth and family Engagement (Families First) project, and crime reduction work and others previously referenced;
- iv. to model year-round delivery – the current core youth service model (youth clubs) only allows for September-May coverage and in selected locations only.

5.5 The methodology used to deliver these expanded functions has included –

- i. Outreach work in school and community locations, as well as locations in the wider area that had not traditionally received youth work support.
- ii. The creation of a form of enhanced and more personalised support for vulnerable/potentially vulnerable young people in a youth club setting – this has involved the positioning of new and existing staff accordingly (that have the appropriate skill set, not typically found in most universal youth club settings), including the transference of youth work capacity from existing youth clubs to the cluster base in Crosskeys.
- iii. One to one engagement where required, included at home, in school, and with disengaged pupils.
- iv. Residential activity.
- v. Offsite activity sessions.
- vi. Community environmental work.
- vii. Accreditation-based activities, including IT-related and Gaming-related (delivered in rotation with Risca Comprehensive School to reengage pupils).
- viii. Arts and music based education workshops.

5.6 The advantages to the **Education Directorate** have been –

- i. Daytime and evening support for EOTAS (Education Other Than At School) Community Tuition pupils. Strong links with Community Tuition teams ensure that young people are signposted to the project and home visits made as necessary. Transport is made available to facilitate one to one work, building confidence and encouraging access to more specific group sessions. This works well and the case studies provided (Appendix 1) demonstrate this. The aim is to reduce the isolation of this group of pupils which can help improve their emotional wellbeing and realise their goals, which can involve reintegration into mainstream school. Issues of academic deterioration, social isolation, poor peer relationships and lack of progression to further education are all addressed.

- ii. School disengagement prevention. This preventative element of the work is achieved via links with vulnerable learners through youth clubs and outreach work, supporting young people with a range of issues out of school hours and throughout school holiday periods. In this way, the prospective NEET/vulnerability status of pupils is being reduced. The project team liaises with pastoral and safeguarding leads in schools to share information about vulnerable young people to ensure their wellbeing is prioritised and that links are made between the day time school provision, the pilot project focused sessions and part time evening service provision more generally and other services. In the longer term, such work aims to reduce exclusion and the number of pupils requiring EOTAS.
- iii. School holiday period coverage. The pilot, unlike the current model of core youth service delivery, offers year-round delivery, providing unbroken support for those in need, including those of school age that would not otherwise receive support to reengage with formal education at the end of each school holiday period.
- iv. The project team also provides support in the context of the Engagement and Progression framework, for example for vulnerable students from Risca Comprehensive School. Pupils are identified who may benefit from accessing the project and are signposted to careers advice and support for transition to college. This work can involve joint home visits and using the centre at Crosskeys to facilitate meetings with careers advisors.

5.7 The advantages to **other stakeholders** have been –

- i. young people with emerging mental health issues have been referred to the project by the new pan-Gwent SPACE (Single Point of Access for Children's Emotional Wellbeing and Mental Health) group, easing the pressure on related services. This results in support being provided at times and at a location that would otherwise not be available;
- ii. those with potential involvement in crime and anti-social behaviour are otherwise diverted, in liaison with the Police and local Police Community Support Officers;
- iii. the pilot team works closely with Social Services colleagues in relation to some of the young people who engage on the project and the team attend relevant meetings and share information as needed. In this way, the safeguarding of young people is enhanced.

5.8 Successful Outcomes.

- i. The project has attracted attendance from young people from areas not previously reached.
- ii. Risca Comprehensive school reports increased pupil engagement/reductions in pupil disengagement.
- iii. Young people with emerging needs have been engaged that would otherwise not have received support.

- iv. Opportunities for Accreditation have been put in place that would not otherwise have been accessible.
- v. The team have had a number of enquiries from outside of the pilot area in relation to signposting young people for support and professionals have fed back that this is the preferred model of working for the wider Caerphilly Borough.
- vi. Families First, Youth Forum, Community Tuition Service, Blackwood Childcare Team, Fire Service, Caerphilly Outdoor Service, Panside Youth Club, Trinant Youth Club, Risca Youth Club, Ynysddu Youth Club, Crosskeys Youth Club, Risca Comprehensive School, Newbridge Comprehensive School, Waunfawr Primary School, Cwm Gwyddon Primary School. Panside Primary, Trinant Primary, Abercarn Primary, Crosskeys College, Abercarn RFC, Newport Boxing Club, Penyfan Horse riding centre, Risca Air Cadets.
- vii. Snapshot of delivery since end of February 2019/pilot becoming fully operational:

Youth Work Pilot delivery statistics	
Number of community tuition pupils contacted to offer wider support	21 (17 on current waiting list)
Number of community tuition pupils additionally supported	9
Number of young people receiving support in Crosskeys Cluster base's enhanced youth club sessions (1 evening per week)	15
Number of home visits	22
Number of one to one support sessions for those with identified need	216
Number of detached youth work sessions in local communities without youth clubs	6
Number of school holiday-specific sessions since February half term	19
Number of drop in after school sessions at Crosskeys Youth Centre (cluster hub) since June 2019	4 +(from September 2019)
Number of school outreach sessions (assembly, class discussions, parents' evenings, wellbeing sessions)	10 (contacting 172 young people that would not otherwise have been reached)
Number of young people with a One Page Profile	18
Number of community detached sessions in areas with existing youth clubs.	6

- 5.9 These results show that the pilot project has -
- i. delivered forms of youth work that would not otherwise have been possible in the youth service's standard, existing format of youth club provision;
 - ii. reached young people in other parts of the Caerphilly East cluster area that would not otherwise have been engaged;
 - iii. successfully introduced an enhanced form of universal support for those who are vulnerable/potentially vulnerable.
- 5.10 The delivery of the pilot project will continue until a date to be confirmed and a full evaluation is then completed and presented for consideration.

6. ASSUMPTIONS

- 6.1 No related assumptions have been felt to be necessary in relation to this report.

7. LINKS TO RELEVANT COUNCIL POLICIES

- 7.1 Youth Service Plan 2018-2021.
- 7.2 Education Service Improvement Plan 2019.
- 7.3 Statutory duties for the participation of children and young people under the children and families measure, Wales 2010.
- 7.4 CCBC Engagement and Progression framework.

8. WELL-BEING OF FUTURE GENERATIONS

- 8.1 This report contributes to the Well-being Goals as set out in Links to Strategy above. It is consistent with the five ways of working as defined within the sustainable development principle in the Act by working with children and young people (and supporting other service providers to work with children and young people) to impact positively on their short and long term needs. By positioning youth work in the manner demonstrated within the pilot project, the Youth Service is better able to respond to needs, better able to identify and understand problems as experienced by our citizens and thus better able to shape services in the future in a more effective responsive way.

9. EQUALITIES IMPLICATIONS

- 9.1 This report is for information purposes only, so the Council's full Equalities Impact Assessment process does not need to be applied.
- 9.2 The activity that has taken place has benefitted many individuals and is based on an approach that is more advantageous to those with vulnerabilities than the current model of universal youth work standardised across Caerphilly Youth Service.

10. FINANCIAL IMPLICATIONS

- 10.1 In-house and in-budget resources have enabled the delivery of much of the pilot project work, with some enhanced capability funded from external sources.
- 10.2 Additional spend linked to the pilot is estimated at £41k to the end of September 2019. This cost relates predominantly to the recruitment of 2 posts (grade 7 & grade 6). This cost has been met from within the Youth Service budget largely through opportunities linked to in year post vacancies and associated savings.

11. PERSONNEL IMPLICATIONS

- 11.1 The delivery of this pilot work has been enabled via the recruitment of 2 additional staff, one full time and one part time. Their appointment is limited until such time as the pilot work ends.

12. CONSULTATIONS

- 12.1 The pilot work has been conducted following presentation to Scrutiny in 2018.

13. STATUTORY POWER

- 13.1 'Shared Purpose: Shared Future, Statutory Guidance on the Well-Being of Future Generations (Wales) Act 2015', and in particular SPSF 3 – Annex B, which is issued in accordance with Section 17(3) of the Children and Families (Wales) Measure 2010 and applies to local authorities in respect of local well-being plans and whenever they take decisions which might affect children and young people.

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Councillor Teresa Parry, Chair Education for Life Scrutiny Committee
Councillor Carol Andrews, Vice Chair Education for Life Scrutiny Committee
Anwen Cullinane, Senior Policy Officer (Equalities and Welsh Language)
Ros Roberts, Performance Manager
Rob Tranter, Head of Legal Services and Monitoring Officer
Lynne Donovan, Head of People Services
Head of Corporate Finance, Stephen Harris

Background Papers:

Appendix 1 – Case studies



Case Studies

Caerphilly East Pilot Project February 2019

Case Study 1

M has attended the Tuesday evening sessions at Crosskeys Youth Centre since November 2018. She was referred to the team via the TYFE team who had received a JAFF referral from the Social Worker. It was felt that M did not need the more specialist intervention from the TYFE team but would benefit from the work of the pilot project, to help build her confidence and work with her around the area of healthy eating and well-being. M has attended every session, and has really grown in confidence. Initially she would want to go into a room on her own to do her homework, before building up to engage with the group or other activities. However she has now been coming into the sessions and talking to the staff and other young people about lots of different things. M has also attended the cinema trip with the group and attended the centre open day in half term. This was a major step forward as she did not know anyone else in the open day, but stayed and joined in all of the activities. It is hoped that M will have the confidence to start attending a youth club in her own area in September. M has also been able to take part in her social services meetings, and has read out her wishes and feelings in front of professionals in the meeting. Social worker, teacher and parents also report M is enjoying the sessions and that her confidence has grown as a result of attending the group. M will receive support from the team in relation to transition from year 6 to year 7 when she will start in Islwyn High School.

Case Study 2

J and M are both year 11 pupils who had both been home taught via EOTAS for a long while, as they were not in school due to medical and bullying issues which had impacted on their attendance. Both girls were being taught separately in the morning by one of the EOTAS tutors' who was also based with the young parents' tuition project at the centre in the afternoon. The Area Worker suggested that both girls could be taught together in the centre, as this would mean they were less isolated, and in addition it would be more cost effective to the Inclusion Department as both girls would be taught together. Once the girls had settled in over a period of months the Area Worker asked the girls if they would be interested in receiving some more support via our pilot project that would be starting up. Both were keen for this and this commenced in January 2019. The girls both stay for an extra hour on a Wednesday to do some life-skills sessions (cooking, budgeting, health relationships) with the support of the youth workers on the pilot team. In addition the team have linked in with the Engagement and Progression post 16 team who are working with the girls with regard to college applications for September. This has meant aside from the 10 hours tuition the girls are also getting support from the youth work teams. This is something that we will be building on going forward with other home educated young people in the pilot area, working closely with the Community Tuition Co-ordinator.

Case Study 3

S and her brother M had attended the youth club in Crosskeys on a regular basis. In March 2018 their Mum had passed away in tragic circumstances. Both continued to attend youth club, and actually came in the day after the death of their Mum to be with their friends. Both were obviously struggling with the loss of their mum, so we identified that the smaller Tuesday night group that was being set up as part of the pilot would be a place where they could come and have more one to one support with the team. Both have attended every session since November, and the staff team can see a big difference in how they both are in terms of their confidence and the ability to share their thoughts and feelings. The group has been safe place for them to come and talk while taking part in a range of activities from cooking, arts, singing and sports. Another young person who attends is in school with M and they said that prior to attending the group they had not realised they were in the same form group in school. They have now built up a positive friendship in the Tuesday group which has transferred to school as well, which is positive for their emotional well-being. Both say that they like the quieter group as it is *"calm and safe and people don't judge"*

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EDUCATION FOR LIFE SCRUTINY COMMITTEE - 5TH NOVEMBER 2019

SUBJECT: PERIOD DIGNITY UPDATE

REPORT BY: RICHARD EDMUNDS, CORPORATE DIRECTOR, EDUCATION AND CORPORATE SERVICES

1. PURPOSE OF REPORT

1.1 The purpose of this report is to identify progress against the period dignity action plan.

2. SUMMARY

2.1 This report looks at the way the period dignity working party used the £13,206 Welsh Government 2018/19 revenue grant to provide free period products to young women across the borough. Priorities identified in the Service Improvement Plan are also referenced in the report. The final section makes reference to recent Healthy Schools National Quality Award accreditations.

3. RECOMMENDATIONS

3.1 Members are requested to note the contents of the report.

4. REASONS FOR THE RECOMMENDATIONS

4.1 To ensure members are informed of the impact of the period dignity working party and priorities listed in the LA Service Improvement Plan.

5. THE REPORT

5.1 How was the £13,206 Welsh Government 2018/19 Feminine Hygiene revenue grant spent?

5.1.1 According to Full Fact (the UK's independent fact checking charity) statistics show that up to 1 in 4 girls or women are at risk of period poverty and unable to afford sanitary products.

5.1.2 The £13,206 revenue grant awarded to Caerphilly provided all secondary, primary, junior and infant schools with age appropriate red boxes of sanitary products.

5.1.3 In July 2018 the title of the working party - 'Period Poverty' was replaced by 'Period Dignity' to reduce the stigma of poverty.

- 5.1.4 Prudent use of resources ensured that EOTAS provisions, youth centres and community centres and libraries were provided with sanitary products suitable for both girls and women. Boxes were distributed at the beginning of May 2019 during the head teachers' forums.
- 5.1.5 All secondary age pupils were invited to design a Caerphilly period dignity logo and the winning entry was made into a sticker and attached to every distributed red box.
- 5.1.6 Community Regeneration sourced a Legacy grant and employed a professional film maker from Cardiff to create two short period dignity information films using pupils from Lewis Girls School and St Cenydd Comprehensive. The bi-lingual films were premiered on 20th June at Ty Penallta. The interim CEO and leader of the council attended. At the event, Cllr. Philippa Marsden made a commitment to spend the 2019/20 grant on environmentally friendly, sustainable and reusable products – the first Local Authority in Wales and the UK to do this.
- 5.1.7 The period dignity logo is being used in Caerphilly youth centres, libraries, community centres, secondary schools and some primary schools.
- 5.1.8 Community Regeneration has created a bilingual poster to display across the borough. This is already being used in youth and community centres, libraries and public places.
- 5.1.9 Lewis Girls School has produced an environmentally friendly sanitary product dispenser using recycled cardboard and Heolddu Comprehensive developed two dispenser prototypes using recycled cardboard tubes.
- 5.1.10 Ella Daish, an environmental campaigner will be supporting Y9 pupils to better understand reusable products such as moon cups and the highlight the impact of plastics in current products
- 5.1.11 Healthy Schools and Youth along with Lewis Girls School and St Cenydd Comprehensive intend to develop an educational pack for schools to accompany the period dignity information films.
- 5.1.12 Neighbouring Local Authorities and the BBC have used the Caerphilly model to demonstrate best practice and the EAS included the Healthy Schools period dignity work in their recently created Relationships and Sexuality Education Toolkit for schools.

5.2 Conclusion

The period dignity working party utilised the Welsh Government revenue grant by 31st March 2019 and provided settings with a total of 134 boxes of sanitary products. The full £13,206 was spent on products. In addition, the group developed a Caerphilly period dignity logo and two short information films to address the issues of poverty and dignity.

5.3 Good practice judgements made by Work2Health linked to Welsh Network of Healthy Schools National Quality Award (NQA).

Ystrad Mynach Primary School (2nd & 3rd July 2019)

“The school has been part of the period dignity project, so that girls can access sanitary products freely and easily (and girls can go and use the staff toilets).”

Llancaeach Junior School (4th & 5th July 2019)

“Period Dignity Boxes are available to pupils in the staff room and girls are made aware of this provision.”

6. ASSUMPTIONS

- 6.1 No related assumptions been made in relation to this report.

7. LINKS TO RELEVANT COUNCIL POLICIES

- 7.1 Corporate Council Plan 2018 - 2023: Well-being Objective 1 – Improve Education for all; Well Being Objective 5 ‘Creating a county borough that supports a healthy lifestyle in accordance with the Sustainable Development Principle within the Wellbeing of Future Generations (Wales) Act 2015’.
- 7.2 Education Service Improvement Plan 2019. The Service Improvement Plan includes an operational action plan related to period dignity (see Appendix 1)
- 7.3 LA Self Evaluation 2019. Monitoring and evaluation of the period dignity initiative forms part of the self-evaluation process. In 2018/19, a more evaluative report was submitted to SMT for review.
- 7.4 Shared Ambitions – Education Strategy. The period dignity initiative supports one of the main aims of the Shared Ambition document, notable to, ‘support schools and the families of learners to meet the needs of pupils, particularly those most vulnerable,’

8. WELL-BEING OF FUTURE GENERATIONS

- 8.1 This report identifies the Local Authority’s long term commitment to a more equal Wales by ensuring they fulfil their potential no matter what their background or circumstances (including their socio economic background and circumstances).
- 8.2 Strategies identified within the plan are aimed at prevention – preventing young people from falling into trends related to unhealthy lifestyles. The Healthy Schools programme aims to instil key health messages and appropriate decision making skills in relation to health and well-being.
- 8.3 Integration is fundamental to the period dignity working party, ensuring that all stakeholders are consulted and included in decision making.
- 8.4 Collaboration with schools, communities, youth workers, libraries and PHW colleagues will ensure all of our priority wellbeing objectives are met.
- 8.5 The decision making processes, throughout, included young people, head teachers, pastoral leaders, representatives from PHW, Youth, Communities and Communities.

9. EQUALITIES IMPLICATIONS

- 9.1 This report is for information purposes only, so the Council’s full Equalities Impact Assessment process does not need to be applied.

10. FINANCIAL IMPLICATIONS

- 10.1 Whilst there are no additional financial implications with respect to this report, there has been a significant input of staff time to progress the period dignity agenda across Caerphilly County Borough. This has been in addition to existing responsibilities of those involved.

11. PERSONNEL IMPLICATIONS

- 11.1 There are no personnel implications with respect to this report.

12. CONSULTATIONS

- 12.1 There are no consultations in the report.

13. STATUTORY POWER

- 13.1 'Shared Purpose: Shared Future, Statutory Guidance on the Well-Being of Future Generations (Wales) Act 2015', and in particular SPSF 3 – Annex B, which is issued in accordance with Section 17(3) of the Children and Families (Wales) Measure 2010 and applies to local authorities in respect of local well-being plans and whenever they take decisions which might affect children and young people.

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Anwen Cullinane, Senior Policy Officer (Equalities & Welsh Language)
Debbie Hartevelde, Education Achievement Service
Ros Roberts, Performance Management
Rob Tranter, Legal Services
Steve Harris, Interim Head of Business Improvement Services

Appendix 1 The Service Improvement Plan includes an operational action plan related to period dignity

Target 3	Provide support for vulnerable pupils through effective implementation of the 'Period Dignity' Initiative
Lead Officer:	Paul Warren
Link to self evaluation outcomes	<ul style="list-style-type: none"> Continue to develop methods for evaluating the impact education services have on wellbeing and attitudes to learning. Modify existing strategies based on findings.
Link to SIP Priorities	Inclusion - Improve provision and outcomes for vulnerable groups.
Link to Corporate Wellbeing Objectives	More effectively track progress of vulnerable groups and monitor impact of interventions on outcomes.

Improvement Actions	Success Criteria	Time scale	Person responsible	Finance
Rename the working party 'Period Dignity' to reduce the stigma of poverty.	Reduce the stigma around period poverty	Spring 2019	Cllr P Marsden, Sue Evans	None
Create a film using Y9 pupils from St Cenydd and Lewis Girls School highlighting the embarrassment around menstruation.	Film for use across Caerphilly highlighting period poverty agenda but also addressing the wider issue of embarrassment around menstruation	Spring 2019	Lauren Hughes	Funded by Legacy Grant
CBCC procurement and finance departments work collaboratively to source appropriate sanitary products to the value of £13,206.	Entire WG grant spent on sanitary products	Spring 2019	Sue Evans, Mike Lewis, Helen Sellwood	None
EAS/Healthy Schools RSE working party to improve current guidance around menstruation in line with the new draft curriculum and RSE recommendations.	Menstruation highlighted in new curriculum guidance for schools	Summer 2019	EAS, Healthy Schools, Sue Evans	£50,000
Welsh Bacalaureate pupils in St Cenydd and Lewis Girls School sort sanitary products into boxes ready for distribution across CCBC.	Products ready for distribution at Head teachers' Conference in April	Summer 2019	Sue Evans, Nikki Gethfield	None
Secondary age pupils participate in a competition to create a period dignity logo for use across CCBC.	Competition winner chosen by 31/03/19 and period dignity logo distributed electronically to all settings in receipt of a box of sanitary product	Spring 2019	Cllr P Marsden, Sue Evans, Stephen Pugh	£50

Improvement Actions	Success Criteria	Time scale	Person responsible	Finance
WG period poverty grant spent by 31/03/19.	Entire grant spent and LA in receipt of goods by 31/03/19	Spring 2019	Sue Evans, Mike Lewis, Helen Sellwood	None
Create a teaching resource to support the period dignity film for both boys and girls. Consider appropriate action for sharing of teaching resource via training events, pastoral leader meetings etc.	90% good or excellent evaluation of teaching resource by pastoral leaders.	Summer 2020	Sue Evans, Nikkie Gethfield, St Cenydd	None

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EDUCATION FOR LIFE SCRUTINY COMMITTEE - 5TH NOVEMBER 2019

**SUBJECT: REGIONAL SCHOOLS CAUSING CONCERN PROTOCOL
AND RISK REGISTER**

**REPORT BY: KERI COLE, CHIEF EDUCATION OFFICER
EDWARD PRYCE, ASSISTANT DIRECTOR – POLICY AND
STRATEGY, EDUCATION ACHIEVEMENT SERVICE (EAS)**

1. PURPOSE OF REPORT

- 1.1 To provide information for Members on the revised South East Wales Consortia (SEWC) Regional Schools Causing Concern Protocol and supporting Risk Register Process.
- 1.2 To provide an update for Members on Caerphilly Schools currently on the Risk Register since January 2019.

2. SUMMARY

- 2.1 The SEWC Schools Causing Concern Protocol and additional Schools Causing Concern – Operation Appendix for meetings (Appendix 1) form a part of and are aligned with the National Model for School Improvement. This report provides both a summary of these processes for meetings in schools and the supporting Schools Causing Concern risk register. It also provides further information on the Caerphilly schools included on the register.

3. RECOMMENDATIONS

- 3.1 For Members to receive the report for information and take the opportunity to comment.

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 It is important that Members are updated on the rate of progress of schools which cause concern.

5. THE REPORT

BACKGROUND

- 5.1 The Schools Causing Concern – Operation Appendix for meetings (Appendix 1) forms a part of and is aligned with the National Model for School Improvement. It describes the processes related to the informal support and challenge provided by the Local Authority (LA) to a school, prior to any issuing of a warning notice or invocation of formal powers of intervention based on the six grounds for intervention. It also aligns with the Welsh Government (WG) Guidance on Schools Causing Concern (March 2016) (Appendix 2). The School Standards and Organisation (Wales) Act 2013 consolidated, clarified and reformed the law in relation to intervention in schools causing concern.
- 5.2 Over the past three years local authority Directors in partnership with the Education Achievement Service (EAS) have operated a regional approach to the implementation of the statutory processes surrounding Schools Causing Concern.
- 5.3 The previous protocol was last updated in July 2017, to include a process for establishing and maintaining a Risk Register of Schools Causing Concern. The Register is used regularly to review the actions taken by local authorities, the EAS and religious authority (as appropriate) for each school identified at risk, to ensure that appropriate support and challenge has been provided to secure the necessary pace of improvement and to improve regional consistency, particularly in the use of statutory powers. Schools listed on the register are agreed by local authority Directors of Education and the EAS Managing Director. The Headteacher and Governing Body are notified in writing if their school is placed on the Schools Causing Concern Register. This notification letter notes the reasons why the school is included and explains the process of determining the support that both the local authority and the EAS will provide. This information will already be included on the school's support or intervention plan.
- 5.4 The register considers a range of criteria to identify schools at risk including:
- Pace of progress against current school support or intervention plan;
 - National categorisation outcomes (3-year period);
 - Current Estyn category (e.g. statutory category / remaining in a category for a longer than anticipated period of time);
 - Pupil outcomes (Benchmarks over a 3-year period) for relevant age phase including a comparison to Welsh Government modelled estimates at KS4;
 - Information provided through the target setting and progress towards targets process;
 - Attendance (Benchmarks over a 3-year period);
 - Exclusions; and
 - Any other LA specific concerns linked to: Finance, Safeguarding, Human Resources, Additional Learning Needs.

- 5.5 As part of this process, where a local authority in partnership with the EAS has concerns in relation to the quality of teaching, learning and standards achieved by pupils and/ or the leadership and management of a school, prompt action will be taken to support. Such concerns will be based on an appropriate range of available quantitative and qualitative evidence available including analysis of performance data, scrutiny of learners' work and progress, learning walks and evaluations of leadership and management. Where this is the case, a full review of the leadership and management of a school may be considered. The timetable for the review and subsequent school activity will be completed in full consultation with the school.
- 5.6 The register is reviewed on at least a termly basis by senior officers within the local authorities and the EAS to ensure that levels of support and challenge are consistent. Progress of schools is also discussed at the meetings with all Cabinet Members for Education on a termly basis. Following these meetings schools will be notified if there are any changes to their inclusion on the register or any updates regarding support. The process for School Based 'Schools Causing Concern Meetings continues and this is an opportunity to have open discussions about progress and support.
- 5.7 This work recognises that the progress made by schools cannot be attributed solely to the work of the regional consortium, as other partners in the system also play an important role. The role of school leaders and governing bodies in holding these leaders to account are a key factor in securing school improvement.
- 5.8 The improvements that are required at regional and LA level will continue to require a strong commitment to partnership working to be successful; with each LA making full use of their statutory powers, as appropriate, and wider support services such as HR to ensure that all schools make improvements at the required pace.
- 5.9 School leaders in schools across the region requiring the most improvement will need to fully engage with the improvements that need to be made and, alongside governing bodies, will need to drive forward this change at pace. The EAS will offer support and challenge through this process but will not be able to effect change on a whole region level without the commitment from each tier within the system.
- 5.10 For September 2019 a revised regional Schools Causing Concern Operational Appendix was agreed and shared with governing bodies and headteachers. This document explains the rationale for holding schools causing concern meetings with individual schools.
- 5.11 A Schools Causing Concern meeting can be requested by the local authority when a school is considered to be a 'school which causes concern' or is at risk of 'becoming a school which causes concern'. A School Causing Concern meeting will be arranged when a school:
- Is placed in a red or amber category;
 - Has received a local authority warning notice;
 - Is placed in an Estyn statutory category of requiring Significant Improvement or Special Measures;

- Evidences that enhanced support and challenge is required linked to grounds 1-6 of the Schools Standards and Organisation (Wales) Act 2013 for Schools Causing Concern.

Meetings may be arranged when a school;

- Is placed in a yellow or green category but its capacity to improve is not secure and / or the pace of improvement is too slow.
- Is in an Estyn review category.
- Is identified as a risk in relation to a review or audit, which has been conducted by the LA or EAS. This may include for example; Finance, Health & Safety and Safeguarding Audits or Leadership and ALN Reviews.
- Demonstrates evidences that enhanced support and challenge is required linked to grounds 1-6 of the Schools Standards and Organisation (Wales) Act 2013.
-

5.12 Within the Welsh Government guidance on Schools Causing Concern, the six grounds for intervention are:

Ground 1	The standards of performance of pupils at the school are unacceptably low.
Ground 2	There has been a breakdown in the way the school is managed or governed.
Ground 3	The behaviour of pupils at the school or any action taken by those pupils or their parents is severely prejudicing, or is likely to severely prejudice, the education of any pupils at the school.
Ground 4	The safety of pupils or staff at the school is threatened (whether by a breakdown of discipline or otherwise).
Ground 5	The governing body or head teacher has failed, or is likely to fail, to comply with a duty under the Education Acts.
Ground 6	The governing body or head teacher has acted, or is proposing to act unreasonably in the exercise of any of its, his, or her functions under the Education Acts.

Caerphilly Schools on the Risk Register (3 October 2019)

5.13 The last meeting of LA senior officers and the EAS took place on 3 October 2019. All Caerphilly schools on the register are listed, along with their: phase; whether there is a current live LA Warning Notice; National Categorisation over 3 years; and current Estyn follow-up status (where available)

School name	On the Register Previous Year (Sept 2018)	Commentary
Bedwas High School	Y	The Headteacher took up post in January 2019 and the Warning Notice was lifted. The school was removed from Special Measures in March 2019.
Heolddu Comprehensive	Y	The new Headteacher took up post in April 2019. The school is currently in Estyn Review and it will be re-assessed this term.
Islwyn High	Y	The school is currently in Estyn Review and will be re-assessed this term.
Lewis School Pengam	Y	The school is currently in Estyn Review and will be re-assessed this term. A Warning Notice was issued in January 2019 which was removed in October 2019, as the school had exceeded all targets set.
Ysgol Gyfun Cwm Rhymni	Y	The school was issued with a Warning Notice in January 2019 and placed in Significant Improvement in February 2019. It will be revisited by Estyn next year to assess progress. The Warning Notice was lifted in September 2019 as the school had exceeded all targets sets.
Bryn Awel Primary	Y	The school is currently in collaboration with Fochriw Primary School in regard to shared headship.
Llanfabon Infants	Y	The Warning Notice was lifted in January 2019 and the school was subsequently removed from Significant Improvement in April 2019.
Idris Davis 3-18	Y	The school remains on the Risk Register.

The following schools have been removed from the Risk Register

- St Cenydd School
- Lewis Girls' Comprehensive
- Panside Primary School
- St James Primary
- Upper Rhymney Primary
- The Learning Centre (PRU)

5.14 The next meeting of the Schools Causing Concern – Risk Register group is 12 December 2019. This meeting will be used to review progress against agreed LA and EAS Actions to support these schools and to agree future required actions. Schools will be added and removed from the risk register as appropriate.

6. **ASSUMPTIONS**

6.1 There are no specific assumptions.

7. **LINKS TO RELEVANT COUNCIL POLICIES**

7.1 The recommended course of action contributes to the following Well-being Goals within the Well-being of Future Generations Act (Wales) 2016:

- A prosperous Wales
- A resilient Wales
- A more equal Wales
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

8. **WELL-BEING OF FUTURE GENERATIONS**

8.1 This report content contributes to the Well being Goals in terms of securing improvement. This report does not analyse the 5 ways of working in terms of decision making but it does recognise that going forward support is put in place to improve school performance for the well-being of future generations.

9. **EQUALITIES IMPLICATIONS**

9.1 The EAS have their own Equalities and Welsh Language plans in place. CCBC has therefore not undertaken any specific impact assessment on this regionally agreed protocol.

10. **FINANCIAL IMPLICATIONS**

10.1 There are no specific financial implications for maintaining the Schools Causing Concern Risk Register.

11. PERSONNEL IMPLICATIONS

11.1 There are no personnel implications.

12. CONSULTATIONS

12.1 There are no consultations that have not been included in the report

13. STATUTORY POWER

13.1 Schools Standards and Organisation (Wales) Act 2013 for Schools Causing Concern.
Local Government Acts 1972 and 2000
Children's Act 2004
Standards and Framework Act 1998

Author: Edward Pryce, EAS Service Strategic and Policy Lead

Consultees: Christina Harray, Interim Chief Executive
Keri Cole, Chief Education Officer
Richard Edmunds, Corporate Director of Education and Corporate Services
Dave Street, Corporate Director, Social Services
Mark S. Williams, Corporate Director Communities
Councillor Philippa Marsden, Cabinet Member, Education and Achievement
Councillor Teresa Parry, Chair of Education Scrutiny Committee
Councillor Carol Andrews, Vice Chair of Education Scrutiny Committee
Steve Harris, Interim Head of Business Improvement and Acting Section 151 Officer
Lynne Donovan, Head of People Services
Anwen Cullinane, Senior Policy Officer (Equalities and Welsh Language)
Rob Tranter, Head of Legal Service and Monitoring Officer
Ros Roberts, Performance Manager
Directorate Senior Management Team

Background Papers:

Appendices:

Appendix 1 Schools Causing Concern – Operational Appendix for Meetings (September 2019)
Appendix 2 WG Statutory Guidance – Schools Causing Concern (September 2017) (222/2017)

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Schools Causing Concern Meetings:

A Schools Causing Concern meeting can be requested by the local authority when a school is considered to be a 'school which causes concern' or is at risk of 'becoming a school which causes concern'. A School Causing Concern meeting will be arranged when a school:

- Is placed in a red or amber category;
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Meetings may be arranged when a school;

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- Is in an Estyn review category.
- Is identified as a risk in relation to a review or audit, which has been conducted by the LA or EAS. This may include for example; Finance, Health & Safety and Safeguarding Audits or Leadership and ALN Reviews.
- Demonstrates evidences that enhanced support and challenge is required linked to grounds 1-6 of the Schools Standards and Organisation (Wales) Act 2013.

Within the Welsh Government guidance on Schools Causing Concern, the six grounds for intervention are:

Ground 1	The standards of performance of pupils at the school are unacceptably low.
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Ground 4	The safety of pupils or staff at the school is threatened (whether by a breakdown of discipline or otherwise).
Ground 5	The governing body or head teacher has failed, or is likely to fail, to comply with a duty under the Education Acts.
Ground 6	The governing body or head teacher has acted, or is proposing to act unreasonably in the exercise of any of its, his, or her functions under the Education Acts.

Terms of Reference

Membership of a Schools Causing Concern Meeting

A Schools Causing Concern meeting is a collaborative meeting between a school, the local authority and the EAS. Key individuals are essential to the meeting. Essential members are listed below:

Director of Education / Chief Education Officer (or representative of)
Head of School Standards (LA)
Head Teacher
Chair of Governing Body or Vice Chair (in exceptional circumstances)
EAS Representative

The following members will attend at the request of the Executive Member / Cabinet Member for Education, Chief Education Officer or Managing Director of the EAS:

Executive / Cabinet Member for Education
Managing Director / Director / Assistant Director EAS

On occasions, additional school, LA or EAS staff will be required to attend. Additional members may include:

Additional Senior Leaders or Heads of Department from schools
Additional EAS Representatives
Additional Senior Leaders, HR, Finance or Health and Safety Offices from the local authority.

Aims of a Schools Causing Concern Meeting

School Causing Concern meetings form part of a wider drive by SEWC LAs and EAS to improve educational outcomes for all children and young people. The local authority and EAS roles will be principally:

- To review and evaluate pace and progress in relation to identified School Development Plan priorities.
- To challenge the Headteacher and Governing Body on the rates of progress in their school.
- To recommend and monitor actions aimed at accelerating improvement.
- To consider the extent to which the school has been successful in achieving required improvement. This will determine future actions by the LA and EAS. This may encompass:

Schools Causing Concern Progress Judgements:

1. The school has made strong progress / very good progress and will not be required to attend Schools Causing Concern meetings. The support level of the school will be reduced.
2. The school has made satisfactory/ strong progress but will need to continue to attend Schools Causing Concern meetings for a further period of time to enable the improvements to become consistent and embedded.
3. The school has made satisfactory / strong progress but still requires additional support and the SDP / PIAP requires revision and updating.
4. The school demonstrates limited progress which lacks pace. It is advised that the local authority determine appropriate next steps of action agreed with the agreed Schools Causing Concern policy.

Process

- The local authority will determine the venue for meetings. Generally, meetings will be held in local authority offices unless there is a specific reason for holding the meeting at the school.
- The Director of Education or Cabinet Member / Executive Member for Education will chair the meeting.
- The local authority will facilitate the meetings. The local authority or EAS will take minutes of the meeting.
- The agenda will be agreed at least 2 weeks in advance of the meeting. The local authority should ensure that further notice is given whenever possible, enabling the school to fully prepare for the meeting. Ideally, the next agenda should be discussed at the end of a Schools Causing Concern meeting. This discussion will include details of specific areas the local authority and EAS wish to focus upon and those persons required to attend.
- Schools will be requested to present evidence to demonstrate progress linked to their School Development Plan / PIAP. Therefore, all reports presented at Schools Causing Concern meetings must practically align to the school's self-evaluation and improvement planning processes. Local authorities reserve the right to request first hand evidence linked to specific reports. This may include pupil data, pupil books, minutes of departmental meetings, SLT meetings and reports to Governing Bodies. (This list is not intended to be exhaustive).
- Schools will prepare and submit progress reports or updates of their School Development Plan to the local authority 5 working days prior to the meetings. All documents to be distributed to all attendees at least 3 working days in advance of the meeting.
- School may use the meetings to discuss brokered support, their on-going challenges / barriers to improvement and any additional support requirements.
- The school will be expected to discuss its progress, obstacles to improvement, and any further planned actions.
- The LA and EAS will provide a view on a range of aspects relating to the school's key successes and barriers. These aspects may include the school's level of engagement, its pace and progress, its capacity to improve and required future support from the LA and EAS.
- Where a school is requested to attend a Schools Causing Concern meeting, the local authority may choose to discuss and focus on a range of issues, which can contribute to successful school performance and pupil outcomes. This should include a focus on pupil exclusions, attendance, wellbeing, vulnerable group data, performance management arrangement, parent engagement etc. (This list is not intended to be exhaustive).
- Confidential items will not be recorded within minutes. The nature of confidential discussion will be agreed between the school, local authority and the EAS. The local authority reserves the right to see either the Headteacher or Chair of Governors individually by request.
- The LA will provide a view of the schools' improvement and its need for further support using Schools Causing Progress Judgements 1-4 (indicated on page 3).
- Local authority and EAS staff will participate in a pre-briefing and debriefing session before and after a Schools Causing Concern meeting.

Schedule /Timings of Meetings

For schools requiring the highest levels of support, monthly meetings will be established. All Schools Causing Concern will be requested to attend a meeting every half term.

It is expected that a School Causing Concern meeting will last no longer than 1.5 hours.

The local authority will aim to agree and issue meeting dates at least 6 weeks in advance. The local authority will invite EAS representatives, the Head Teacher and Chair of Governors. The

Head Teacher will invite any additional staff or Senior Leaders whose attendance has been requested.

The local authority and EAS will establish which organisation will record and circulate minutes of meetings. All minutes should be circulated to the school, LA and EAS within 10 working days.

Agenda

The standing agenda for all Schools Causing Concern meetings is:

1. Welcome and apologies.
2. Specific actions or matters arising from the previous meeting.
3. Head teacher led discussion based around the school's progress against the School Development Plan priorities (agreed prior to the meeting), including any reports verifying evidence of progress. Other Senior Leaders or Heads of Department may lead specific / appropriate reports by request.
4. School led discussion linked to the progress of all learners, including vulnerable groups.
5. EAS overview of support provided and commentary of progress made by the school.
6. Conclusions / next steps.
7. A.O.B / Future agenda items.
8. Confidential matters to be discussed in the presence of the local authority, EAS, the Head and/ or the Chair of Governors.
9. Meeting close.

A 15-minute LA and EAS pre-brief / debrief will take place before and after each meeting. The school will not be invited to participate.

Improvement Conferences:

It is recognised that a Schools Causing Concern meeting is time limited which can restrict the length of the agenda. On occasions an extended meeting will be required to consider:

- The pace of progress linked to School Development Plan priorities and the identified support required.
- Why a school is not improving and has become 'stuck'.
- The level and range of support a school has received and its impact.
- The use of local authority statutory powers.

An improvement Conference will act as an extended and focussed meeting. This could be considered as an escalation of concern. The meeting will be scheduled over at least half a day and will be chaired and by either:

- The Executive/ Cabinet Member for Education
- The Chief Education Officer
- A Chief Education Officer from within the region but not from within the LA
- The Managing Director / Director of the EAS

At this stage the local authority will determine the agenda in conjunction with the school with at least 3 weeks' notice. Minutes will be kept as a record of the meeting and shared with all in attendance.

Persons Present:
 Apologies:
 Date of meeting:

Actions completed since last Schools Causing Concern Meeting (School / LA / EAS)

-

Main issues arising from Meeting

-

Schools Causing Progress Judgements 1-4:

Actions for the school (to include timescales);

Actions		Timescales
1.		
2.		

Actions for the LA (to include timescales);

Actions		Timescales
1.		
2.		

Actions for the EAS (to include timescales);

Actions		Timescales
1.		
2.		

Next Meeting: (Date)

Next Agenda Items: (Draft)



Schools causing concern

Statutory guidance for schools and local authorities

Guidance

Guidance document no: 222/2017
Date of issue: September 2017
Replaces guidance document no: 202/2016

Schools causing concern

Audience	Chief executives and directors of education in county and county borough councils in Wales; diocesan authorities; headteachers and governing bodies of maintained schools in Wales; teacher associations and other national and local bodies concerned with education in Wales.
Overview	This statutory guidance provides information on the legislative requirements for intervening in schools causing concern. All those using this guidance, particularly local authorities, should also be familiar with the actual wording of the legislation to which this guidance relates, particularly the Schools Standards and Organisation (Wales) Act 2013.
Action required	Local authorities must have regard to this guidance when considering intervening in schools causing concern in their area.
Further information	Enquiries about this document should be directed to: Education, Business Planning and Governance The Education Directorate Welsh Government Government Buildings Cathays Park Cardiff CF10 3 NQ e-mail: Education-BusinessPlanningGovernance@gov.wales
Additional copies	This document can be accessed from the Welsh Government's website at gov.wales
Related documents	School Standards and Organisation (Wales) Act 2013 Education Acts 1996, 2002, 2005 Learning and Skills Act 2000 Education and Inspections Act 2006 The Education (School Inspection) (Wales) Regulations 2006 The Inspection of Education and Training (Wales) Regulations 2001 The Maintained Schools (Partnership Agreements) (Wales) Regulations 2007 The School Governance (Transition from an Interim Executive Board) (Wales) Regulations 2012

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

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1. Introduction

- 1.1 The School Standards and Organisation (Wales) Act 2013 ('the Act') consolidates, clarifies and reforms the law in relation to intervention in schools causing concern.
- 1.2 The provisions in the Act and this accompanying statutory guidance provide a single point of reference for local authorities when they are considering using their powers to intervene in schools causing concern. They aim to ensure that local authorities are clear about their powers of intervention and those of Welsh Ministers and that they use their powers proactively and effectively to bring about the rapid improvement of underperforming schools. These provisions form part of the Cabinet Secretary for Education concerted programme of action to raise school standards in Wales.
- 1.3 The reforms respond to concerns that in local authorities some schools consistently underperform for a variety of reasons including the fact that authorities did not use the full range of their powers to improve schools quickly enough.
- 1.4 The guidance sets out clearly the procedures to be followed by local authorities in ensuring that schools causing concern make the necessary changes as early as possible.
- 1.5 This is statutory guidance issued under Section 20 of the Act. Local authorities must have regard to this guidance when considering using their powers of intervention to intervene in a school causing concern.

2. Summary of guidance

- 2.1 This guidance is issued by the Cabinet Secretary for Education, being one of the Welsh Ministers. The Welsh Ministers are part of the Welsh Government.
- 2.2 This circular replaces Welsh Government Circular 202/2016. It does not constitute an authoritative interpretation of the relevant provisions of the legislation – that is a matter for the Courts.
- 2.3 Section 20 of the 2013 Act places a duty on all local authorities in Wales to have regard to any guidance given by the Welsh Ministers in exercising their functions in respect of intervention in schools causing concern as set out in Part 2 of the 2013 Act.
- 2.4 This is guidance for local authorities when they are considering intervening in schools causing concern in their area. It also sets out the approach the Welsh Ministers may take in exercising their own intervention and consent functions. All those using this guidance, particularly local authorities need to be familiar with the actual wording of the legislation to which this guidance relates as this guidance is not meant to be a substitute for legislation.
- 2.5 A school will be ‘eligible for intervention’ where:
 - one or more of the grounds 1-6 exist, a warning notice has been issued to the governing body, but it has not complied with that notice to the authority’s satisfaction;
 - the school has been deemed by Estyn to require significant improvement or special measures (no warning notice is required), or
 - one or more of the grounds 1-6 for intervention exist and there is a related risk to the health or safety of any person that calls for urgent intervention (no warning notice is required).

3. Roles and responsibilities

- 3.1 All those involved in the provision of education in Wales have a common interest in raising standards of achievement and improving the quality of education in schools so as to avoid schools requiring significant improvement or special measures. Historically, the number of schools in Wales identified as causing concern following inspection by Estyn has been relatively small. However, all parties are committed to reducing the number and to securing ongoing improvements in standards. To achieve this, senior management teams in schools and governing bodies need to ensure that there are robust and rigorous processes for self-evaluation and a commitment to the development and implementation of improvement planning. All schools should have effective improvement/development plans. School development plans have been a statutory requirement for all schools in Wales since September 2015 and should form part of these documents.
- 3.2 Schools have the central role in driving improvements in the quality of learning and the standards achieved by young people. In addition to having a central role in delivering education they have a responsibility for their own improvement through school self evaluation, performance management and target setting, and for making the best use of the challenge and support available to them. In particular it is important that prompt and effective action is taken to both build on strengths and identify and address poor performance.
- 3.3 Local authorities have statutory responsibility for monitoring and intervening where there are concerns about school standards. However, in line with the national model for regional working¹, regional education consortia (which are a partnership of constituent local authorities) will deliver or broker school improvement strategies on behalf of those authorities. Regional consortia should monitor schools' progress systematically, identify at an early stage schools where there may be difficulties and act quickly to prevent these from escalating by providing effective targeted support to improve any shortcomings. -Providing effective support and challenge therefore plays a key role in addressing low performance, raising standards and improving the quality of education. It is important that regional consortia and local authorities, working in partnership with schools put in place effective mechanisms for performance monitoring. Such mechanisms have a key role in providing early identification of issues that need to be addressed.
- 3.4 A key mechanism in this process will be the judgements reached through the National School Categorisation System which uses a three stage process to assign each primary and secondary school in Wales with an overall support category on an annual basis. This three step process uses available data at step one, then considers the quality of teaching and learning and the quality of leadership and management of a school, taking into account the school' s

¹ The National model for regional working outlines the Welsh Government's vision of regional school improvement consortia.

context and performance to reach a judgment on the overall level of support required.

- 3.5 The four regional education consortia and their respective challenge advisors, have a key role in providing support and challenge to schools and local authorities, identifying and disseminating good practice.
- 3.6 Local authorities will work in partnership with religious authorities² where the school has a religious character, as they are charged with working with and supporting governing bodies and school management teams in securing ongoing improvements in standards.
- 3.7 Consortia challenge advisors should make intelligent and realistic use of the data available to them. This means considering the raw data but taking into account the context and particular circumstances at the school to understand a school's needs and take a proactive role in early action to support school improvement and inform the local authority accordingly. Identifying and solving issues early will be less detrimental to pupils' outcomes and more cost-effective than allowing a school to fall into deep rooted failure.
- 3.8 The religious and voluntary bodies work in close partnership with local authorities and regional consortia in providing and supporting schools. The appropriate religious bodies are able to exercise a powerful influence over the schools they provide. They should be kept fully informed of any concerns as soon as they are identified so that they can be fully involved in their resolution. Working in close partnership in this way is more likely to bring about rapid and sustainable school improvement. Particular attention should be given by local authorities, regional consortia and religious authorities to support and where necessary take action in schools where performance is unacceptably low or where other issues are having an adverse impact on the operation of the school. Whilst all parties should be working together to monitor, support, challenge and take appropriate action to enable a school to improve, it is important to remember that the statutory role for intervention rests with the local authority.
- 3.9 Both local authorities and Welsh Ministers have powers to intervene where a school is causing concern. Local authorities are already responsible for managing school improvement. Through regional consortia services, local authorities provide support, monitor, challenge and take action with the schools in their area. The Welsh Ministers acknowledge therefore that ordinarily local authorities are best placed to consider intervention for schools in their area. Therefore, if intervention is required the local authority will be expected to take that action in the first instance. Welsh Ministers will only intervene where the local authority has failed to do so or done so inadequately.

² In this circular all references to Religious Authorities are references to the appropriate diocesan authority which appoints foundation governors to religious voluntary aided schools. For the definition of appropriate diocesan authority please see section 98 of the 2013 Act.

- 3.10 Where a local authority/ regional consortium has concerns in relation to the quality of teaching, learning and standards achieved by pupils and/ or the leadership and management of a school, prompt action should be taken to support the school. Such concerns should be based on an appropriate range of available quantitative and qualitative evidence available including analysis of performance data, direct observation of the quality of teaching, evaluations of leadership and management and information from the respective challenge advisor.
- 3.11 In such circumstances the local authority acting with its regional consortium should, in discussion with the school's governing body and senior management team, take prompt and early action to identify areas for improvement and agree appropriate action and support. A local authority could issue a pre-warning notice or letter of concern to a school as a means to highlight and document concerns that need to be addressed. . For schools with a designated religious character the appropriate religious authority should be kept informed of any concerns in relation to such schools and should work in partnership with the local authority, regional consortium and the school to ensure their early resolution. If matters are not resolved within a measurable period (to be determined by the local authority) the local authority should also consider whether it is appropriate to serve the governing body with a warning notice as provided under Section 3 of the 2013 Act.

4. Schools causing concern

- 4.1 A local authority has the power to intervene in a maintained school where:
- one or more of the grounds 1-6 exist, a warning notice has been issued to the governing body but it has not complied with that notice to the authority's satisfaction;
 - the school has been deemed by Estyn to require significant improvement or special measures (no warning notice is required), or
 - one or more of the grounds 1-6 for intervention exist and there is a related risk to the health or safety of any person that calls for urgent intervention (no warning notice is required).
- 4.2 Where schools are eligible for intervention local authorities may exercise their powers to: require the governing body to secure advice or collaborate; appoint additional governors; suspend the delegated authority for the school's budget; appoint an IEB, give directions to the governing body or headteacher; or take any other steps.
- 4.3 Where schools are eligible for intervention the Welsh Ministers have the power to: require the governing body to secure advice or collaborate; appoint additional governors; appoint an IEB; direct the federation of the school; give directions or take any other steps.
- 4.4 Where HMCI is of the opinion that a school requires special measures the Welsh Ministers may direct the local authority to close the school.

Warning notices

Establishing the grounds for a warning notice

- 4.5 Under section 3 of the 2013 Act. A warning notice may be given to the governing body of a maintained school in any one of the following circumstances:
- Ground 1: The standards of performance of pupils at the school are unacceptably low.
- Ground 2: There has been a breakdown in the way the school is managed or governed.
- Ground 3: The behaviour of pupils at the school or any action taken by those pupils or their parents is severely prejudicing, or is likely to severely prejudice, the education of any pupils at the school.
- Ground 4: The safety of pupils or staff at the school is threatened (whether by a breakdown of discipline or otherwise).
- Ground 5: The governing body or head teacher has failed, or is likely to fail, to comply with a duty under the Education Acts.

Ground 6: The governing body or head teacher has acted, or is proposing to act unreasonably in the exercise of any of its or his or her functions under the Education Acts.

4.6 The definition of what constitutes low standards of performance in Ground 1 is where they are low by reference to one or more of the following:

- The standards that the pupils might in all the circumstances reasonably be expected to attain;
- Where relevant, the standards previously attained by the same cohort;
- The standards attained by pupils at comparable schools.

4.7 Local authorities should draw on a suitable range of quantitative and qualitative information to form a complete picture of the school's performance and take the advice of the regional consortia before deciding to issue a warning notice. This should include as a minimum the All Wales Core Data Sets, but should extend to the full range of relevant quantitative and qualitative evidence available.

Evidence of unacceptably low standards and levels of progress – ground 1

4.8 Quantitative evidence of 'unacceptably low standards' may take one of the following forms; usually a combination of several of these indicators will apply:

- The school's All Wales Core Data Set indicates that pupil progress is persistently and/ or well below expectations;
- There is specific evidence, from close examination of contextual data or other sources that there are groups of pupils performing below expectations;
- Benchmarked ³ data shows that the school is underperforming.

4.9 Qualitative evidence to confirm concerns about the school's standards indicated by the quantitative data may be available from sources such as Estyn reports, consortia/challenge advisor intelligence and reviews including their school categorisation judgments, feedback from parents, and analyses of pupils' work.

³ Benchmarking compares the performance of one school against others who have similar levels of pupils with free school meals (FSM). FSM is regarded as the main indicator of social deprivation in schools. This allows a comparison of the performance of a school against others who are in the same FSM category, and who might therefore have a similar intake of pupils from deprived backgrounds. For the purposes of these charts, schools have been grouped together with other schools that have similar levels of free school meals.

- 4.10 Information from a single academic year is unlikely to be sufficient to justify a warning notice, unless the problems it indicates are severe, or they appear in conjunction with weaknesses in leadership and management. Other than in exceptional cases, local authorities should look at more than one year of data to establish whether standards are improving, declining or fluctuating.

Evidence of a breakdown in the way the school is managed or governed – ground 2

- 4.11 "Breakdown" implies problems such as the persistent underperformance by the management of the school, or a failure in key relationships including where a relationship lacks challenge and has become ineffective. Key sources of information to justify a warning notice under this criterion are the school's self-evaluation, target setting, value for money, capacity to improve and Estyn reports.
- 4.12 In addition, some data trends may indicate a breakdown in management and governance. Such data should be treated with caution, as they may also arise for reasons other than poor school leadership.
- 4.13 Data trends which might in some circumstances prompt local authorities to investigate a school's management and governance further include:
- Declining school popularity, possibly revealed through the school roll falling more rapidly than might reasonably be expected from demographic changes;
 - High or increasing absence or truancy rates;
 - High rates of staff turnover, numbers of staff grievances, or capability and disciplinary proceedings;
 - Feedback from parents, or significant or increasing numbers of parental complaints; and,
 - Evidence of a dysfunctional governing body including non-compliance with the school governance framework.

Evidence of a breakdown of discipline – ground 3

- 4.14 A warning notice would be justified under this criterion where the safety of pupils or staff of the school is threatened due to a breakdown of discipline or otherwise. "Breakdown" implies problems inhibiting/ preventing the school from functioning in an orderly way. This may be the result of a number of issues including;
- staff being unable to maintain discipline and as a consequence large numbers of pupils are truanting;
 - pupils are being violent to other pupils and/or staff at the school; or
 - parental behaviour is causing a problem on the school grounds, resulting in the safety or welfare of pupils or staff being put at risk. It is accepted

that such behaviour may occur in all schools from time to time, however, it is the degree to which such behaviour is occurring which is important. It must be to such an extent that it is affecting the orderly running of the school. Exclusion data may be a useful indicator of such a breakdown.

- 4.15 Schools have the main responsibility for maintaining discipline. Local authorities have for some years had a reserve power to take whatever steps they think necessary including giving directions to the governing body or head teacher to prevent or put right a breakdown of discipline. The local authority should be prepared to use this power if they have reasonable grounds for believing that the school is unable or unwilling to take effective action within a reasonable timescale to address the problems at the school.

Evidence that the safety of pupils or staff at the school is threatened – ground 4

- 4.16 In certain circumstances, evidence for ground 4 is similar to that of ground 3. However, a separate example could be where the school site or buildings are not physically safe, and therefore pupils and staff are exposed to increased risks of accidents occurring which is a danger to their health and safety. Appropriate policies need to be in place to ensure that both staff and pupils are not at risk whilst on school premises.

Evidence of the governing body/ headteacher failing to comply with their duties - ground 5

- 4.17 Examples of failing to comply with this ground include:
- the governing body does not have appropriate policies and statutory plans in place;
 - the governing body/ headteacher is failing to comply with education legislation;
 - A failure to address underperforming teachers; and
 - A failure to co-operate or work constructively with the school improvement consortia, in line with national model for regional working.

Evidence of the governing body/ headteacher acting unreasonably in the exercise of any of its functions - ground 6

- 4.18 An example of this ground would be that the school does have a staff disciplinary policy but the governing body/ headteacher are acting unreasonably as they have disregarded or are failing to comply with the policy and they have not provided any notice or an inadequate amount of notice for the disciplinary hearing to take place. Another example could include a governing body / headteacher disregarding legal advice that has been

provided by the local authority, and is failing to deliver the required number of school sessions.

- 4.19 In line with the national model for regional working, local authorities and regional consortia should engage schools effectively through a professional dialogue and work in partnership. In the case of schools with a religious character, discussion should be undertaken with the appropriate religious body where necessary to address the issues causing the local authority concern. It is the job of governors, school leaders, teachers and other staff to set high expectations of pupils, constantly seek to improve the quality of teaching and learning, raise standards, share good practice and learn from one another through genuine partnerships and school-to-school support arrangements.
- 4.20 Where a school is refusing to engage constructively and at pace with the challenge and support commissioned or provided by the regional consortia, the local authority should consider issuing a warning notice in order to bring the necessary support to bear before the issues of concern result in school failure if at least one of the grounds for intervention are satisfied.
- 4.21 Headteachers and teachers should be mindful that failure to engage with the local authority and their consortium, to improve the school's performance, could be considered to be an act of misconduct.
- 4.22 However, a warning notice may still be issued to a school which is cooperating with the consortia and the local authority as outlined above in circumstances where the local authority believes that despite this cooperation a warning notice remains an appropriate course of action. For example, where support has been provided and the school has cooperated but performance is still not improving.

Giving a warning notice

- 4.23 A warning notice must be given in writing to the governing body of the school and must set out:
- The grounds for intervention.
 - The reasons why the authority is satisfied that the grounds exist. This should set out in some detail the matters on which the concerns are based and explain the facts in relation to the circumstances which are giving cause for concern.
 - The action which the governing body is required to take in order to deal with the grounds for intervention.
 - The period in which the action is to be taken by the governing body (this is 'the compliance period').
 - The action the local authority is minded to take (under one or more of sections 5 to 9 of the 2013 Act or otherwise) if the governing body does

not take the required action. (The local authority is not limited to taking the action it said it was minded to in the warning notice) should it decide to proceed with an intervention.

- 4.24 In addition to giving the governing body the warning notice, the local authority must also give a copy to the head teacher and in the case of a foundation or voluntary aided or voluntary controlled school the person who appoints the foundation governors and the appropriate religious authority (in the case of a school with a religious character).

All warning notices must be copied to the Welsh Government at the same time using the following e-mail address:

Education-BusinessPlanningGovernance@gov.wales

This is a requirement under section 3 of the School Standards and Organisation (Wales) Act 2013

- 4.25 The warning notice must set out the action which the local authority "requires" the governing body to take. The local authority and consortia will continue to support the school to take action. The governing body does not have discretion to decide whether or not to comply; it must comply. If it fails to, the local authority is likely to have grounds (although this will depend on the circumstances of each case) for proceeding to use its statutory powers or the local authority could put a complaint to the Welsh Ministers under Ground 6 asserting that the governing body is acting unreasonably in failing to comply, and seek a direction from the Welsh Ministers to the governing body under section 17 of the 2013 Act.
- 4.26 Where a warning notice has been given which has not been complied with to the satisfaction of the local authority within the compliance period, the school is eligible for intervention. If urgent intervention is required, this could be as little as one working day after the end of the compliance period. The local authority is not limited to taking the action it said it was minded to take in a warning notice.
- 4.27 Annex 4 contains a template which can be utilised when issuing a warning notice.

Inappropriate issue of warning notices

- 4.28 The governing body may make a complaint to Welsh Ministers if they feel that the local authority has issued a warning notice inappropriately. The complaint should be made in writing and include evidence to support the claim. Welsh Ministers may also approach the local authority concerned to ask if it wishes to present any information in relation to the matter. This enables the Welsh Ministers to make a direction, under sections 27 or 28 of the 2013 Act if expedient to do so, where all evidence has been considered and they are

satisfied that a local authority has acted, or is proposing to act unreasonably with respect to an education function, or where the local authority has failed to discharge a duty under the Education Acts (see grounds 1 to 3 of section 21 of the 2013 Act).

- 4.29 Following consideration of the evidence provided, if Welsh Ministers conclude that a warning notice has not been issued inappropriately, the complaint will not be upheld and Welsh Ministers will write to the school and local authority accordingly.
- 4.30 If following consideration Welsh Ministers conclude that the warning notice has been issued inappropriately, Welsh Ministers will write to the local authority and direct the withdrawal of the warning notice and write to the school advising of the decision.

Schools eligible for intervention because they have been judged as requiring significant improvement or special measures

- 4.31 If, following an inspection by Estyn a school is identified as causing concern it will be placed in one of the following categories as defined by Section 44 of the Education Act 2005.

Significant improvement – A school requires significant improvement if it is performing significantly less well than it might in all the circumstances reasonably be expected to perform and does not fall into the more serious category of special measures.

Special measures – Special measures are required to be taken in relation to a school if the school 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.

- 4.32 If the school has already been given a warning notice by a local authority and it is subsequently found to be in need of special measures or significant improvement following an Estyn inspection, the judgement means the school is eligible for intervention whether or not the period of compliance in the warning notice has expired or the governing body has made/ or intends to make representations to Welsh Ministers.

Removal of a Warning Notice where a school has complied

- 4.33 If a local authority is satisfied that the grounds for intervention have been dealt with or that using its powers of intervention would not be appropriate for any other reason it must notify the governing body of its conclusion in writing. Where the local authority issues such a notice it should send a copy at the same time to the head teacher, and in the case of a foundation school, voluntary aided or voluntary controlled school, the person who appoints the

foundation governors and the appropriate religious body if the school has a religious character. Welsh Ministers should also be notified using the following e-mail address: Education-BusinessPlanningGovernance@gov.wales This is a requirement under section 4 of the School Standards and Organisation (Wales) Act 2013.

4.34 A school remains eligible for intervention by a local authority until one of the following events takes place –

- the authority gives notice that it is satisfied that the grounds for intervention have been dealt with or that using its powers of intervention would not be appropriate for any other reason.
- the Welsh Ministers determine that the power to intervene is no longer in effect and give notice in writing to the local authority and the governing body of their determination;
- the Welsh Ministers issue a warning notice to the governing body.

5. Powers and types of intervention – local authorities

- 5.1 Where a school is 'eligible for intervention' there are a number of powers the local authority or Welsh Ministers may utilise. These interventions are set out in sections 5 to 9 and 12 to 18 of the 2013 Act. Local authorities must give reasonable notice (the timing of the notice will be dependent on the particular issue that is to be addressed) in writing to the governing body that they propose to exercise their powers under any one or more of sections 5 to 9.
- 5.2 Should a local authority decide that sufficient evidence exists to warrant the formal use of its powers of intervention, the Welsh Ministers should be notified of the type of intervention that the authority has put in place.

Local authority powers

Requirement to secure advice or collaborate

- 5.3 Section 5 enables a local authority to direct the governing body to enter into a contract or other arrangement to secure advice and/or collaborate where a school is eligible for intervention.
- 5.4 Collaboration is not a panacea, but it can be a powerful means to drive up school improvement. Collaborative arrangements should therefore be used wherever appropriate as part of packages of support for schools causing concern.

Purpose of the intervention: To require a school which is a cause for concern to secure advice or collaborate in order to secure improvements.

Best used: Where the school or key figures within it refuse to collaborate with an appropriate partner.

Additional requirements before using power:

- Local authority must consult the governing body of the school and if the school is a foundation or voluntary aided or voluntary controlled school, the appropriate religious body (if applicable) and the person or body who appoints the foundation governors.
- Local authority must find a willing school, college or other organisation, or individual to advise or act as a partner.
- In choosing a suitable partner, local authorities would be expected to take into account the charitable/religious character of a voluntary or foundation school.

- 5.5 Collaborative working can offer schools causing concern access to new perspectives, support and expertise. As a result, some schools are turned around more rapidly than expected, with sustained capacity for future improvements, after working alongside a partner institution.

The appointment of additional governors

- 5.6 Section 6 enables a local authority to appoint additional governors where a school is eligible for intervention. The local authority may appoint as many additional governors as they think fit.
- 5.7 Section 6(3) of the Act allows the local authority to **nominate** one of those additional governors to be the chair of a governing body **in place** of the person who has been elected as chair by the governors, and section 6(6) allows the local authority to determine the period of time that governor, if elected, should remain in post.
- 5.8 As the purpose of this Act is to give local authorities the power to intervene and support underperforming schools, the Act is clear in its intention that one of the additional governors nominated by the local authority to be the chair should replace the existing chair. It would be appropriate for a local authority to take this course of action where they consider that the governing body requires stronger leadership and direction than is being provided by the current chair, if the school is to improve its performance.
- 5.9 Therefore whilst the power to appoint the chair ultimately rests with the governing body, in accordance with school governance regulations, a governing body should carefully consider the reasons why this has happened and which person is best suited to lead the governing body to improve pupil attainment and deliver better outcomes for pupils.

Purpose of the intervention: To strengthen the local authority's voice on the governing body and/ or provide additional expertise to the governors in key areas to support a school's improvement. The power to nominate a chair from amongst the additional governors would help to ensure that a person with the most appropriate leadership skills was in post to deal with the issues and circumstances of the school and lead the governing body in driving forward improvements.

Best used: Where the governing body needs additional expertise, or the head teacher and senior management team need further challenge and support. In the case of nominating a chair, it is when the governing body requires the appropriate leadership from an experienced chair.

Additional requirements before using this power:

In the case of a voluntary aided school the local authority must consult the appropriate religious body (if applicable) and the person or body who appoints the foundation governors.

Whilst there is no longer a power for a voluntary aided school to appoint foundation governors for the purpose of outnumbering the other governors appointed by the local authority, it is good practice for the authority to provide the governing body and appointing body with information about the appointees before the appointment is confirmed. This will give them an opportunity to raise any concerns about the appointment of a particular individual, or about the terms of their appointment.

All school governors, including those appointed by the local authority must have regard to the religious ethos of the school.

The suspension of delegated authority for the governing body to manage a school's budget

- 5.10 Section 8 of the 2013 Act enables a local authority to suspend the governing body's right to a delegated budget, by giving the governing body of the school notice in writing. This applies where a maintained school is eligible for intervention and the school has a delegated budget within the meaning of Part 2 of the School Standards and Framework Act 1998.
- 5.11 A copy of the notice to suspend the right to a delegated budget must be given to the governing body of the school and copied to the head teacher.
- 5.12 The local authority may suspend a governing body's right to a delegated budget in order to secure control of staffing and other spending decisions. This allows the local authority to remove poorly-performing teachers or headteachers if necessary, or to take control of budget deficits. It also allows governors to focus their time and attention on other priorities for improvement. If the local authority has appointed an IEB, it cannot suspend the school's right to a delegated budget. If the local authority removed the right to a delegated budget before appointing an IEB, it must reinstate the delegated budget when the IEB comes into effect.

Purpose of intervention: To secure control over staffing and spending decisions in order to secure improvement.

Best used: Where the governing body is providing insufficient challenge to the head teacher or senior management team of the school, or where management of the budget is providing a distraction from the improvement priorities for governors.

Additional requirements before using the power: A copy of the notice to suspend the right to a delegated budget must be given to the governing body of the school and copied to the head teacher.

The appointment of an Interim Executive Board (IEB)

5.13 Section 7 of the 2013 Act enables the local authority to apply to the Welsh Ministers for consent to constitute the governing body as an IEB in accordance with Schedule 1 to the 2013 Act. An IEB is a specially constituted governing body which replaces a school's existing governing body. For a Foundation or Voluntary School the Governing Body (corporate) is the charity. This power allows it to be reconstituted, but the IEB will be charity trustees in law and accountable accordingly. A local authority must obtain the consent of Welsh Ministers before it appoints an IEB. An IEB can be used to provide challenge to the leadership of the school to secure rapid improvement or where there has been a serious breakdown in the working relationships within the governing body of the school.

Purpose of intervention: To secure a step-change in the leadership and management of a school through the use of a specially-appointed governing body for a temporary period.

Best used: Where the governing body is providing insufficient challenge to the head teacher or senior management team of the school, is providing an obstacle to progress, or where there has been a breakdown in working relationships that is having an impact on standards.

Additional requirements before using power:

- The local authority must consult the governing body, and – in the case of a foundation or voluntary school – the appropriate religious body or other appointing authority.
- The local authority must obtain Welsh Ministers' consent for the establishment of an IEB.

5.14 When considering appointing an IEB, the local authority must determine that the existing governing body is unable to provide the necessary leadership to turn around the school as quickly as possible. Clear evidence should be presented to the governing body as to why this conclusion has been reached. The governing body may not agree with the local authority's judgement, which is why the power may only be used with the consent of Welsh Ministers.

Consultation

5.15 Before exercising this intervention the local authority must consult the governing body, and in the case of a school with a religious character, the appropriate religious body or other appointing authority.

A consultation must;

- be undertaken when proposals are at a formative stage and include sufficient detail to allow those affected to give a considered response;
- include the powers under which the action is being proposed, and include specific issues that are causing concern, i.e. details of how the governing body is failing to deliver its function effectively, and reasons why appointing an IEB is the most appropriate form of intervention regarding the matter;
- allow a minimum of 14 days⁴ for parties to respond. When deciding on the appropriate length of time to consult the local authority should take into account Bank holidays and school holidays.

5.16 In determining whether to consent to the local authority's application to replace the governing body with an IEB the Minister must be satisfied on two counts:

- (i) That the local authority has complied with its statutory duties in the 2013 Act in respect of the issue of a warning notice and undertaken a fair consultation with those affected;
- (ii) That replacing the school's governing body with an IEB is appropriate and justified when taking into account all the relevant facts and circumstances.

5.17 The Minister looks to Estyn to provide advice on all matters within its remit and is likely to seek advice on all applications to appoint an IEB.

5.18 IEB applications should be made using the form at annex 2 and should follow the guidance for completion of the form. An appropriately completed form will better enable the Welsh Ministers to make a timely determination, therefore it is important for the local authority to clearly set out the support and advice it has provided to the school before reaching the decision to apply for an IEB and be explicit in its reasons why an IEB is the only option to address the

⁴ Unless otherwise stated, all references to days or working days in this Circular mean a day which is not a Saturday, Sunday or Bank Holiday or part of a school holiday.

issues at the school. If consent in writing from the Welsh Minister is obtained, the local authority must write to the governing body to give them notice that the IEB will be established (a “notice of establishment”). This notice should specify a date when the IEB will commence and will usually give a date when the provision will be reviewed or cease.

Delegated budget

- 5.19 An IEB has a right to a delegated budget. If the school’s budget has previously been withdrawn from the governing body, then the local authority must restore the budget from the date when the IEB commences its work. If a notice has been given to the normally constituted governing body specifying a date when it is proposed to withdraw the right to a delegated budget, the notice will cease to be valid from the date of commencement of the IEB.

The role and duties of the IEB

- 5.20 An IEB should be a temporary measure and its main functions are to secure a sound basis for future improvement in the school and to promote high standards of educational achievement.
- 5.21 The IEB should be considered as the governing body of the school and any reference in the Education Acts to a governor or foundation governor has effect as a reference to an interim executive board member. Paragraph 13(1) of Schedule 1 to the School Standards and Organisation (Wales) Act 2013 provides that regulations made under section 19(2) and (3) of the Education Act 2002 do not apply in relation to IEBs. However, paragraph 13(2) of Schedule 1 to the School Standards and Organisation (Wales) Act 2013 does allow the Welsh Ministers to apply regulations made under those 2002 Act powers to IEBs except for regulations which make provision about the governing body constitution. Further paragraph 13(3) of Schedule 1 to the 2013 Act states that the Instrument of Government of the school does not have effect in relation to the IEB insofar as it relates to the constitution of the governing body. In other respects the Instrument of Government does have effect.
- 5.22 The IEB will take on the responsibilities of a normally constituted governing body, including the management of the budget, the curriculum, staffing, pay and performance management and the appointment of the headteacher and deputy headteacher. An IEB may recommend to a local authority, or recommend that the Welsh Ministers should give a direction to the local authority, that a school should be closed. However, the IEB cannot itself publish proposals for closure. If, following the statutory consultation and other procedures, it is agreed that the school will be closed the IEB should continue to hold office until the implementation date of the proposal.

- 5.23 In addition, the members of an IEB appointed for a school with a religious character will take on the powers and responsibilities of charity trustees of that charity. The Charity Commission for England and Wales publishes information on the responsibilities of charity trustees on its website www.charitycommission.gov.uk. This applies to schools with charitable status - foundation, voluntary or foundation special school. (as defined under Section 23 of the School Standards and Framework Act 1998)
- 5.24 The governing bodies of schools with a religious character are exempt charities; they do not register with the Commission; the Welsh Ministers are their principal (i.e. charity regulator). See Charities and charity trustees – an introduction for school governors. [Setting up and running a charity: Trustee role and board - GOV.UK https://www.gov.uk/topic/running-charity/trustee-role-board](https://www.gov.uk/topic/running-charity/trustee-role-board)

Membership of the IEB

- 5.25 As set out in Schedule 1 to the 2013 Act, the number of interim executive members must not be less than two; once the IEB has been established, further members can be appointed at any time. An IEB should be a small, focused group appointed for the full period which it is expected to take to turn the school around. Members of an IEB should be chosen on a case by case basis, depending on the needs of the school. Existing governors may be appointed to the IEB.
- 5.26 Interim executive board members may be removed in limited circumstances. This can be for incapacity or misbehaviour or where their written notice of appointment provides for termination by the appropriate authority on notice. The appropriate authority may be the local authority or Welsh Ministers depending on who made the appointment.
- 5.27 The local authority should produce a written notice of appointment for each member of the IEB. Copies of this notice should be sent to all other members of the IEB; the schools existing governing body; the Welsh Ministers; and, in the case of a school with a religious character, the appropriate religious authority or other appointing authority. A local authority or the Welsh Ministers may choose to pay interim executive members such remuneration and allowances as is considered appropriate.
- 5.28 All charity trustees can reclaim out of pocket expenses, but most are unpaid. Where there is a power to pay trustees (as in this case under the Schools Standards and Organisation (Wales) Act 2013), it must be exercised only in the interests of the charity. The level of payment must be justified in the interests of the charity (although in this case the local authority rather than the charity would be paying). The trustees must also manage their conflict of interest. This will mean:
- Trustees (governors or members of an IEB) must absent themselves from any decision affecting their payment;

- Usually, only a minority of trustees may be paid; there must always be enough unconflicted trustees to be able to make a valid decision.

5.29 For further guidance see: [Payments to charity trustees: what the rules are - Detailed guidance - GOV.UK](https://www.gov.uk/guidance/payments-to-charity-trustees-what-the-rules-are). <https://www.gov.uk/guidance/payments-to-charity-trustees-what-the-rules-are>

Transition from an IEB to a normally constituted governing body

5.30 The transition from an IEB to a normally constituted governing body needs to be carefully managed. Schedule 1 to the 2013 Act, provides that arrangements for the transition may be prescribed by the Welsh Ministers in regulations.

5.31 Under the 'School Governance (Transition from an Interim Executive Board)(Wales) Regulations 2012, a local authority must make arrangements to establish a shadow governing body (SGB) at least 6 months before the IEB ceases. This enables the “shadow” governing body to work alongside the IEB before assuming the full powers of a governing body. The SGB will be constituted in the same way as a schools governing body. The IEB may delegate functions to the SGB during this transition period. When the IEB steps down, the SGB is treated as if it were the normally constituted governing body of the school.

5.32 If the date when the IEB will cease was not given in the notice of establishment, the local authority must send a second notice to the shadow governing body specifying the date when the IEB will be discontinued. This notice should be copied to all members of the IEB, the Welsh Ministers and in the case of schools with a religious character the appropriate religious authority.

Associated resources

5.33 Questions and Answers in respect of IEBs can be found in Annex 1.

5.34 Interim Executive Board application form and guidance notes are located in Annex 2.

Power to give directions and take steps

5.35 Section 9 enables a local authority to give directions to the governing body or head teacher or take any other steps where a school is eligible for intervention. The Direction must be in writing and may be varied or revoked by a future direction.

Purpose of the intervention: To allow local authorities to intervene in a proportionate and suitable way by directing a governing body to take certain action, or desist from taking certain action, without recourse to more extensive forms of intervention.

Best used: Where the governing body has failed to exercise its functions or is exercising them unreasonably.

Additional requirements before using power: None

Timeframe for the exercise of powers of intervention

5.36 See paragraph 5.33 and 5.34

6. Welsh Ministers' powers and types of intervention

- 6.1 The Welsh Ministers are also able to exercise powers of intervention. However, the local authority is expected to intervene initially. Local authorities are expected to make decisive and effective use of their own intervention powers (see Chapter 2). Welsh Ministers will only use their powers where the local authority has failed to do so, or done so inadequately.
- 6.2 Schools are eligible for intervention by Welsh Ministers where:
- the school has failed to comply with a warning notice from the local authority to the Welsh Ministers satisfaction within the compliance period and they are satisfied that the local authority has not taken, and is not likely to take adequate action to deal with the grounds for intervention;
 - the school has failed to comply with a warning notice from the Welsh Ministers within the compliance period;
 - the Welsh Ministers are satisfied that one or more of the grounds for intervention 1-6 exist and there is a related risk to the health or safety of any person that calls for urgent intervention (no warning notice required);
 - the school requires significant improvement (no warning notice required);
 - the school requires special measures (no warning notice required).

Warning notice

- 6.3 The 2013 Act introduces a warning notice procedure for Welsh Ministers' intervention where none previously existed. Welsh Ministers may give a warning notice to the governing body of a maintained school where one or more of the grounds for intervention 1-6 exist and the local authority has either not given a warning notice to the governing body of the school or has given a warning notice but in terms which the Welsh Ministers consider to be inadequate.
- 6.4 If Welsh Ministers issue a warning notice to a school any intervention action taken by the local authority (including a warning notice issued by the local authority) ends.
- 6.5 Welsh Ministers would take into account the whole range of qualitative and quantitative evidence available, including prior action taken by the local authority when forming a view (and whether to intervene) as to the most appropriate means of action to take. In practice, Welsh Government officials would consult with local authorities regarding schools that are causing concern which are eligible for intervention by Welsh Ministers to find out what, if any, action the local authority has put in place to offer early support to the school.
- 6.6 If Welsh Ministers issue a warning notice, in addition to giving the governing body the warning notice, Welsh Ministers must also give a copy to the

headteacher, the local authority, and in the case of a foundation or voluntary aided or voluntary controlled school, the person who appoints the foundation governors and the appropriate religious authority (in the case of a school with a religious character).

Timeframe for the exercise of powers of intervention

- 6.7 Where the school is eligible for intervention as a result of being given a warning notice, there is a flexible window based on the Welsh Ministers keeping the situation under review and requiring them to be satisfied that the issues have been dealt with or that the use of their powers would not be appropriate for any other reason before closing the window.
- 6.8 The Welsh Ministers' power to intervene in the school remains until they give notice to the governing body and the local authority in writing that the grounds for intervention have been dealt with or that use of their powers of intervention would not be appropriate for any other reason. A copy of this notice must be given to the headteacher and in the case of a school with a religious character the appropriate religious body.

Welsh Ministers' powers

Requirement to require a governing body to secure advice or collaborate

- 6.9 Section 12 of the 2013 Act allows Welsh Ministers to direct the governing body to enter into a contract or other arrangement with a specified person (who may be the governing body of another school) for the provision to the governing body of specified services of an advisory nature or require them to collaborate.

Additional requirement:

Before the Welsh Ministers can exercise this intervention power they must consult the governing body, and in the case of a school with a religious character – the appropriate religious authority (if applicable) and the body that appoints foundation governors.

In choosing a suitable partner Welsh Ministers would be expected to take into account the charitable/religious character of a voluntary aided, voluntary controlled or foundation school.

The appointment of additional governors

- 6.10 Section 13 of the 2013 Act allows the Welsh Ministers to appoint additional governors at any time a maintained school is eligible for intervention; the Welsh Ministers may appoint any such number of additional governors as they see fit.
- 6.11 Section 13(3) of the Act allows Welsh Ministers to nominate one of those governors appointed to be the chair of a governing body in place of the person who has been elected as chair, and section 13(5) allows Welsh Ministers to determine the period of time that this governor, if elected, should remain in post as chair. However, as with the election of the chair of a governing body in other circumstances, Welsh Ministers can only nominate, and it is for the governing body to then elect the chair from those nominated for the post (which may include nominations from other members of the governing body).

Requirement before using this power

Before the Welsh Ministers can exercise this intervention power in the case of voluntary aided school they must consult the appropriate religious authority (if applicable) and the body that appoints foundation governors.

All school governors of a foundation or voluntary school including those appointed by the Welsh Ministers, are also charity trustees in law. They must comply with their legal responsibilities as charity trustees and the governing document of the charity. They have an overriding duty to act in the interests of the charity, not to represent or act on the direction of the Welsh Ministers.

- 6.12 The Welsh Ministers may pay any governor appointed such remuneration and allowances as is considered appropriate. All charity trustees can reclaim out of pocket expenses, but most are unpaid. Where there is a power to pay trustees (as in this case under the School Standards and Organisation (Wales) Act 2013), it must be exercised only in the interests of the charity, although the Act is clear that the Welsh Government and not the charity would be paying). The trustees must also manage their conflict of interest. This will mean:
- Trustees (governors or members of an IEB) must absent themselves from any decision affecting their payment;
 - Usually, only a minority of trustees may be paid; there must always be enough unconflicted trustees to be able to make a valid decision.

For further guidance see: Trustee Expenses and Payments
<http://www.charitycomission.gov.uk/Publications/cc11.aspx>

and Conflicts of interest

http://www.charitycommission.gov.uk?Charity_requirements_guidance/Charitygovernance/Good_governance/conflicts_default.aspx.

6.13 The legislation provides that a voluntary aided school is not authorised to appoint foundation governors for the purpose of outnumbering the other governors appointed by the Welsh Ministers.

The appointment of an Interim Executive Board

6.14 Under Section 14 of the 2013 Act the Welsh Ministers may require the governing body of a school to be constituted as an IEB in accordance with Schedule 1 to the Act where the school is eligible for intervention. The Welsh Ministers will normally only use this power if the local authority is unable or unwilling to make such arrangements itself, and the action is judged to be necessary to secure rapid improvement of the school.

Additional requirements before using this power

Before the Welsh Ministers can exercise this intervention power they must consult the local authority, the governing body, and – in the case of a foundation or voluntary school – the appropriate religious body (if applicable) and the person or body who appoints the foundation governors.

This requirement to consult does not apply if the local authority has already done so in connection with a proposal of its own to appoint interim executive members.

The same rules of charity law apply to members of an IEB constituted for a Foundation or Voluntary Aided or Voluntary Controlled School as to individual governors appointed for such a school.

Directing the federation of schools

6.15 Under Section 15 of the 2013 Act the Welsh Ministers may direct a local authority; a governing body of a maintained school or a governing body of a federation to provide for the federation of the school causing concern with another maintained school(s) or with an existing federation. In addition the Welsh Ministers may direct that a school which is causing concern and which is part of a federation leave that federation. Effective federations can drive

school improvement, enabling schools to share resources, best practice, facilities and expertise.

Additional requirements before using this power

Before the Welsh Ministers can exercise this intervention power they must consult the local authority, the governing bodies concerned and – in the case of foundation or voluntary schools – the appropriate religious body or other appointing authority.

In the case of Foundation or Voluntary schools the Welsh Ministers would be expected to take account of charity law requirements when exercising this function.

Direct the closure of a school

- 6.16 Section 16 enables the Welsh Ministers to direct a local authority to cease to maintain a school where that school is eligible for intervention by virtue of it requiring special measures. This will usually be done where there is no prospect of the school making sufficient improvement in an acceptable timeframe and based on a range of evidence.

Additional requirement before using this power

Before the Welsh Ministers can exercise this intervention power they must consult the local authority, the governing body, in the case of foundation or voluntary school – the person who appoints the foundation governors or appropriate religious body (if applicable) and any other persons the Welsh Ministers consider appropriate.

- 6.17 On giving a direction to discontinue the school, the Welsh Ministers must also give notice in writing of the direction to the governing body of the school and its headteacher.
- 6.18 If the direction to close a school has been given, the local authority will be expected to meet any costs of terminating staff contracts and make appropriate arrangements for the pupils' continuing education, whether in a replacement school, or through transition to an alternative school.

General Power to give directions and take steps

- 6.19 Section 17 enables the Welsh Ministers to give directions to the governing body or the headteacher or take any other steps to deal with the grounds for intervention. It is best used where the governing body or headteacher has failed to exercise its functions or is exercising them unreasonably.
- 6.20 All Directions under this chapter must be in writing and may be varied or revoked by a future direction.

7. Schools requiring special measures or significant improvement

7.1 The procedures and timescales in this Chapter apply to inspection of all maintained schools. For a school sixth form see also Chapter 5.

When does a school require special measures or significant improvement?

7.2 If, following an inspection under Section 28 of the Education Act 2005 or an area inspection under Section 83 of the Learning and Skills Act 2000, a Reporting Inspector considers a school to be causing concern a judgement will be given that the school requires 'special measures' or 'significant improvement'.

7.3 Schools requiring special measures or significant improvement can also be identified through any inspection or monitoring visit carried out by Estyn under Section 24 of the Education Act 2005.

7.4 Estyn's handbooks 'Guidance on the Inspection of Primary Schools', 'Guidance on the Inspection of Secondary Schools;' 'Guidance on the inspection of Special Schools' and 'Guidance for the inspection of pupil referral units' set out the criteria used by inspectors in reaching a judgement that a school requires special measures or significant improvement. They can be viewed on Estyn's website through the attached link www.estyn.gov.uk.

What happens when it is judged that a school requires special measures or significant improvement?

7.5 As part of oral feedback at the end of the inspection the Reporting Inspector will inform the head teacher that in view of serious deficiencies identified as a result of the inspection it is proposed that the school requires special measures or significant improvement. This meeting may include a representative from the school's governing body or the appropriate authority for the school. The governing body must invite the local authority and where appropriate, the diocese to be present at all or part of the feedback meeting. The local authority may however wish to be represented by a regional consortia representative.

Timescales for preparation of inspection report and action plans

7.6 The Reporting Inspector has 35 working days from the date on which the Section 28 school inspection was completed to produce the final inspection report and summary. The inspection report and summary will be subject to Estyn's quality assurance and moderation processes. Estyn will provide the school with a draft of the inspection report to help check the factual content.

The school has 5 working days to consider the report and provide comments on factual accuracy.

- 7.7 The inspection report will be submitted to Her Majesty's Chief Inspector (HMCI) who will decide whether to support the inspection team's view on the need for special measures or significant improvement.

What happens if HMCI disagrees with the findings of a Reporting Inspector?

- 7.8 The school only requires special measures or significant improvement if HMCI agrees with the Reporting Inspector's judgement. If HMCI disagrees with the findings then HMCI's judgement takes precedence. HMCI may form the view that a school judged by the Reporting Inspector as requiring special measures is a cause for concern but decide to place the school in the lesser category of requiring significant improvement. The HMCI may also place the school in a more severe category if a school is initially identified as requiring significant improvement but needs special measures.

What happens when HMCI agrees that a school requires special measures or significant improvement?

- 7.9 If a school requires special measures or significant improvement, in accordance with Section 37 of the Education Act 2005, HMCI has a duty to notify the Welsh Ministers and the local authority without delay. All inspection reports are published electronically on Estyn's website and can be accessed through the attached link <http://www.estyn.gov.uk>.

Action required by the school once found to require special measures or significant improvement

Action plan

- 7.10 The governing body is required to prepare a written statement of the action it proposes to take in the light of the key issues identified in the inspection report. The written statement is usually known as the Post Inspection Action Plan and should also set out the period within which each action identified will be addressed. The local authority, and consortia should work closely with the head teacher and governing body of the school and where applicable, the appropriate religious authority to provide support in drawing up the action plan. It is expected that work on the action plan should begin as soon as the school receives early warning of it being identified as a cause for concern by the Reporting Inspector or HMI at the end of the inspection.

- 7.11 Currently the Action Plan must be completed within **20** working days from the date the governing body received the final inspection report. However, Welsh Ministers may specify a shorter timescale if they are of the opinion that the urgency of the case requires a shorter period. In these cases, Estyn should write to Welsh Ministers immediately following a school's inspection with evidence to suggest that a school's action plan should be completed within a shorter period of time. Welsh Ministers will consider the evidence presented and write to Estyn, the school, the local authority and diocesan authority if required to advise of their decision.
- 7.12 Schools should aim to make a draft of the Action Plan available to Estyn for comment at least 10 working days before the statutory deadline. This allows time for Estyn to write to the school with any suggested improvements to the Plan. However, the governing body must submit the Action Plan to Estyn by the statutory deadline.

What if the school does not have a delegated budget?

- 7.13 Where the school does not have a delegated budget the local authority is responsible for producing and submitting the Action Plan. The Action Plan must also be made available to the governing body in these circumstances.

Destination of the final action plan

- 7.14 A copy of the final action plan must be submitted to HMCI, the Welsh Ministers, the local authority and the school staff. In addition, the governing body is required to:
- make a copy of the Action Plan available for inspection by members of the public at such times and at such place as may be reasonable;
 - provide a copy, free of charge to any person who asks for one or in those cases set out in the Education (School Inspection) (Wales) Regulations 2006 on payment of a small fee (not exceeding the cost of supply);
 - take such steps as are reasonably practicable to secure that every parent of a registered pupil at the school receives a copy of the Action Plan or summary of the plan as soon as is reasonably practicable.
- 7.15 With regard to foundation governors, the appropriate authority must also send a copy of the summary to the person or the appropriate religious authority who appoints the governors.

What should the Action Plan set out?

- 7.16 The Action Plan should set out the work proposed to enable the school to make sufficient improvement to address the deficiencies identified by Estyn as soon as possible. Most schools are expected to make the required

improvements within one year of being found to require significant improvement or within 2 years of requiring special measures. The format of the Action Plan is a matter for schools. As a minimum, however, for each area for improvement identified in the Inspection report the Action Plan we would expect the action plan to specify:

- the action the school proposes to take;
- the support the school will access to address the area for improvement;
- lead responsibility for the action proposed;
- the timescale for the work to be completed with key milestones;
- success criteria, including targets for improvements in learner outcomes, against which progress will be judged;
- resources to be applied to the work;
- how progress will be monitored e.g. who, when and how;
- how it will inform parents and carers about the actions planned for the school; and
- how it will ascertain parents' views on these actions and how it will take those views into account.

What action is required by local authorities and when?

- 7.17 Immediately following the end of a school's inspection the local authority and regional consortia should work closely with the head teacher and governing body of the school and, if appropriate, the religious authority, in order to produce coherent, complimentary and timely plans of action and begin their implementation as soon as possible.
- 7.18 Under Section 40 of the Education Act 2005, the local authority is required to prepare a written statement of any action it proposes to take in the light of the school inspection report that identifies a school as requiring special measures or in need of significant improvement. The written statement should also set out the period within which it is proposed to take such action.
- 7.19 The written statement of support must be produced within 10 working days from the date that the local authority received a copy of the school's Action Plan or within 12 working days from the date by which the appropriate authority is required to have distributed the school's Action Plan (whichever is the earlier). If the local authority does not propose to take action it must still produce a written statement setting out its reasons. Whilst the statutory timescale is 10 working days it would be good practice for authorities to work towards production of the statement in 5 working days to accelerate the pace of supporting improvement.

- 7.20 The local authority must submit a copy of the statement to HMCI, the Welsh Ministers and, in the case of a voluntary aided school, to the person who appoints the foundation governors and, if different, also to the appropriate appointing authority (i.e. the religious body). Where the local authority is the appropriate authority for the school (i.e. where the school does not have a delegated budget), there is no requirement to prepare a written statement (as the local authority will have prepared the school's Action Plan).
- 7.21 Welsh Ministers may, direct a shorter period for preparation of the written statement where they are of the opinion that the urgency of the case so requires. Welsh Ministers may seek the advice of Estyn regarding this matter. The time periods referred to in relation to the completion of written statements, exclude Saturdays, Sundays, Good Friday, Christmas Day and any other bank holidays but do not exclude any other school holidays
- 7.22 It is best practice for the school, local authority, consortia and, where appropriate, the appropriate religious body to work closely to prepare complementary and aligned school and local authority plans. It is important that the local authority's written statement is closely tailored to the specific needs of each school.

What should the local authority statement contain?

- 7.23 The format for the written statement is a matter for each local authority.

However, it is suggested that the statement should provide:

- an assessment of the governing body's Action Plan and the school's ability to implement the plan;
- detail on the action the local authority plans to take to address the areas for improvement identified in the inspection report;
- identified responsibilities for ensuring the action takes place;
- timescales with key milestones;
- success criteria including targets for improvements in learner outcomes against which progress will be judged;
- detail on how progress will be monitored e.g. who, when and how;
- resources to be applied to the work;
- whether the local authority intends to use its powers of intervention to require the governing body to secure advice or collaborate, give directions to the governing body or head teacher and take any other steps, appoint additional governors, withdraw the school's delegated budget or replace the governing body with an IEB; and
- how it will inform parents and carers about the actions planned for the school. How it will ascertain parents' views on these actions and how it will take those views into account.

Who approves the school action plan and local authority statement?

- 7.24 Estyn will evaluate the school's Action Plan and local authority's written statement and write to the governing body, local authority and Welsh Ministers to advise whether the action plan and statement are considered fit for purpose to secure the necessary improvements within a reasonable timescale. If Estyn does not consider the school's Action Plan and local authority's statement of support to be fit for purpose, it will require them to be amended and re-submitted until Estyn is satisfied that plans are appropriate to bring about the necessary improvements within a reasonable timescale. In this context it is anticipated that in most instances schools should aim to make sufficient progress to be removed from special measures within 2 years and to be removed from requiring significant improvement within 1 year, but each case must be taken on merit.

Monitoring of schools causing concern

Schools requiring special measures

- 7.25 For schools requiring special measures, Estyn will establish an appropriate programme of monitoring following the agreement of the schools' Action Plan and the local authority's written statement. Usually these visits will take place every 4-6 months. Estyn will assess the progress made by the school and the local authority in implementing the action plan and the written statement to address the issues identified in the school inspection report. Estyn will write to the Chair of the governing body, the local authority, and if appropriate, the relevant diocesan authority and the Welsh Ministers following each monitoring visit to report the progress made by the school since the initial inspection.
- 7.26 The letter will include HMCI's judgement as to whether the school still requires special measures. Estyn will continue to carry out monitoring visits until such time as HMCI is of the opinion that the school has improved sufficiently to be removed from special measures.
- 7.27 Where progress is assessed as insufficient and the school has been in special measures for two years or more, and progress has been slow the Welsh Ministers may request full details from local authorities of any action they have taken and support provided and whether they have used their statutory powers of intervention. Local authorities and the Welsh Ministers may consider the need to invoke their statutory powers of intervention in respect of the school.
- 7.28 Under regulation 20 of the Education (Induction Arrangements for School Teachers) (Wales) Regulations 2005 a newly qualified teacher may not serve their induction period in a school requiring special measures. This is the case unless one of Her Majesty's Inspectors of Education and Training in Wales

(HMI) certifies in writing that the school is suitable for providing induction. If it is necessary for schools to consider appointing a newly qualified teacher in this regard, the school should contact Estyn at the earliest opportunity for advice and guidance.

Schools requiring significant improvement

- 7.29 For schools requiring significant improvement, in most instances, Estyn will monitor the schools progress in bringing about the required improvements approximately twelve to eighteen months after publication of the inspection report. . A report of the visit will be sent to the Chair of the governing body, the local authority, if appropriate, the relevant diocesan authority and to the Welsh Ministers. The letter will include HMCI's judgement as to whether the school should be removed from the list of schools requiring significant improvement.
- 7.30 Where Estyn considers that suitable progress has been made to address the areas of concern identified in the inspection HMCI may judge that the school can be removed from the list of schools requiring significant improvement. If progress is insufficient, HMCI will give consideration to the school requiring special measures. In exceptional cases, where a school has made some progress and is nearly, but not quite, at a point where it can be removed from the list of schools requiring significant improvement, HMCI will consider one further monitoring visit after a further 6 months. If the school has made suitable progress, Estyn will report as in paragraph 7.26 above.

8. Parental engagement

- 8.1 Strong parental engagement can have a positive impact on the morale of the school and its community, the school's overall performance, and the educational achievements of individual pupils.
- 8.2 The Welsh Government expects local authorities to ensure that parents are properly informed and engaged when their child's school is causing concern. We expect the school action plan and local authority statement of support for a school requiring significant improvement or special measures to set out how they will communicate with and ascertain the views of parents at the school.
- 8.3 Some local authorities already have experience of good practice in the engagement of parents and carers where a school goes into an Estyn category, for example:
- holding a meeting for parents to explain the inspection findings and outlining the plans for improvement;
 - producing a regular newsletter to update parents on the progress the school is making;
 - a regular parents' forum where parents can talk to one another and to a senior member of staff or a governor about making things better at the school.
 - groups to involve parents on particular issues which the school needs to address; for example, a group of parents, staff governors and an education welfare officer meeting together to work on raising school attendance.

Annex 1: Further guidance on Interim Executive Boards (IEBs)

Interim Executive Boards (IEBs) – Questions and answers

1. The 2013 Act gives local authorities and the Welsh Ministers powers to provide for a school governing body to consist of an IEB. The powers to appoint an IEB are intended to be used in circumstances where a governing body is judged to be incapable of improving performance and turning a school around even with support. IEBs are governed by provisions set out at Sections 7 and 14 of and Schedule 1 to the 2013 Act. The effect of appointing an IEB is that all existing governors cease to hold office from the date appointed.

What is the procedure for a local authority to appoint an IEB?

2. The local authority must obtain the consent of the Welsh Ministers before it can appoint an IEB. The local authority should give a written explanation to the governing body (and where appropriate other relevant bodies including the religious authority) on the intention to apply for an IEB and maintain details of their response.
3. A local authority may apply to the Welsh Ministers for permission to replace the school's governing body with an IEB where specific grounds of intervention exist and this is deemed as the most appropriate form of intervention. The local authority must obtain the consent of the Welsh Ministers before serving notice on the governing body that an IEB will be appointed.
4. The IEB is appointed by the local authority and assumes all of the responsibilities of a governing body. With regard to foundation and voluntary schools, the local authority is required to consult the diocese or other appointing authority before applying to the Welsh Ministers for permission to put an IEB in place.
5. The IEB is charged with overseeing the development and implementation of work to ensure that pupils are provided with an acceptable standard of education. The local authority needs to be clear what the issues are within the school and relay them to the IEB to ensure that the IEB is clear of its role and purpose. The local authority also needs to consider what level of support and advice is appropriate to be provided to IEB members before establishing the IEB. The IEB will require additional resources from the local authority to deal with queries, issues, meetings and the authority may consider setting up a service level agreement to support this resource. After a period the IEB is replaced by a normally constituted governing body which acts in a shadow capacity before assuming the full powers of a governing body.

Key facts

What is the role of an IEB?

6. The IEB should be considered to be the governing body of the school for the time it is in place. It will take on all the responsibilities of a governing body, including the management of the budget, the curriculum, staffing, pay and performance management and the appointment of the head teacher and deputy head teacher. The IEB's main functions are to secure a sound basis for future improvement in the school and promote high standards of educational achievement. It is important that the school's headteacher fully understands the role and purpose of the IEB. The IEB may determine its own procedures and make such arrangements as it thinks fit for the discharge of its functions.
7. Schedule 1 of the Schools Standards and Organisation (Wales) Act 2013 provides that Regulations made under section 19 (2) and (3) of the Education Act 2002 do not apply in relation to IEBs. However, paragraph 13 (3) of Schedule 1 to the School Standards and Organisation (Wales) Act 2013 does allow the Welsh Ministers to apply regulations made under those 2002 Act powers to IEBs except for regulations which make provision about the governing body constitution. Further, paragraph 13(3) of Schedule 1 to the 2013 Act states that the Instrument of Government of the school does not have effect in relation to the IEB insofar as it relates to the constitution of the governing body. In other respects the Instrument of Government does not have effect.

What will be the composition of the IEB?

8. An IEB will be made up of a number of Interim Executive Members (IEMs). There is no maximum number of IEMs for an IEB but there must be at least two. However, in applying to the Welsh Ministers to establish an IEB the local authority will need to set out the range of expertise that will be drawn together and why the authority believes that the IEB will be better placed than the current governing body to secure improvement. Applications will need to be supported by a brief outline of the skills and experience of the proposed IEMs. An existing governor may be appointed as an IEB member. The appropriate authority may nominate one of the IEMs to be chair of the IEB. Every appointment of IEM must be made in writing setting out the terms of the appointment. The document needs to be clear what the role of the IEM will be. An IEM may be removed from office at any time by the appropriate authority for misbehaviour or for incapacity and the appropriate authority shall also be able to terminate his or her appointment by notice.

What will be the term of appointment for IEMs?

9. It is anticipated that members will be appointed for the full period which it is expected to take to turn the school around.

What will be the selection criteria for IEMs?

10. IEMs should be chosen on a case by case basis depending on the school's needs. Existing governors may be appointed to the IEB. Once the IEB has been established, further IEMs can be appointed at any time. IEMs may be removed by the local authority. The local authority should produce a notice of appointment for each IEM. Copies of this notice should be sent to all other members of the IEB, the school's governing body, the Welsh Ministers, and - in the case of schools with a religious character – the appropriate appointing religious authority. The local authority may also nominate an IEM to be chair of the IEB.

Remuneration

11. Local authorities may choose to pay IEMs whatever amount they consider appropriate.
12. IEMs appointed for Foundation or Voluntary Schools are automatically charity trustees. All charity trustees can reclaim out of pocket expenses, but most are unpaid. Where there is a power to pay trustees (as in this case under the Schools Standards and Organisation (Wales) Act 2013), it must be exercised only in the interests of the charity. The level of payment must be justified in the interests of the charity (although in this case the local authority or Welsh Ministers rather than the charity would be paying). The trustees must also manage their conflict of interest. This will mean:
 - Trustees (governors or members of an IEB) must absent themselves from any decision affecting their payment;
 - Usually, only a minority of trustees may be paid; there must always be enough unconflicted trustees to be able to make a valid decision.

Delegated budget

13. An IEB has a right to a delegated budget. If the school's budget has previously been withdrawn from the governing body, then the local authority must restore the budget from the date when the IEB commences its work. If a

notice has been given to the normally constituted governing body specifying a date when it is proposed to withdraw the right to a delegated budget, the notice will cease to be valid from the date of commencement of the IEB.

Can an IEB recommend closure of a school?

14. An IEB may recommend to a local authority that a school should be closed. However, the IEB cannot itself publish proposals for closure. If, following the statutory consultation and other procedures, it is agreed that the school will be closed; the IEB should continue to hold office until the implementation date of the proposal.

Appointment of an IEB at a foundation or voluntary school

15. Where a local authority seeks to appoint an IEB at a foundation or voluntary school, it must consult the appropriate religious body or other appointing authority before applying to the Welsh Ministers. Ministers will expect to see evidence of the full involvement of the religious body or appointing authority in any decision to establish an IEB.
16. The members of an IEB appointed for a Foundation or Voluntary School will automatically be charity trustees. The governing bodies of Foundation and Voluntary Schools are exempt charities; they do not register with the Commission; the Welsh Ministers are their principal (i.e. charity regulator).
17. IEBs will be required to respect the religious ethos of the school and ensure that the character of the school is maintained.

Transition from an IEB to a normally constituted governing body

18. The transition from an IEB to a normally constituted governing body needs to be carefully managed. Schedule 1A to the School Standards and Framework Act 1998, as amended by the Education Act 2002, provides that arrangements for the transition may be prescribed by the Welsh Ministers in regulations. Under the School Governance (Transition from an Interim Executive Board)(Wales) Regulations 2012, the process will begin with a period when a “shadow” governing body works alongside the IEB before assuming the full powers of a governing body. The LA needs to be clear what action will be undertaken by which party during this period.
19. If the date when the IEB will cease work was not given in the notice of establishment, the local authority must send a second notice to the shadow governing body specifying the date when the IEB will be discontinued. This notice should be copied to all members of the IEB, the Welsh Ministers and in the case of foundation or voluntary schools the diocese or other appropriate appointing authority.

How long before the shadow governing body assumes full powers of a governing body?

20. The “shadow” governing body should work alongside the IEB for a minimum of six months before taking full responsibility as the governing body of the school. In some cases, it may be necessary for a shadow governing body to work alongside an IEB for longer than six months. For example, a full academic year would allow the shadow governing body to experience a complete year of the planning and management cycle.
21. Members of the shadow governing body should attend IEB meetings as observers to help smooth the school's return to normal governance arrangements.

Application to Welsh Ministers to establish an IEB

22. A local authority must obtain the consent of the Welsh Ministers before it can appoint an IEB (using the application form at annex 2). When a local authority wishes to replace a governing body with an IEB, it must:
 - (i) consult the existing governing body and, in the case of a foundation or voluntary school, the diocese or other appointing authority; *A fair consultation must be undertaken when proposals are at a formative stage and include sufficient detail to allow those affected to give a considered response. The consultation needs to set out clearly the issues at the school and provide sufficient reasons why the local authority considers that establishment of an IEB is the most appropriate form of intervention to address the issues at the school. A minimum of 14 days should be allowed for parties to respond, but each case may be different and the length of time for consultation may vary.*
 - (ii) Complete and send an application to establish an IEB to the Welsh Government – using the application form at Annex 2. In the application, it is important for the local authority to clearly set out the support and advice it has provided to the school before reaching the decision to apply for an IEB and to be explicit in its reasons and have strong grounds why an IEB is the most appropriate intervention to address the issues at the school.
and, after obtaining approval from Welsh Ministers.
 - (iii) write to the governing body to provide notice that the IEB will be established (a “notice of establishment”). This letter should state when the IEB will commence, and should indicate when it is anticipated that the IEB will cease to function. In the case of foundation or voluntary schools, this letter should be copied to the diocese or other appropriate appointing authority.

23. For further guidance please contact:

Education Business Planning and Governance Division
The Education Directorate
Welsh Government
Crown Buildings
Cathays Park
Cardiff
CF10 3NQ

Annex 2: Application form for Welsh Ministers' consent to appoint an IEB

Application to Welsh Ministers to replace a School Governing Body with an Interim Executive Board

LA School
1. Brief description of the school, including status (community, foundation, aided), location number on roll.
2. Date of Warning Notice to governing body/Report from Estyn placing the school in the category of special measures/significant improvement
3. Background and reasons for application, to include details of all offers of support to the school/consultation taken prior to application for IEB.
4. Date the Governing Body was first informed of application for IEB, including dates of appropriate consultation meetings and minutes of relevant meetings.
5. Governing Body's response to IEB proposal (or attach separately).

6. Religious authority's response to IEB proposal (in the case of a foundation or voluntary school which is a Church in Wales school or a Roman Catholic Church school) (or attach separately).

7. In the case of all foundation or voluntary schools, the reaction to the proposal of the person or persons by whom the foundation governors are appointed.

8. List of proposed members of the IEB, with a brief outline of their suitability, skills and experience (or attach separately).

9. Proposed support to be provided by / on behalf of local authority.

10. Planned life of IEB and plans for exit strategy (or attach separately):

Signed Dated Full Name: Position

Part 2 – for Chair of Governors to Complete

Do you support the application for an IEB? Yes/No
If no please state reasons below (or attach separately):

Signed:
Dated:
Name:
Position:

**Part 3 – For a representative of the appointing authority to complete
(where applicable)**

Do you support the application for an IEB? Yes/No
If no please state reasons below (or attach separately):

Signed:
Dated:
Name:
Position:

Guidance notes for completion

The background and reasons for the application should outline:

The brief history of the improvement issues facing the school and the key steps taken by local authorities over last 3 years to tackle them/details of partnership working with the religious body if appropriate to address weaknesses.

The local authorities' view of the governing body's commitment and capacity to tackle issues and take advice, for example, identifying whether it is a block to school improvement (and if this is intentional), and why the local authority feels it should be replaced.

Questions 4 & 5, 6, 7 – In answering these questions, the local authority should set out what steps it has taken to inform governing body/religious body appointing authority of its intention to replace it with an IEB. It should record the reaction/response of governing body/religious body to the IEB proposal; including the nature and extent of formal consultation (this should include evidence that the local

authority has informed each member of the governing body of their intention to establish an IEB and allowed a reasonable time for the governing body to respond).

If there is no formal response from the governing body, the local authority must endeavour to include a letter from the Chair of Governors to the effect that consultation has occurred. If the Chair of Governors does not respond to this request, the local authority must state explicitly why they are not able to provide evidence of consultation, for example, that the governing body are refusing to discuss the issue.

Question 8 – The answer to this question should give the reasons why the proposed membership has sufficient capacity to allow Welsh Ministers to feel confident that the school will make the necessary progress in a timely manner. The proposed membership should reflect a range of expertise and represent different stakeholders' interests. The local authority should give reasons for the choice of the IEB Chair; ideally this should be someone independent from the school and local authority.

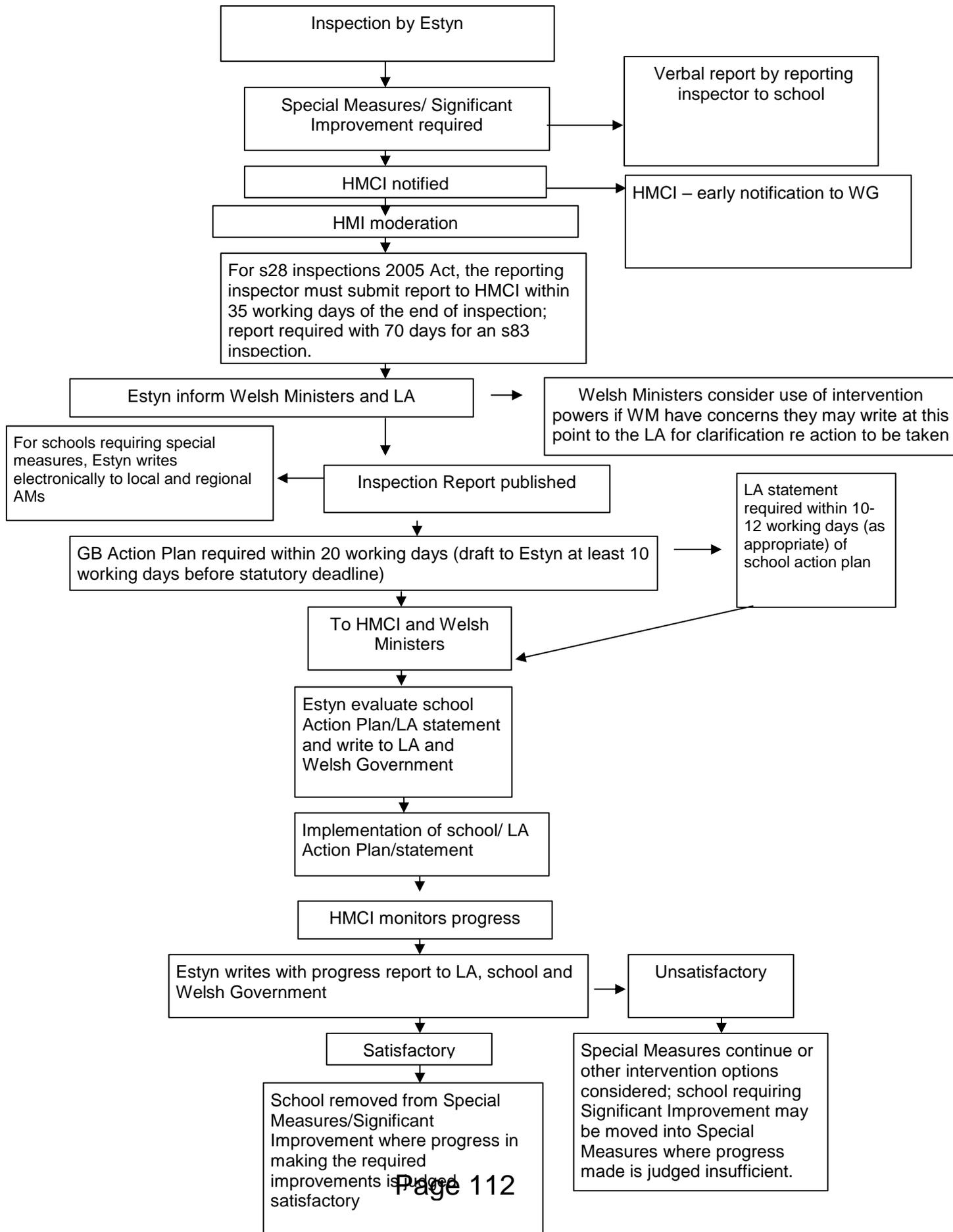
Further advice

Local authorities should note that applications cannot be processed unless the necessary statutory processes have been followed correctly, which includes the processes for issuing a warning notice (where relevant), and undertaking consultation before applying for an IEB.

In addition, the following should be noted:

1. Applications should be succinct and with specific evidence presented as referenced annexes.
2. The local authority should be able to demonstrate: that recovery/improvement is more likely as a result of the IEB being established proper and timely steps have been taken to support the school to address its improvement needs proper and timely consultation has occurred with the Governing Body and other relevant authorities e.g. the appropriate religious authority.
3. Where the local authority sees the establishment of an IEB as a means of successfully establishing a collaborative arrangement to improve the school, it will be expected that the local authority has fully outlined the advantages of the collaborative arrangement to the Governing Body, and it is clear that governors are not prepared to take the steps necessary to implement this solution.

Annex 3: Process for schools requiring special measures or significant improvement



Annex 4: Warning notice template

Name of Chair
Address of School

Dear Chair of Governors,

Warning Notice - [insert school name]

In accordance with the provisions of Part 2 of the *School Standards and Organisation (Wales) Act 2013* (hereinafter referred to as “the Act”) and Welsh Government Statutory Guidance Document (202/2016) *Schools Causing Concern* I hereby serve upon you this formal **Warning Notice** outlining the required improvement as set out below.

Following [insert evidence] I am satisfied that the following grounds, as set out in the Act and Statutory Guidance, exist to warrant the serving of this formal Warning Notice to secure immediate improvement in the specified aspects of the school [remove as necessary]:

Ground 1: *the standards of performance of pupils at the school are unacceptably low* – in that:

- [insert evidence]

Ground 2: *there has been a breakdown in how the school is managed or governed* –in that:

- [insert evidence]

Ground 3: *the behaviour of pupils at the school or any action taken by those pupils or their parents is severely prejudicing, or is likely to severely prejudice, the education of any pupils at the school.*

- [Insert evidence]

Ground 4: *the safety of pupils or staff at the school is threatened (whether by a breakdown of discipline or otherwise* - in that:

- [Insert evidence]

Ground 5: *the governing body or headteacher has failed, or is likely to fail, to comply with a duty under the Education Acts* in that:

- [Insert evidence]

To address the shortcomings identified the following actions are required of your

governing body.

The school needs to fully engage with the local authority immediately to produce a detailed plan to ensure that the following concerns are addressed within the specified timeline:		
<i>Action</i>	<i>Timeline</i>	<i>Update</i>
A1. [what is required by whom, (it is good practice to provide guidance to governing bodies on how they might comply)]	[insert timelines and include how this will be monitored and by whom]	[any updates to be added here]
A2.		
A3.		
B. Implement the agreed action plan immediately and report weekly to the local authority on progress		
C. Confirm to the local authority by the end of the specified compliance periods that all actions have been successfully concluded.		

Whilst responsibility for undertaking the requirements of this Warning Notice rests with the governing body the local authority will offer all support reasonably practicable through a 'team around the school' approach, including input from the school challenge adviser and regional consortium.

Responsibility for overseeing the action plan for xx on behalf of the local authority will rest with [insert individual name and title within the LA].

I am obliged, by the terms of the Act and Statutory Guidance, to notify you that should you fail to comply with the requirements of this Warning Notice within the specified time periods that I will use the statutory powers of intervention available to me. This intervention could take the form of the appointment by the local authority of additional governors or ultimately, should the circumstances warrant it, the local authority making an application to the Welsh Ministers to establish an Interim Executive Board to replace the existing governing body.

Through your prompt cooperation with the requirements with this Warning Notice I very much hope to avoid having to take any such formal intervention.

In satisfaction of the terms of Section 3(3) of the Act a copy of this Warning Notice is being sent to the Headteacher and to the Welsh Government.

Yours sincerely

Director of Education and Children's Services

Copy: Welsh Government
Headteacher

[in the case of a foundation or VA / VC school the person who appoints
foundation governors]

[appropriate religious body where applicable]

Annex 5: Links to related documents

Schools causing concern: Draft guidance for schools and local authorities (2013)
<http://gov.wales/docs/dcells/consultation/130305-draft-guidance-schools-causing-concern-en.pdf>

School Standards and Organisation Act (Wales) 2013
<http://www.senedd.assembly.wales/mglIssueHistoryHome.aspx?Ild=3633>

Education Act 1996
www.legislation.gov.uk/ukpga/1996/56/contents

Education Act 2002
www.legislation.gov.uk/ukpga/2002/32/contents

Education Act 2005
www.legislation.gov.uk/ukpga/2005/18/contents

Learning and Skills Act 2000
www.legislation.gov.uk/ukpga/2000/21/contents

Education and Inspections Act 2006
www.legislation.gov.uk/ukpga/2006/40/contents

The Education (School Inspection) (Wales) Regulations 2006
<http://www.legislation.gov.uk/ukpga/2006/40/contents>

The Inspection of Education and Training (Wales) Regulations 2001
<http://www.legislation.gov.uk/wsi/2001/2501/note/made>

The Maintained Schools (Partnership Agreements) (Wales) Regulations 2007
<http://gov.wales/dcells/publications/publications/guidanceandinformation/maintainedschools/themaintainedschoolseng.pdf?lang=en>

The School Governance (Transition from an Interim Executive Board) (Wales) Regulations 2012
<http://gov.wales/docs/dcells/publications/120103schoolgovernanceregulationsen.doc>

<https://www.estyn.gov.wales/inspection/inspection-guidance/primary-schools>
(Estyn updated September 2017)

<https://www.estyn.gov.wales/inspection/inspection-guidance/secondary-schools>
(Estyn updated September 2017)

<https://www.estyn.gov.wales/inspection/inspection-guidance/special-schools>
(Estyn updated September 2017)

<https://www.estyn.gov.wales/inspection/inspection-guidance/local-authority-education-services-children-and-young-people>
(Estyn updated September 2017)

The Federation of Maintained Schools (Wales) Regulations 2014
<http://www.legislation.gov.uk/wsi/2014/1132/made/data.pdf>

Power to innovate
<http://gov.wales/topics/educationandskills/schoolhome/raisingstandards/power-to-innovate/?lang=en>

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