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**Date: 16th May 2018**

Dear Sir/Madam,

A meeting of the **Education for Life Scrutiny Committee** will be held in the **Sirhowy Room, Penallta House, Tredomen, Ystrad Mynach** on **Tuesday, 22nd May, 2018** 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 'Christina Harrhy'.

**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 | Special Education for Life Scrutiny Committee held on the 19th April 2018.                                       | 1 - 6   |
| 4 | Education for Life Scrutiny Committee held on the 24th April 2018.   | 7 - 14  |
| 5 | Consideration of any matter referred to this Committee in accordance with the call-in procedure.                 |         |
| 6 | To receive a verbal report by the Cabinet Member(s).   |         |
| 7 | Education for Life Scrutiny Committee Forward Work Programme.  | 15 - 26 |
| 8 | To receive and consider the following Cabinet Report*: -<br>21st Century Schools and Education Band B Proposals. |         |

*\*If a member of the Scrutiny Committee wishes for the above Cabinet report to be brought forward for review at the meeting please contact Emma Sullivan, 01443 864420, by 10.00 a.m. on Monday, 21st May 2018.*

To receive and consider the following Scrutiny reports: -

- |    |   |           |
|----|---|-----------|
| 9  | Education Achievement Service (EAS) Value for Money 2017/2018 (VFM).                    | 27 - 46   |
| 10 | Education Achievement Service (EAS) Schools Causing Concern Protocol and Risk Register. | 47 - 162  |
| 11 | The Directorate of Education and Lifelong Learning Priorities for 2018 to 2023.         | 163 - 170 |

#### **Circulation:**

**Councillors** C. Andrews (Vice Chair), P.J. Bevan, A. Collis, S. Cook, W. David, A. Farina-Childs, D.T. Hardacre, D. Havard (Chair), M.P. James, B. Miles, Mrs G.D. Oliver, Mrs T. Parry, 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 (NUT) and Mrs P. Ireland (NUT)

**Caerphilly Governors Association** (without voting rights)

Mr D Davies

And Appropriate Officers

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## EDUCATION FOR LIFE SCRUTINY COMMITTEE

MINUTES OF THE SPECIAL MEETING HELD AT PENALLTA HOUSE, YSTRAD  
MYNACH  
ON THURSDAY, 19TH APRIL 2018 AT 5.30PM.

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### PRESENT:

Councillor W. David - Chair  
Councillor G. Oliver - Vice-Chair

### Councillors:

C. Andrews, J. Bevan, P.J. Bevan, A. Collis, S. Cook, A. Farina-Childs, D.T. Hardacre, D. Havard, Mrs B. Miles, Mrs T. Parry, J. Roberts and R. Whiting

### Together with:

K. Cole (Chief Education Officer), S. Richards (Head of Strategy Service – Education, Planning and Strategy), A. West (21<sup>st</sup> Century Schools, Admissions and Exclusions Manager), C. Evans (Interim Scrutiny Officer) and E. Sullivan (Senior Committee Services Officer).

### Also Present:

Councillor P. Marsden (Cabinet Member for Education and Achievement)

Co-opted Members: Mr M. Barry (Parent Governor Representative), Mr R. Morgan and Mr M. Western (Cardiff ROC Archdiocesan Commission for Education Representative).

### CHAIR'S ANNOUNCEMENT

Councillor W. David on behalf of the Scrutiny Committee congratulated Mrs S. Richards on her appointment as Head of Education Planning and Strategy and wished her every future success.

### 1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors M.P. James and R. Saralis and from Mr D. Davies (Caerphilly Governors Association) and Mrs P.J. Ireland (NUT).

### 2. DECLARATIONS OF INTEREST

Advice was sought in relation to Councillors who are also School Governors and whether there was a need to declare such an interest. Members were advised that as the report under consideration presented overarching and county wide in principle proposals there was no

requirement to declare an interest at this time. However this could be revisited in terms of appropriate dispensations when finalised projects came forward for consideration if necessary.

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

### **3. 21ST CENTURY SCHOOLS AND EDUCATION BAND B PROPOSALS**

Mrs S. Richards introduced the report which outlined the various projects for consideration under the 21st Century Schools Band B proposals and summarised the deliberations and recommendations of the Cross Party Working Group established to discuss the proposals.

It was noted that all the projects would be subject to funding being confirmed, individual business cases and formal consultation. Members were advised that the Cross Party Working Group had unanimously endorsed each of the projects which would also be subject to a needs assessment of current child provision within the area and a design, scoping and surveying exercise of the school sites.

Members were referred to section 7 of the report and the financial implications were explained. The Officer confirmed that Welsh Government (WG) had approved a maximum funding envelope of £78M of capital funding, of which 50% would be met by the Council and £32M of revenue funding via the MIM model. The way in which WG calculated funding for the individual projects was explained and would be determined by using an agreed rate per square meter/pupil at the 2019 predicted costs. This ensures that funding is applied consistently across Wales.

The Chair thanked Mrs Richards for her report and confirmed that each of the projects would be considered and voted upon individually. The Cabinet Member for Education and Achievement was invited to make a short statement.

Councillor Marsden confirmed that she had been fortunate enough to be present at the launch of the Idris Davies 3-18 School in Rhymney that morning which had been part of the Band A 21st Century School proposals. Seeing this commendable piece of work come to fruition only brought home the need to bring this standard of provision across the borough and the Band B proposal before Members would help achieve this equity of provision.

#### **Project 1 - £4,884,700**

This project encompassed 2 parts firstly the proposal to build a new school to replace the existing Upper Rhymney Primary School and relocation of Brynawel Primary pupils to the new school or to the Idris Davies 3-18 School. This project would then allow the relocation of Ysgol y Lawnt to the vacant Brynawel School site.

It was noted that there were significant surplus places at Brynawel and the Ysgol y Lawnt site as a listed building had numerous challenges in terms of existing and future uses. The Officer reassured Members that the proposal would be subject to consultation with all relevant stakeholders and review of catchment area.

In terms of the 3 possible sites for the school, Members sought clarification in relation to safe routes to schools and were advised that this would be looked at as part of the new project review process. Possible future uses for the Ysgol y Lawnt site were then queried and the Officer confirmed that this would be a matter for the Property Management Team who would look at options for future use.

Having fully considered Project 1 it was moved and seconded that it be recommended to Cabinet for approval and by show of hands this was unanimously agreed.

RECOMMENDED that Cabinet approve the principle of Project 1 as detailed in section 4.11.1 of the Officer's report.

### **Project 2 - £13,660,965 – Part 1 and Part 2**

This project encompassed two parts the relocation of Tynywern Primary School to the Bedwas High Schools site and the refurbishment of the existing Tynywern site to create a new Welsh Medium Primary School (Part 1) and a new build school to replace the existing Ysgol Cwm Gwyddon on the ex Cwmcarn High School site following its closure (Part 2). Mrs Richards confirmed that this project aligned with the Welsh in Education Strategic Plan by creating additional Welsh Medium provision in those areas with identified need.

It would also see a reduction in surplus places in secondary provision and make estimated savings of £654,000 on backlog maintenance costs. It was noted that the proposal would be subject to a catchment area review of Welsh Medium provision within the Caerphilly basin.

A Member expressed concern with regard to the loss of the football pitch and grounds on the Bedwas High School site and was advised that although the exact location of the new build was yet to be determined the level of sporting facilities at the school would be maintained. Members also queried whether the £13,660,695 would be sufficient to completely fund the project and were advised that the funding is now determined by WG based on BB98/99 to ensure consistency across Wales. The only additional funding may apply to any abnormal costs which would need to be evidenced at Business Case stage. However to reassure members Mrs Richards confirmed that Caerphilly has a proven track record of bringing in projects on time and in budget.

Clarification was sought in relation to the demand within the Bedwas area with regard to Welsh Medium provision and the validity of projected levels, the Member felt that this had not been proven and did not reflect the views voiced locally. Mrs Richards referred the member to the Welsh In Education Strategic Plan and reiterated that all projects would be subject to an extensive consultation process with all relevant stakeholders.

Following consideration of the Project 2 it was moved and seconded that it be recommended to Cabinet for approval and by show of hands and in noting there was 1 against it was agreed by the majority present.

RECOMMENDED that Cabinet approve the principle of Project 2 as detailed in section 4.11.2 of the Officer's report.

### **Project 3 – 11,021,525**

This project proposed a new build school to replace the existing Plasyfelin School on the current site and the expansion of St James Primary School. The proposals would increase the number of school places within the Caerphilly Basin to meet future projected demand, remove a category C school in relation to condition and suitability and make an estimated saving of £705K on backlog maintenance costs. It would also see increased opportunities for community use and on-site childcare provision.

A Member raised a query in relation to the impact on the proposed development on the only Faith School in the area and if an assessment had been carried out in this regard. Mrs Richards confirmed that as these were in principle proposals no impact assessment had been undertaken as yet. The Member emphasised that faith provision was not limited just to the Catholic Church. The officer agreed and confirmed that the Church in Wales had recently asked to meet to discuss provision within the area. The member also asked if the question of faith provision could be included in any consultation in order to highlight and establish the level of demand. The officer advised that this is already undertaken as part of the live birth data analysis consultation. Although the current data confirms there are sufficient places to

meet demand if there was an evidenced increase in demand for faith provision this could be addressed within the band C proposals

Following consideration of Project 3 – the replacement of the Plasyfelin School it was moved and seconded that subject to the inclusion of the aforementioned consultation it be recommended to Cabinet for approval and by show of hands and in noting there was one against this was agreed by the majority present.

In relation to the expansion of the St James Primary School it was moved and seconded that it be recommended to Cabinet for approval however should the expected planning application not come to fruition this project should not be progressed and by show of hands and in noting there was 1 against it was agreed by the majority present.

RECOMMENDED that dependent on the outcome of future planning proposals Cabinet approve the principle of Project 3 as detailed in section 4.11.3 of the Officer's report.

#### **Project 4 - £5,000,000**

This project proposed the expansion of Trinity Fields Special School and Resource Base to accommodate future demand and the requirements of Additional Learning Needs Reform Bill. Mrs Keri Cole advised Members that this development would allow the Authority to meet demand within county bringing children with complex needs back to the locality and reduce the rising costs of sourcing out of County provision. Members were advised that there were restrictions within the site and a feasibility study would need to be undertaken.

Following consideration of Project 4 it was moved and seconded that it be recommended to Cabinet for approval and by show of hands this was unanimously agreed.

RECOMMENDED that Cabinet approve the principle for Project 4 as detailed in section 4.11.4 of the Officer's report.

#### **Project 5 - £1,000,000**

This project proposed the principle of establishing a Pupil Referral Unit (PRU) to cater for the increased demand for in house Education Other Than at School (EOTAS) provision. This would allow the Council to meet its currently identified and projected future demand for EOTAS. Mrs Richards confirmed that there were more and more very vulnerable children with complex and challenging behaviours within our education system who needed proactive and specialist provision to support them back into mainstream education. Mrs Cole referenced the facilities at Glan y Nant as a centre of excellence and would look to see this high quality provision replicated.

Members noted the budget allocated to this project and queried if this would be sufficient. The Officer explained that this would in principle be a refurbishment rather than a new build project and Members should keep in mind that this provision would not be for the duration of the pupils' education but a way back into mainstream providing flexible support that could expand and contract depending on the level of need.

Clarification was sought in regard to any proposed sites and Officers confirmed that none had been identified at this very early stage. With this in mind Members requested that when a site was considered that it should include sufficient outside space to allow recreation and play areas.

Following consideration of Project 5 it was moved and seconded that it be recommended to Cabinet for approval and by show of hands this was unanimously agreed.



RECOMMENDED that Cabinet approve the principle of Project 5 as detailed in section 4.11.5 of the Officer's report.

#### **Project 6 - £33,000,000**

This project proposed a £32M refurbishment of Secondary Schools and a £10M refurbishment of Primary Schools, the extent of the works to be determined by using the 2018/19 condition surveys in conjunction with projected future need as a result of forthcoming planning applications. The refurbishment could include internal works such as laboratory refurbishments, roofs, window replacement and catering facilities along with improvements to sporting facilities. It was noted that Head Teachers were extremely supportive of this programme.

Clarification was sought in relation to future building projects and education provision and the formula used to calculate projected use based on housing development was explained. Mrs Andrea West confirmed that Welsh and Faith demand was taken into account in this calculation and agreed to circulate it to Members following the meeting.

Following consideration of Project 6 it was moved and seconded that it be recommended to Cabinet for approval and by show of hands this was unanimously agreed.

RECOMMENDED that Cabinet approve the principle of Project 6 as detailed in section 4.11.6 of the Officer's report.

#### **Project 7 - £5,893,390**

This project proposed the amalgamation of Park and Gilfach Primary Schools into a new build and the refurbished of Park Primary School to accommodate the relocation of Ysgol Gymraeg Gilfach Fargoed.

Following consideration of Project 7 it was moved and seconded that it be recommended to Cabinet for approval and by show of hands this was unanimously agreed.

RECOMMENDED that Cabinet approve the principle of Project 7 as detailed in section 4.11.7 of the Officers report.

#### **Project 8 - £4,000,000**

This project proposed the amalgamation of Llanfabon Infant School and Llancaeath Junior School and the expansion and refurbishment of Llanfabon Infants School to accommodate the new Primary School.

Members expressed concern with relation to the site size and whether it would be large enough to accommodate both schools and outdoor space. The Officer confirmed that there were challenges with the site however initial site investigation have confirmed that there is adequate space to accommodate the extension and create the required outdoor play and parking areas

Reference was made to future uses of the Llancaeath School site as this would be a concern for the local community and should be taken into account during any future consultation exercise. Members were advised that a consultation exercise on the amalgamation would be undertaken with all relevant stakeholders as outlined in the School Organisation Code 2013. Possible future uses for the LLancaeath site would be a matter for the Property Management Team who would look at options for future use.

Following consideration of Project 8 it was moved and seconded that it be recommended to Cabinet for approval and by show of hands this was unanimously agreed.

RECOMMENDED that Cabinet approve the principle of Project 8 as detailed in section 4.11.8 of the Officers report.

**Project 9 – Secondary Municipal Investment Model (MIM) - £28,000,000 - £32,000,000**

Mrs Richards advised the Committee that the size and nature of this project would be determined by a comprehensive review and consultation exercise in relation to sixth form education, single sex provision and surplus places in Caerphilly West.

Members acknowledged the need to address the aforementioned areas and were aware of the complications surrounding the project and requested that a further report on the MIM be brought back to this scrutiny committee before progression to the consultation phase.

A Member requested that the broadening of Faith provision also be included when reviewing 6th Form provision within Secondary Schools and Officer's agreed that this would include English, Welsh and Faith Education.

Following consideration of Project 9 it was moved and seconded that it be recommended to Cabinet for approval and by show of hands this was unanimously agreed.

RECOMMENDED that Cabinet approve the principle of Project 9 as detailed in section 4.11.9 of the Officer's report.

Having considered each of the projects the Chair referred Members to the recommendations contained in section 10.1 and 10.2 of the Officers report. It was moved and seconded that the recommendations therein be approved and by show of hands this was unanimously agreed.

RECOMMENDED that: -

- (i) comments and recommendations of the Education for Life Scrutiny Committee be report to Cabinet as part of the consultation process;
- (ii) Cabinet approve in principle agreement that the Council will deliver the Band B 21st Century Schools Programme, subject to funding being confirmed for individual projects, business cases being approved by Welsh Government and the outcome of individual consultations.

The meeting closed at 19.12pm

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 22nd May 2018 they were signed by the Chair.

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CHAIR



## EDUCATION FOR LIFE SCRUTINY COMMITTEE

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH  
ON TUESDAY, 24TH APRIL 2018 AT 5.30PM.

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PRESENT:

Councillor W. David - Chair

Councillors:

C. Andrews, P.J. Bevan, A. Collis, S. Cook, D. Havard, Mrs B. Miles, Mrs T. Parry, J.E. Roberts, R. Saralis and R. Whiting

Mrs P. Marsden (Cabinet Member for Education and Achievement)

Together with:

K. Cole (Chief Education Officer), S. Richards (Head of Strategy Service – Education, Planning and Strategy), S. Ellis (Lead for Inclusion and ALN), S. Mutch (Early Years Manager), B. Cox (Acting Principal Educational Psychologist), C. Forbes-Thompson (Interim Head of Democratic Services), and C. Evans (Interim Scrutiny Officer).

Mr C. Lewis (Assistant Head Teacher, Blackwood Comprehensive School) and Mrs V. Jenkins-Delf (Head Teacher, Bedwas Infants School)

Also Present:

Co-opted Members: Mr R. Morgan (Parent Governor Representative), Mrs P. Ireland (NUT) and Mr M. Western (Cardiff ROC Archdiocesan Commission for Education Representative).

### 1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J. Bevan, A. Farina-Childs, D.T. Hardacre, Mrs G. D. Oliver, Mr M. Barry (Parent Governor Representative), Mrs J. Havard (NUT) 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 – 26TH FEBRUARY 2018**

RESOLVED that the minutes of the Education for Life Scrutiny Committee meeting held on Tuesday the 26th February 2018 (minute nos 1-11) 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. REPORT OF THE CABINET MEMBER**

The Cabinet Member, Councillor Philippa Marsden referred the Committee to her newsletter, which was circulated earlier in the week.

Members were referred to the first edition of the newsletter and asked to note the contents, which included an update on E-Bugs Training Event, which was arranged by the Healthy Schools Team to promote Public Health Wales E-Bugs Resources and raise awareness for pupils around hygiene.

The Committee noted the successes of the Music Services as well as the World Down's Syndrome Day Celebrations, which was celebrated by staff and pupils at Islwyn High School in March. The newsletter referred to the work of the Crucial Crew event, which was held at Blackwood RFC to promote and deliver important life skills from Road Safety, South Wales Fire and Rescue, Dogs Trust, Recycling Department and the Food Standards Agency.

Details were provided on the list of achievements which included Caerphilly being on of 3 local authorities in Wales to have a Special School Achieve the National Quality Award for Healthy Schools, Caerphilly Library Services were ranked 4th out of 22 library services in Wales, following the achievement of the Core Entitlements and Caerphilly were recognised as the best performing authority for Adult Education within the Gwent Partnership. Members were also pleased to note the inclusion and format of school attendance and comparative data between Caerphilly and Wales since 2016/17.

Members thanked the Cabinet Member for the Newsletter and commendations were made on the level of information and innovativeness of the document.

### **6. EDUCATION FOR LIFE SCRUTINY COMMITTEE FORWARD WORK PROGRAMME**

The Interim Head of Democratic Services presented the report which outlined the draft Education for Life Scrutiny Committee Forward Work Programme from April 2018 to July 2018.

Members were asked to note that there have been no changes to the Forward Work Programme; however, the Committee were reminded that a Workshop has been arranged for the 18th June 2018, at 5pm, in which Members will be afforded the opportunity to consider reports going forward.

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

RESOLVED that the programme be approved and published.

## **7. 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.

## **8. NOTICE OF MOTION – THAT CAERPHILLY COUNTY BOROUGH COUNCIL INTRODUCE FEMALE HYGIENE SUPPORT FOR ALL YOUNG FEMALES WITHIN OUT SCHOOL SETTING**

The report, which sought consideration of the Committee for the Notice of Motion that Caerphilly County Borough Council adds its support to introducing free female hygiene support for all young females within school settings, and make a recommendation to Cabinet.

A Notice of Motion was received from Councillor E. Forehead, with the support of Councillor J. Pritchard, which meets the criteria set out in the Council's Constitution and, in accordance with the Council's Rules of Procedure, was referred for consideration.

The Committee noted that it is widely accepted that women and girls in Wales cannot afford to buy essential feminine hygiene products when they need them. In March 2018, the Authority accepted a one off discretionary grant payment from Welsh Government of £41,657 to be spent in relation to the investment in the improvement of toilet facilities and feminine hygiene hardware in schools. In addition, Welsh Government has made available revenue grant funding of £13,206 for the 2018/19 and 2019/20 financial years. This funding must be used to provide feminine hygiene products to those women and girls most in need in the Authority.

Members were asked to note that on the most recent pupil data, there are currently 4,774 girls in Secondary Schools (Years 7 to 11). On this data alone it is estimated that the cost to provide feminine hygiene products for all would be in the region of £100k. This is based on a monthly cost of £2 per pupil.

The Scrutiny Committee were asked to consider a recommendations to create a Task and Finish Working Group, which it is proposed will give consideration to the allocation of spend in relation to the Welsh Government Grant, along with options going forward.

Members considered the report in detail and sought clarification from Officers whether charities or support from Local Businesses had been considered to reduce the financial burden on the Authority. Officers explained that, since the writing of the report, it has been noted that there are Charitable Organisations providing similar support and there are some schemes operating within schools, however, it is unclear as to the sustainability of this provision and it is imperative that, whatever outcome is agreed, it must be both sustainable and consistent across the Authority. Members were reminded that a recommendation to establish a working group had been suggested within the report, the remit of which would be to consider all current services and financial options.

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

RESOLVED that for the reasons contained in the Officers report the Notice of Motion be supported in principle and it be recommended to Cabinet that a Task and Finish Working Group be established.

## **9. SUPPORT FOR MENTAL HEALTH FOR CHILDREN AND YOUNG PEOPLE**

The report provided Members with an update on the progress made in relation to the challenges faced by children and young people, and the developments for meeting children and young people's emotional wellbeing and mental health needs.

The Committee noted that wellbeing is a priority both nationally and locally and features as a priority within the directorate. Inclusions teams provide direct advice and support to schools, provide individual work to support children and young people and provide training and support to build capacity in schools and alternative provisions in relation to wellbeing.

The Educational Psychology Service (EPS) are involved in strategic work to develop guidance and seek the views of children and young people. Data collection in relation to vulnerable groups is being developed further and a framework for wellbeing is being developed by the EPS.

It was noted that Officers are working with the Education Achievement Service (EAS) and partners in relation to the wellbeing strategy. Development work is proposed to continue to support building capacity in schools and educational provision. Financial implications of which were detailed within the report.

The Committee welcomed Mr C. Lewis, Assistant Head Teacher – Blackwood Comprehensive School.

Mr Lewis provided the Committee with a presentation on the work undertaken at Blackwood Comprehensive School, in order to promote Wellbeing and Mental Health. It was noted that there are a number of issues impacting on the wellbeing and mental health of young people, which include Social Media and the focus on exams and results driven targets.

Blackwood Comprehensive School provide support for pupils through a Counsellor, however, with the increasing need for support, additional and alternative provisions are being considered.

The Committee noted that Mindfulness is aimed to afford the practice to focus the mind to the present through a practice of meditation. Some of the staff have taken part in Mindfulness Training, in order to equip them with the skills and knowledge to deliver the course to pupils within the school. However, it was noted that, following the training, there was evidence of improvement in mood, wellbeing and a reduction in levels of stress of those staff members undertaking the training.

Mr Lewis explained that there are 2 members of staff within the school that have been trained to deliver the course to young people. It is anticipated that Mindfulness will be timetabled at the beginning of the new Academic Year and work will be undertaken to identify pupils that would benefit from the training. It was acknowledged that, whilst this training will not be suitable for all pupils demonstrating issues with stress, anxiety and other mental health issues, it is one of the methods the school will be promoting in order to help mitigate the impact on pupils and improve the overall wellbeing of the school.

The Committee thanked Mr Lewis for the presentation and discussion ensued.

A Member queried how staff would identify the pupils to take part in the course. It was noted that often the pupils will identify themselves, due to their emotional needs, they may present to staff and seek help or there could be a noted change in their behaviour. Members were asked to note that Mindfulness would not be the solution for all pupils, and often there would be a requirement to meet with the pupil and parents and consider different avenues in order to provide the right support to the individual.

Members sought further information on the proposed timetabled Mindfulness course, in relation to capacity, length of the course and scheduling. It was noted that, depending on the number of staff trained to provide the course, each staff member could provide the course to no more than 20 pupils over an 8 week period. It is hoped that, with consideration for the staff's timetables, that the course can be delivered as part of the curriculum as opposed to an extra curricular activity.

The Committee thanked Mr Lewis for his presentation and welcomed Mrs V. Jenkins-Delf, Head Teacher – Bedwas Infants School to the Committee.

Mrs Jenkins-Delf explained that wellbeing of the staff and pupils within her school was paramount and the school had recently implemented the Thrive Programme, which is an evidence-based training programme that teaches people the skills and resources to overcome mental health issues and learn to thrive.

The programme was implemented as a result of some issues within the nursery in which children were presenting with some very challenging behaviours, such as expressions through anger and aggression and were close to exclusion. As a result of the Thrive Programme, practice within the school has changed and the staff were able to get through a challenging academic year.

The Committee noted that the programme was able to equip staff with the skills and resources to handle the situations in more positive ways and mitigate the impact on the pupils and school.

The Committee thanked the Head Teacher for the presentation and were pleased to note the proactive approaches being adopted by schools within Caerphilly County Borough Council.

A Member sought further information on the Thrive Programme and how it works. The Head teacher invited Members to visit the school to see the way in which the programme has been implemented. It was noted that the programme has enabled staff to respond to situations differently, to be more tolerant and mindful of each other and there is positive evidence of the implications and benefits to the families.

The Committee thanked the Head Teacher for her presentation.

Members discussed the report at length and were pleased to note the extensive work and support in place for schools around preventative and proactive interventions.

A Member sought further information around Restorative approached and it was noted that there are programmes in place in some schools, such as Thrive, which demonstrate positive impacts on the learning environment, wellbeing and a reduction in exclusions. Members were assured that each of the programmes are evidenced based and tried and tested before they are implemented within the schools.

The Committee thanked the Officers for the detailed reports and presentations and noted its content and the usage of sum previously agreed by Cabinet on 31st January 2018.

## **10. IMPLEMENTATION OF THE CHILDCARE OFFER FOR WALES**

The report provided the Committee with an update on the first six months of implementation of the Childcare Offer in the first of the wellbeing community areas and plan towards full roll out across the borough from April 2018.

It was noted that the Welsh Government recognises that childcare is one of the biggest challenges facing working families in Wales and developing an enhanced childcare offer was a top priority. Supporting families with quality, flexible and affordable childcare supports

economic regeneration, can reduce pressures on family income and help parents to participate in work, thus reducing a family's risk of poverty. It also supports the wellbeing of children through positive and rich childcare experiences.

The Welsh Government manifesto in 2016 launched a new Childcare Offer for working parents of 3 and 4 year olds in part time Foundation Phase Education. The Welsh Government intends to provide 30 hours of funded early education and childcare per week for working parents of 3 and 4 year olds in part time Foundation Phase provision, for 48 weeks per year by the end of their term in Government 2020/2021.

Caerphilly joined the Early Implementers for the Childcare Offer Phase 1 in March 2017 with implementation of the first funded childcare places in September 2017.

Mid Valleys East was the first area to begin the Childcare Offer which was rolled around to include Lower Sirhowy Valley and Caerphilly Basin in January 2018 and will now also include the final 2 areas at the start of the summer term 2018.

In the first term 98 applications were received for 95 approved eligible places, with 79 children from families taking up the funded provision. At 26th March 2018, 510 applications have been received in total with 468 approved and confirmed as eligible with the costs rising from £17,759.25 per month in September to £78,583.50 per month in February 2018. This funding is paid direct to the childcare sector which is primarily voluntary sector organisations to offset the costs of childcare to working families.

The Childcare Offer video clip has helped families to understand the process for applying for Childcare Offer funding and has been viewed many times on social media. It is used in conjunction with other leaflets and marketing materials to ensure as many eligible parents are reached as possible.

In Newline April 2018 a family explained the impact of the Childcare Offer on their personal circumstances.

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

Members noted the increase in applications and information was sought on how this is managed within the team. Officers explained that there are systems in place to process the applications within the required timescales and extensive work has been undertaken with Childcare providers in order to ensure that invoices etc. are provided in a timely manner.

A Member, in noting that the Childcare Offer aims to reduce poverty, queried the eligibility criteria in terms of earnings. Officers explained that the scheme is aimed at parents working 16+ hours per week and who are not earning above £100k. To date, applications have been received from the families the scheme has been targeted at; there have been no applications higher earning families.

Members discussed the allocation of Childcare and it was noted that there are a wide range of providers signed up to the scheme, including childminders who are able to cover some shift patterns, as well as private day nurseries. The funding is not tied to the provision itself, but to the child, therefore, should parents wish to utilise provision outside of the borough, this could be considered.

The Committee discussed the application process and it was noted that work is currently underway with procurement to source an online application system, and it is hoped that this would be in place for the September intake.

The Committee thanked the Officer for the detailed report and noted its content and implementation to date.



Before closing the meeting, the Chair, Councillor W. David announced that this would be his last meeting as Chair and thanked the Committee for their support, enthusiasm and excellent scrutiny during his term in the Chair.

The meeting closed at 7.25pm

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 22nd May 2018 they were signed by the Chair.

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CHAIR

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## EDUCATION FOR LIFE SCRUTINY COMMITTEE – 22ND MAY 2018

**SUBJECT: EDUCATION FOR LIFE SCRUTINY COMMITTEE FORWARD WORK PROGRAMME**

**REPORT BY: CORPORATE DIRECTOR OF SOCIAL SERVICES AND HOUSING**

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### 1. PURPOSE OF REPORT

1.1 To report the Education for Life 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. LINKS TO STRATEGY

3.1 The operation of scrutiny is required by the Local Government Act 2000 and subsequent Assembly legislation. 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

### 4. THE REPORT

4.1 The Education for Life Scrutiny Committee forward work programme includes all reports that were identified at the scrutiny committee meeting on 26th February 2018 and workshop held on 17th July 2017. The work programme outlines the reports planned for the period May to July 2018.

4.2 The forward work programme is made up of reports identified by officers and members and has been prioritised into three priority areas, priority 1, 2 or 3. 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.

4.3 The Education for Life Scrutiny Committee Forward Work Programme is attached at Appendix 1. The Cabinet Forward Work Programme is attached at Appendix 2.

## **5. WELL-BEING OF FUTURE GENERATIONS**

5.1 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 that by ensuring the scrutiny function is effective when reviewing services and policies and ensure it considers the wellbeing goals.

## **6. EQUALITIES IMPLICATIONS**

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

## **7. FINANCIAL IMPLICATIONS**

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

## **8. PERSONNEL IMPLICATIONS**

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

## **9. CONSULTATIONS**

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

## **10. RECOMMENDATIONS**

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

## **11. REASONS FOR THE RECOMMENDATIONS**

11.1 To improve the operation of scrutiny.

## **12. STATUTORY POWER**

12.1 The Local Government Act 2000.

Author: Catherine Forbes-Thompson Interim Head of Democratic Services

Consultees: Keri Cole, Chief Education Officer

Appendices:

Appendix 1 Education for Life Scrutiny Committee Forward Work Programme.

Appendix 2 Cabinet Work Programme.

Education for Life Scrutiny Committee Forward Work Programme

<b>Education for Life Scrutiny Committee Forward Work Programme – May 2018 – November 2018</b>			
<b>Meeting Date: 22nd May 2018</b>			
<b>Subject</b>	<b>Purpose</b>	<b>Key Issues</b>	<b>Witnesses</b>
Directorate Priorities	To review performance 17/18 and set out priorities for 18/19.		Keri Cole – Chief Education Officer
Schools Causing Concern	To update Members on the implementation of the SCC guidance September 2017.	Use of Statutory Powers.	Keri Cole – Chief Education Officer
Value for Money EAS	To update Members on the most recent Value for Money report from the Education Achievement Service (EAS)		Senior Leadership Team – EAS

<b>Education for Life Scrutiny Committee Forward Work Programme – May 2018 – November 2018</b>			
<b>Meeting Date: 3rd July 2018</b>			
<b>Subject</b>	<b>Purpose</b>	<b>Key Issues</b>	<b>Witnesses</b>
Education Strategy	To consult with Members on the draft Education Strategy produced by Caerphilly Learning Partnership.	<ul style="list-style-type: none"> <li>• Ownership</li> <li>• Audience</li> <li>• Stakeholder report</li> </ul>	John Kendall, Headteacher, Risca Comprehensive
Self Evaluation	Update members on the LA self evaluation process in line with revised Estyn Inspections.	<ul style="list-style-type: none"> <li>• How has the self evaluation process changed?</li> <li>• What is the timetable for monitoring and evaluation through the year?</li> <li>• How have all stakeholders engaged with the self evaluation process?</li> <li>• Areas for improvement and link to Service Improvement Plans</li> </ul>	Paul Warren
Library Services Review	To provide members with Options for the re-alignment of the library service to maximise efficiency and be innovative in the delivering the service in the 21 <sup>st</sup> Century.		Sue Richards
Wellbeing Objectives 2017-18 Review	To consult with Members in reviewing the impact of the Wellbeing Objective	<ul style="list-style-type: none"> <li>• Impact of actions taken</li> <li>• Ways forward</li> <li>• Updated Safeguarding Position</li> </ul>	Sarah Mutch

Education for Life Scrutiny Committee Forward Work Programme

<b>Education for Life Scrutiny Committee Forward Work Programme – May 2018 – November 2018</b>			
<b>Meeting Date: 25th September 2018</b>			
<b>Subject</b>	<b>Purpose</b>	<b>Key Issues</b>	<b>Witnesses</b>

Education for Life Scrutiny Committee Forward Work Programme

<b>Education for Life Scrutiny Committee Forward Work Programme – April 2018 – November 2018</b>			
<b>Meeting Date: 6th November 2018</b>			
<b>Subject</b>	<b>Purpose</b>	<b>Key Issues</b>	<b>Witnesses</b>



Education for Life Scrutiny Committee Forward Work Programme

<b>Meeting Date: to be confirmed</b>			
<b>Subject</b>	<b>Purpose</b>	<b>Key Issues</b>	<b>Witnesses</b>
Youth Service Update	To consult with Members on the outcome of the recent review and options within the proposed consultation.	<ul style="list-style-type: none"> <li>• Current provision</li> <li>• Reconfiguration of Youth provision</li> <li>• Views of young people</li> </ul>	Youth Service User
Additional Support Delegation	To consult with Members on the outcome of the recent review and options within the proposed consultation.	<ul style="list-style-type: none"> <li>• Current provision</li> <li>• Options identified by stakeholder group</li> </ul>	Keri Cole – Chief Education Officer  Heather Duncan, Headteacher, Lewis Girls
Review of Provision for Most Vulnerable Learners	To consult with Members on the outcome of the recent review and the options.	<ul style="list-style-type: none"> <li>• Quality provision</li> <li>• Value for money</li> <li>• Exclusions</li> <li>• Outcomes</li> </ul>	Head Teacher  Keri Cole – Chief Education Officer

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## Cabinet Forward Work Programme (Scrutiny)

16TH MAY 2018	Key Issues	Service Area
Property Review Report	Property position statement on the overall condition of Council Properties.	Property M. Williams
Programme for Procurement	The Programme for Procurement sets out the Council's vision for developing and managing its third party expenditure in line with the Council's wellbeing objectives, Wales Procurement Policy and UK legislation. The Council is committed to ensuring it achieves value for money from its third party procurement expenditure – circa, £170,000,000 per annum. It also recognises the value of using procurement to support its wider Cultural, Social, Economic and Environmental objectives, in ways that offer real long-term benefits to the community it serves and the people of Wales, whilst balancing the issues of value for money.	Procurement
Notice of Motion – Introduction of Free Female Hygiene Support within our Schools Setting.		Education
Schools Workforce Flexibilities Policies.	To seek Cabinet approval to go out to Consultation with Schools on Workforce Strategies.	Education

30TH MAY 2018	Key Issues	Service Area
Review of Town Centre Management.	To seek Cabinet approval for revision of the Council's current Town Centre Management model.	D. Whetter
Future Regeneration Projects Governance Arrangements.		M. S. Williams
Flat Accommodation At River Road, Pontlottyn and The Grove, Fochriw		M. Williams
Foster Carer Fee Levels.	To seek Cabinet approval to implement a revised fee structure for Caerphilly Foster Carers which will bring the Council in line with other Local Authorities in South Wales and will assist Children's Services to recruit additional Foster Carers.	G. Jenkins
Oakdale, Land at Plateau 1 - Proposed Acquisition by Welsh Ministers.		D. Whetter

## Cabinet Forward Work Programme (Scrutiny)

13TH JUNE 2018	Key Issues	Service Area
Welsh Language Annual Reports.	To update Members on the progress made during the financial year 2017/18 against targets in the Council's current Welsh Language Scheme and seek Cabinet approval for submission of the annual monitoring and improvement reports to the relevant commissions before the deadline date.	Policy
Appointment of Public and Agricultural Analysts.	To seek Cabinet approval to appoint the Public and Agricultural Analysts	R. Hartshorn
27TH JUNE 2018	Key Issues	Service Area
Sport and Leisure Strategy	To Seek Cabinet approval to go out to Consultation.	R. Hartshorn
Provisional Outturn for 2017/18.	The report will provide Cabinet with details of the provisional revenue budget outturn for the 2017/18 financial year prior to the annual audit by the Authority's External Auditors Grant Thornton.	S. Harris
Cwmcarn High Closure – Update.	To provide an update to members on the closure of Cwmcarn High School. This will include financial projections, pupil transfers and the plan for closure of the school site.	S. Richards
Federation of Schools.	<p>To seek cabinet approval to move to formal consultation, in partnership with each Governing Body, for the federation of the following groups of school:</p> <p>Park Primary School and Gilfach Fargoed Primary School. Fleur de Lys Primary School and Pengam Primary School Bedwas Junior School and Rhydri primary School Ynysddu Primary School and Cwmfelinfach Primary School</p>	S. Richards
11TH JULY 2018	Key Issues	Service Area
Corporate Risk Register.	To provide an update of the Corporate Risk Register in accordance with the Council's Risk Management Strategy. The updated Corporate Risk Register (CRR) is presented to Audit Committee so there is opportunity for the Committee to satisfy itself that appropriate arrangements are in place for the council's risk management processes to be regularly and robustly monitored and scrutinised.	Public Protection
Street Lighting.	To agree a future strategy.	M. Lloyd

## Cabinet Forward Work Programme (Scrutiny)

Town Centre Events Programme.	To agree future strategy for events.	D. Whetter
Pontllanfraith Leisure Centre.	To agree the future of the Leisure Centre in the context of the Leisure Review.	M. S. Williams
Decriminalisation of Parking Proposals (Stage 2).	To confirm the full scope for CPE implementation, timescale, how any related issues are to be addressed, further delegations required and what level of public engagement is appropriate.	M. Lloyd
Recreation Ground Charities	To obtain Cabinet approval to endorse that Officers enter into correspondence and discussion with the Charity Commission as to the possibility of making an application for scheme altering or replacing the governing documents of the Charities.	M. Headington

25TH JULY 2018	Key Issues	Service Area

Page 5

09TH SEPTEMBER 2018	Key Issues	Service Area
Air Quality Options Appraisal.		Public Protection
Strategic Equality Plan – Annual Monitoring and Improvement Report 2017-2018.	To update Members on the progress made during the financial year 2017/18 against targets in the Council’s current Strategic Equality Plan and seek Cabinet approval for submission of the annual monitoring and improvement reports to the relevant commissions before the deadline dates.	Policy

14TH NOVEMBER 2018	Key Issues	Service Area
Sport and Leisure Strategy.	To seek Cabinet’s endorsement of the Draft Sport and Leisure Strategy.	Public Protection

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## EDUCATION FOR LIFE SCRUTINY COMMITTEE - 22ND MAY, 2018

**SUBJECT: EDUCATION ACHIEVEMENT SERVICE (EAS) VALUE FOR MONEY 2017/2018 (VFM)**

**REPORT BY: GERAINT WILLINGTON, COMPANY SECRETARY, EAS**

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### 1. PURPOSE OF REPORT

1.1. To inform Members on the externally commissioned EAS regional VfM 2017/2018.

### 2. SUMMARY

2.1. VfM reports have been made available to all local authorities across the region for the last 2 years. Members will be aware the EAS was inspected by ESTYN in May 2016. The report noted:

*Overall, the EAS is making good progress in establishing its approach to assess and report on value for money, although aspects are not yet refined enough. A recent value for money report to the Joint Executive Group includes a high-level overview that notes above average performance improvement whilst funding has been reduced by 20.9% between 2012-2013 and 2016-2017. This approach considers appropriately the resources applied to the work of challenge advisers, school-to-school developments and training at local authority level and notes the categorisation of each school at local authority level. This type of analysis enables the resources used and value for money to be considered in the light of future changes to categorisation of schools overall and for each local authority.*

This work was subsequently graded as Good for resource management. Historically VfM reports have been lengthy documents and have not provided an Executive Summary of the main messages within the fuller report. The VfM report for 2017/2018 has a focus purely on the regional service and the regional impact set against a number of criteria.

2.2. Members will also note that the report does not break down the information to specific Caerphilly CBC detail. The VfM report focuses entirely on the impact of the regional service set against a number of measurable outcomes. Caerphilly CBC will have received a number of detailed reports throughout the academic year such as: LA specific Outcomes (Foundation Phase, key stages 2,3 and 4, Categorisation overview, Estyn inspection outcomes.

2.3. To improve the current processes and to provide a more balanced independent approach to the review of the regional VfM report an external expert in the field was commissioned to write an evidence-based report on the previous financial year. A pen portrait of the external consultant, Rod Alcott, former Wales Audit Office employee can be found in Appendix 2.

### 3. LINKS TO STRATEGY

3.1. 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

### 4. THE REPORT

4.1. The full content of the regional school improvement VfM 2017/2018 report can be found in Appendix 1.

#### 4.2. What is Value for Money?

4.2.1. VfM or cost effectiveness, is a measure of how well resources are being used to achieve intended outcomes. Good value for money is the optimal use of resources to achieve intended outcomes. VfM is usually measured by considering:

- **Economy:** minimising the cost of resources used while having regard to quality (inputs) – spending less;
- **Efficiency:** the relationship between outputs and the resources used to produce them – spending well; and
- **Effectiveness:** the extent to which objectives are achieved (outcomes) – spending wisely.

4.2.2. Whilst the above represent the traditional method of measuring VfM it is also possible to include two further dimensions:

- **Equity:** the extent to which services are available to and reach all people that they are intended to – spending fairly. Equity is sometimes included within considerations of effectiveness but is treated separately here to highlight its importance to the work of EAS; and
- **Sustainability:** an increasingly standard consideration within the context of the Well Being of Future Generations Act (WVFG) – spending for the long term.

#### 4.3. External Judgement of the EAS

4.3.1. Assessing the outcomes of VfM against the criteria outlined above the conclusion is that:

**EAS is providing good value for money because overall outcomes are improving from a reduced level of spending as a result of resources being used efficiently, fairly and in a sustainable way; with consequent benefits for schools and pupils across the region.**

4.3.2. This conclusion has been arrived at because:

- EAS is delivering its services to all schools across the region while spending less;
- improved management, reconfiguration and increased delegation are allowing EAS to maintain the quality of its support to schools across the region from a reduced resource base;



- EAS support to schools has resulted in improvement in categorisation outcomes, Estyn inspection outcomes and pupil outcomes, but with concerns regarding the pace of progress within the secondary phase remaining too slow and too variable;
- differentiated support and building strong school to school support across the region's schools is reducing inter school variability; and
- sustainability is being addressed through increased finance management capacity and an emphasis upon a cost-effective self- sustaining school to school improvement system across the region.

4.3.3. The evidence that underpins the above statements is set out within the main body of the external report found in Appendix 1.

4.4. It is important to recognise that while outcomes are a valid measure of effectiveness in assessing the VfM provided by EAS it is also important to note that outcomes 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.

4.5. 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.

4.6. 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 level without the commitment from each tier within the system.

4.7. Recommendations contained within the external report on VfM.

4.7.1. Develop a framework for on-going analysis of VfM throughout the year that enables EAS to form a clear judgement on whether VfM is being secured. The approach needs to be one that embeds VfM as part of an on-going process throughout the year, rather than a one-off retrospective review annually. Such an approach will require:

- ensuring VfM is considered in the planning, implementation, monitoring and evaluation of service delivery;
- including VfM analysis within the self-evaluation process;
- including VfM review within a forward work programme for all governance groups;

4.7.2. Develop a robust Medium Term Financial Strategy (MTFS) that:

- provides a clear and concise view of future sustainability and the decisions that need to be made to balance the financial implications of objectives and policies against constraints in resources; and
- forms the pivotal link that translates the organisation's ambitions and constraints into deliverable options for the future.

4.7.3. Work with other consortia to develop a national framework for assessing VfM at a regional level to encourage the sharing of good practice and ensure consistency of approach.

## **5. WELL-BEING OF FUTURE GENERATIONS**

- 5.1. This report content contributes to the Wellbeing 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.

## **6. EQUALITIES IMPLICATIONS**

- 6.1. The EAS have their own Equalities and Welsh Language plans in place. Caerphilly CBC has therefore not undertaken any specific impact assessment on the EAS VfM report.

## **7. FINANCIAL IMPLICATIONS**

- 7.1. There are no additional financial implications arising from this report.

## **8. PERSONNEL IMPLICATIONS**

- 8.1. There are no personnel implications.

## **9. CONSULTATIONS**

- 9.1. There are no consultations that have not been reflected within this report

## **10. RECOMMENDATIONS**

- 10.1. For Members to consider the content of the report and determine whether VFM is being achieved.

## **11. REASONS FOR THE RECOMMENDATIONS**

- 11.1. To ensure that members are apprised of the most recent EAS VfM report 2017/2018.

## **12. STATUTORY POWER**

- 12.1. Local Government Acts 1972 and 2000  
Children's Act 2004  
Standards and Framework Act 1998

Author: Geraint Willington (Company Secretary) EAS

Consultees: Christina Harrhy, Interim Chief Executive  
Dave Street, Corporate Director – Social Services  
Keri Cole, Chief Education Officer  
Mark S. Williams, Corporate Director Communities  
Councillor Philippa Marsden, Cabinet Member, Education and Achievement  
Councillor Wynne David, Chair of Education Scrutiny Committee  
Councillor Gaynor Oliver, Vice Chair of Education Scrutiny Committee  
Sue Richards, Head of Education Planning & Strategy  
Sarah Ellis, Lead for Inclusion & ALN  
Sarah Mutch, Early Years Manager  
Jane Southcombe, Financial Services Manager  
Paul Warren, Strategic Lead for School Improvement  
Lynne Donovan, Head of Human Resources and Organisational Development  
Anwen Cullinane, Senior Policy Officer (Equalities and Welsh Language)  
Stephen Harris, Interim Head of Corporate Finance

**Appendices:**

Appendix 1 Externally Commissioned Report, Value for Report 2017/18  
Appendix 2 Pen Portrait – Rod Alcott

# **Regional Value for Money (VfM) Evaluation 2017- 2018**

## **Education Achievement Service (EAS)**

**Report Author: Rod Alcott (External Consultant)**

**Date of report: 20 April 2018**

## Executive Summary

Value for Money (VfM), or cost effectiveness, is a measure of how well resources are being used to achieve intended outcomes. Good value for money is the optimal use of resources to achieve intended outcomes. VfM is usually measured by considering:

- **Economy:** minimising the cost of resources used while having regard to quality (inputs) – spending less;
- **Efficiency:** the relationship between outputs and the resources used to produce them – spending well; and
- **Effectiveness:** the extent to which objectives are achieved (outcomes) – spending wisely.

While the above represent the traditional method of measuring VfM it is also possible to include two further dimensions:

- **Equity:** the extent to which services are available to and reach all people that they are intended to – spending fairly. Equity is sometimes included within considerations of effectiveness but is treated separately here to highlight its importance to the work of EAS; and
- **Sustainability:** an increasingly standard consideration within the context of the Well Being of Future Generations Act (WBFG) – spending for the long term.

Assessing the performance of EAS against the criteria outlined above the conclusion is that:

**EAS is providing good value for money because overall outcomes are improving from a reduced level of spending as a result of resources being used efficiently, fairly and in a sustainable way; with consequent benefits for schools and pupils across the region.**

This conclusion has been arrived at because:

- EAS is delivering its services to all schools across the region while spending less;
- improved management, reconfiguration and increased delegation are allowing EAS to maintain the quality of its support to schools across the region from a reduced resource base;
- EAS support to schools has resulted in improvement in categorisation outcomes, Estyn inspection outcomes and pupil outcomes, but with concerns regarding the pace of progress within the secondary phase remaining too slow and too variable;
- differentiated support and building strong school to school support across the region's schools is reducing inter school variability; and
- sustainability is being addressed through increased finance management capacity and an emphasis upon a cost-effective self-sustaining school to school improvement system across the region.

The evidence that underpins the above statements is set out within the main body of this report.

## Recommendations

1. Develop a framework for on-going analysis of VfM throughout the year that enables EAS to form a clear judgement on whether VfM is being secured. The approach needs to be one that embeds VfM as part of an on-going process throughout the year, rather than a one-off retrospective review annually. Such an approach will require:
  - ensuring VfM is considered in the planning, implementation, monitoring and evaluation of service delivery;
  - including VfM analysis within the self-evaluation process;
  - including VfM review within a forward work programme for all governance groups;

2. Develop a robust Medium Term Financial Strategy (MTFS) that:

- provides a clear and concise view of future sustainability and the decisions that need to be made to balance the financial implications of objectives and policies against constraints in resources; and
- forms the pivotal link that translates the organisation's ambitions and constraints into deliverable options for the future.

3. Work with other consortia to develop a national framework for assessing VfM at a regional level to encourage the sharing of good practice and ensure consistency of approach.

## Detailed Report

### A. EAS is delivering its services to all schools across the region while spending less:

The amount of money available to EAS to spend on resources in 2017-18 was less than in previous years. Both core funding from the constituent local authorities based on a WG driven formula and grant funding have reduced. Income from trading services has also dramatically declined as the result of a conscious decision that charging schools for services runs counter to the philosophy of the organisation.

In relation to grant funding EAS has seen a reduction in the Education Improvement Grant<sup>1</sup> (EIG) of 17.6% since 2014. This alongside reductions in other grant funding streams totals £374k less in regional grant allocation for 2018-19 than 2017-18.

The extent of the reduction in core funding and grant funding is shown below. There has been an agreed 9.4% reduction in LA funding over the past 3 years along with a significant reduction in other income sources. Consequently, the total amount of resource available to spend in 2017-18 was some 7% less than in 2016-17. The anticipated sharp reduction in grant funding for 2018-19 alongside agreed reductions in local authority contributions means that the total amount of resource available to spend in 2018-19 is expected to be some 12% less than in 2016-17.

	2014-15	2015-16	2016-17	2017-18	2018-19
LA Funding	£3,603,609	£3,481,085	£3,376,653	£3,275,353	£3,209,847
Grants	£26,155,503	£52,703,146	£56,082,261	£52,033,572	£49,105,636
<b>Total</b>	<b>£29,759,112</b>	<b>£56,184,231</b>	<b>£59,458,914</b>	<b>£55,308,925</b>	<b>£52,315,483</b>
Delegation to schools	£23,989,784	£47,413,811	£50,384,126	£46,481,315	£46,032,074
% delegation of grants	92%	90%	90%	89%	94%

However, if increases in the rate of delegation to schools are taken into account then residual income spent on running the organisation, including staffing costs, has fallen by some 28% over the last three years.

<sup>1</sup> The Education Improvement Grant was established in April 2015 to provide financial assistance to schools, local authorities and regional education consortia to improve educational outcomes for all learners and reduce the impact of deprivation on learner outcomes.

Trading income derives from EAS selling their services to schools whether it be training or intensively supporting schools / departments in need of support. This source of income has been reduced by 92%, equating to £1.15m, since 2012 and the intention is to eliminate it entirely in 2018-19. EAS does not intend reverting back to being a trading organisation because it is felt that this compromises their legitimacy, is not in line with the changing national agenda and is at odds with the strategic direction set by the Company Board.

The reduction in income from trading services, both in absolute terms and as a percentage of core funding, is shown below.

	2014-15	2015-16	2016-17	2017-18	2018-19
<b>Trading Income</b>	£1,089,664	£924,853	£601,974	£447,460	£0
<b>% of core funding</b>	30.2%	26.6%	17.8%	13.7%	0.0%

The evidence clearly demonstrates that EAS is spending less than in previous years and that the rate of reduction is accelerating, and it is worth noting that over the period 2015 to 2017 total pupil numbers across the region have risen from 70,277 to 71,237, a 1.4 % increase. However, spending less is not in itself proof of providing VfM. Delivering VfM also requires the reduced spending to be used efficiently to maintain the quality of service being offered to schools across the region. The next section of the report will look at the evidence around how well resources have been deployed.

**B. Improved management, reconfiguration and increased delegation are allowing EAS to maintain the quality of its support to schools across the region from a reduced resource base:**

Reduced spending has inevitably resulted in a considerable reduction in staffing numbers, with the number of Full Time Equivalent (FTE) staff reducing from 107 in 2015-16 to 92 in 2017-18, representing a 14% reduction. FTE numbers are expected to continue to fall in 2018-19 to 81, a further 12% reduction. Continuing to deliver the service in the same way as it had historically been delivered would have resulted in this significant reduction in staff numbers having a marked detrimental impact on service delivery.

However, the impact of this reduction in staff numbers on service quality has been mitigated by improvements to management, reconfiguring the way resources are deployed and increasing the proportion of spending that is delegated directly to schools rather than being consumed centrally.

Evidence of improved management practices can be found in Estyn’s report following the monitoring visit in September 2017. This report stated that strong progress had been made in improving consistency in the quality of evaluation of school improvement activities throughout the service. In this context the report noted:

*“Senior managers now evaluate the work of challenge advisers effectively .....quality assurance processes are thorough.....senior officers challenge and support advisers well to improve their work through the performance management system.....as a result local authorities and headteachers are more confident that challenge advisers provide good levels of challenge and support to their schools”*

The number of centrally employed EAS challenge advisers has fallen over the last three years from 16.68 FTE to 12.60 FTE. This includes the time of all staff, including Principal Challenge Advisers dedicated to the challenge adviser role. The impact of the reduction of FTE staff over time has been offset by the quality improvements noted in Estyn's report above and through engaging a number of current serving headteachers to undertake the role. This approach not only increases the delegation rates into schools it also provides excellent professional learning for headteachers, provides a much more responsive and flexible workforce and is consistent with a shift in emphasis towards supporting a self-improving school system, defined as one in which:

- *Resources* shift from the centre to the system, from the EAS to schools, so that schools have the time, money and people in place to support their own improvement and improvement in other schools;
- *Activities* shift from central locations to schools, so that teachers and leaders work in live educational settings where real teaching, learning and leadership are happening; and
- *Responsibilities and Accountability* shift from the centre to the place where improvement is happening, so that schools share accountability for improvement of other schools.

Clearly as resources have become more and more stretched, and curriculum demands increase, there is a need to determine which elements of the current centrally delivered support programmes should migrate into cluster-based approaches. This is an integral component of finding different, cost effective ways to deliver school improvement.

There is now a clear and coherent regional strategy in place for the self-improving system and recognition that further work is needed to embed the system and further develop the role of clusters to take collective ownership of pupil outcomes, quality of teaching and leadership and the realisation of the curriculum reform agenda.

As noted above switching from a top down centrally delivered support programme to a cluster-based approach requires switching financial resources out from the centre into schools i.e. increasing the rate of delegation. The rate of delegation in the region has risen from 89% in 2016-17 to 94% in 2018-19.

It is not just the overall rate of delegation that is important but also its distribution. EAS is committed to ensuring that the regional approach does not focus on a deficit model and that 'good' schools continue to have access to opportunities to improve and network. This has resulted in a conscious decision to invest in better performing schools, in order to develop school to school support capacity across the region and share best practice.

The evidence outlined above clearly demonstrates that reduced spending is being used efficiently to maintain the quality of service being offered to all schools across the region. Spending efficiently is a component of VfM but is not in itself proof of providing VfM. Delivering VfM also requires that efficient spending has resulted in desired outcomes being achieved. The next section of the report will look at the evidence around achievement of outcomes.

**C. EAS support to schools has resulted in improvement in categorisation outcomes, Estyn inspection outcomes and pupil outcomes; but with concerns regarding the pace of progress within the secondary phase remaining too slow and too variable:**

While maintaining the quality of support to schools is essential, effectiveness depends upon what outcomes this support achieves. The overriding purpose of EAS, as set out in its mission statement, is to '*transform the educational outcomes and life chances for all learners across South East Wales*'.

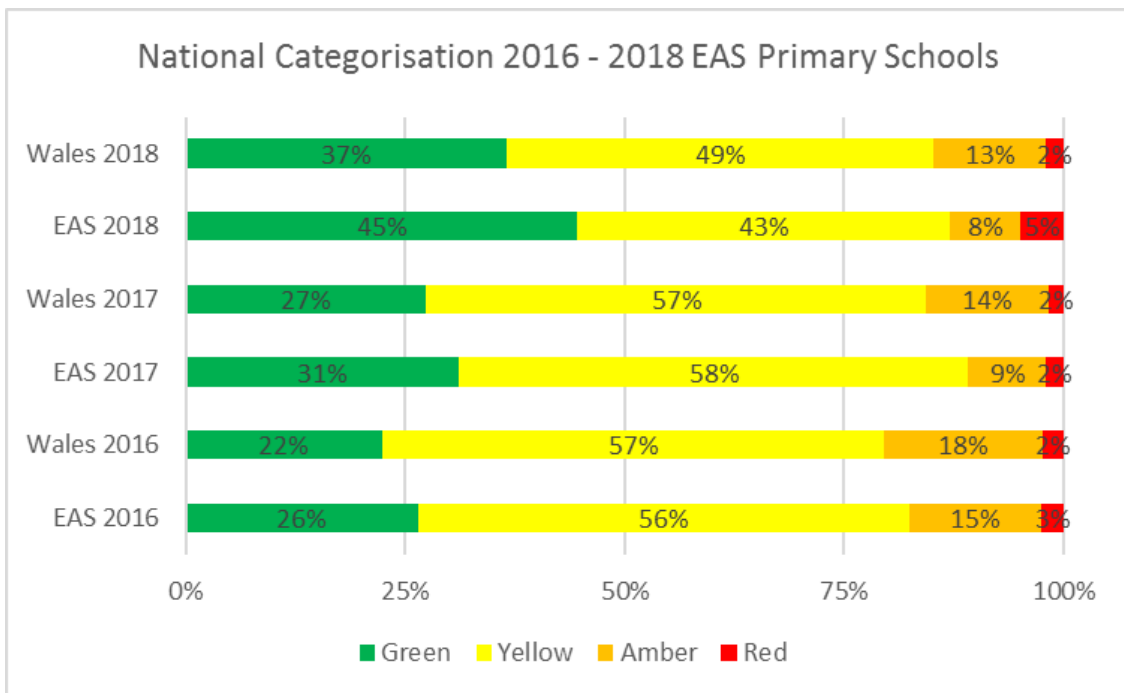
Consequently, any assessment of effectiveness must relate to its success in bringing about this desired improvement. Educational outcomes can be measured by improvement in categorisation outcomes, Estyn inspection outcomes and improvement in pupil outcomes.



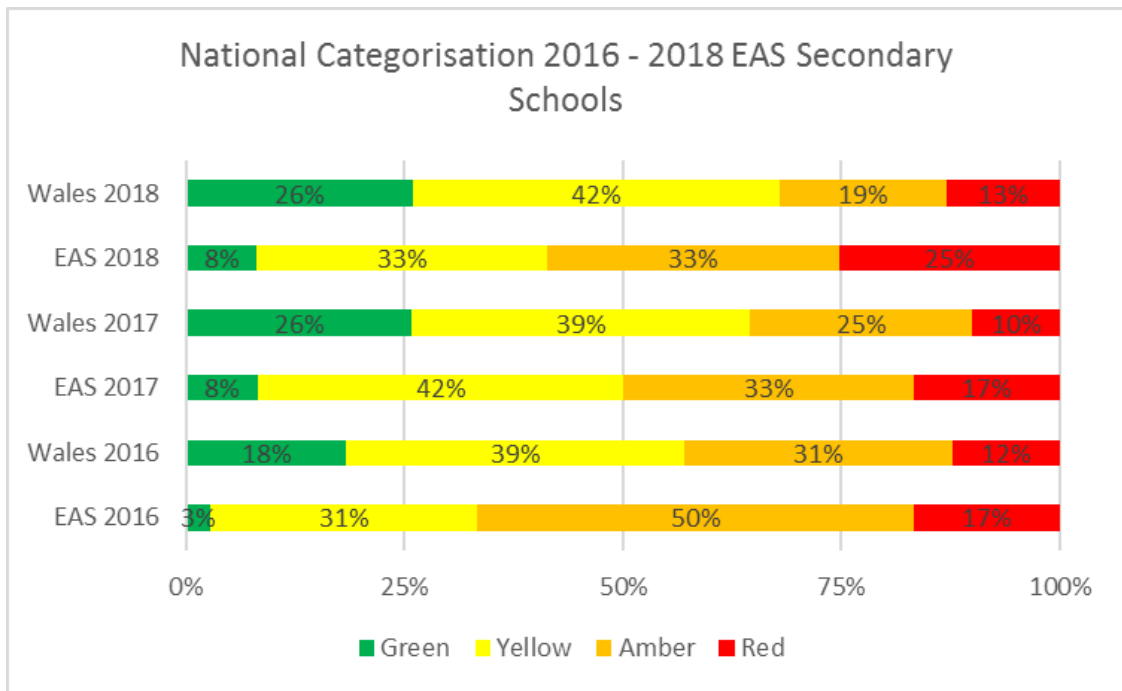
The National School Categorisation System was introduced in September 2014. The system places schools into four categories green, yellow, amber and red in descending order of the amount of support they are judged to require. Thus, green schools are judged to require the least support and red schools the most support. The system is not purely data driven, it also considers the quality of leadership and teaching and learning in schools. The model was jointly constructed between Welsh Government and the 4 regional consortia.

The national categorisation model drives the Challenge Adviser input, this service is fundamental to the success of the EAS and is the catalyst for all other services provided by the EAS.

The categorisation outcomes go through a rigorous moderation process that allows valid comparison to be made within the region over time and between regional and national outcomes. The picture for the EAS region is illustrated below:

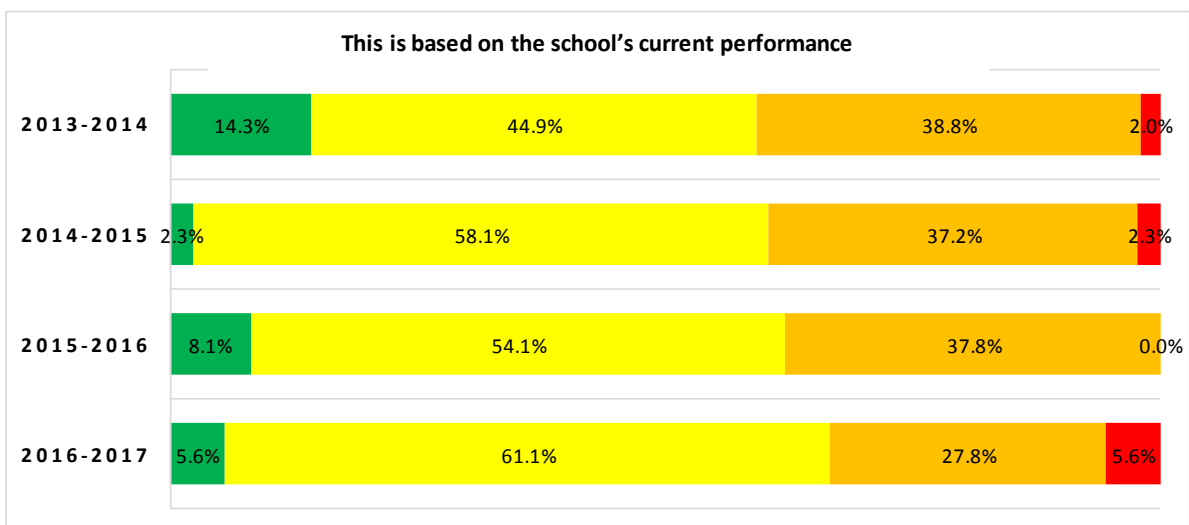


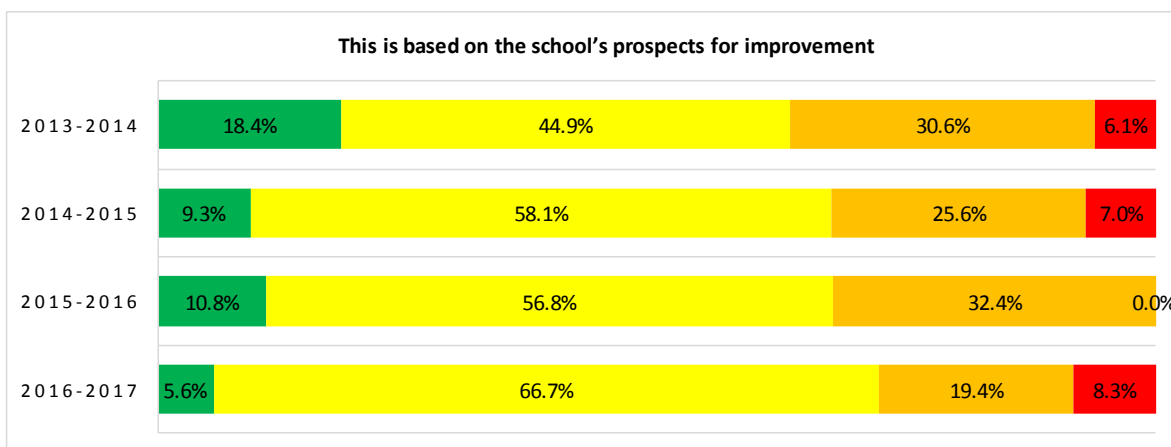
The above table illustrates quite clearly that the percentage of primary schools in the green and yellow categories has been consistently above the Wales average and has increased from 82% in 2016 to 88% in 2018.



The above table illustrates quite clearly that the percentage of secondary schools in the green and yellow categories has increased from 34% in 2016 to 41% in 2018. However, that improvement still leaves secondary schools in the region below the Wales average.

Another measure of school improvement is Estyn inspection outcomes across the region. Estyn judge schools on two dimensions – current performance and prospects for improvement. In both dimensions schools are judged to be either, excellent, good, adequate or unsatisfactory. The picture for the region over the last four years is illustrated below.





Both charts show quite clearly that, overall, there has been an increase in the percentage of schools judged to be excellent or good; both in relation to current performance (up from 59% to 67%) and prospects for improvement (up from 63% to 72%).

The charts above include all schools, as the relatively small number of secondary school inspected each year (average 6), make year to year comparison statistically unreliable. However, over the 6 years a clear difference emerges between the secondary and primary schools judged to be “Good” or better. As illustrated in the table below only 37% of the region’s secondary schools were judged to be good or better, compared with 70% of primary schools.

Overall Judgement	All Schools (Including Special)	Secondary Only	Primary Only
<b>Excellent</b>	<b>7% (15)</b>	<b>3% (1)</b>	<b>7% (12)</b>
<b>Good</b>	<b>59% (130)</b>	<b>33% (10)</b>	<b>63% (115)</b>
<b>Adequate</b>	<b>33% (73)</b>	<b>57% (17)</b>	<b>30% (54)</b>
<b>Unsatisfactory</b>	<b>2% (4)</b>	<b>7% (2)</b>	<b>1% (1)</b>

This resulted in 28 of the secondary schools inspected over this period being placed in a follow-up category. Of these 6 were placed in a follow-up category before Sept 2012. To date 18 of these schools have been removed from a follow-up category. Of those that remain in a follow-up category, 8 are waiting to be visited / re-evaluated.

As stated earlier, in addition to looking at school based measures, one fundamental indicator of effectiveness is pupil outcomes and data relating to these outcomes is presented below.

*Foundation Phase:*

Regional performance in 2017 in the foundation phase indicator (FPI) has increased by 0.4pp since 2016 to 89.2%. This performance was 0.3pp below the target and is therefore in line with expectation. Overall improvement since 2014 was 1.0pp, and despite this being a slower rate of progress than that made nationally over the same time period (2.1pp), performance remains above the Wales average by 1.9pp.

The percentage of schools in 2017 placed in top 25% of similar schools (34.4%) and in the top 50% of similar schools (66.1%) for the FPI are both above expectation. The percentage of schools in the bottom 25% of schools (10.6%) is also significantly lower than expectation.

#### *Key Stage 2:*

Performance in the Core Subject Indicator (CSI) improved by 0.3pp in 2017 to 90.2%, with an overall improvement from 2014 to 2017 of 3.2pp. Whilst this progress is slightly slower than that made nationally (3.4pp), performance is 0.7pp above the national average.

The percentage of schools in 2016 placed in top 25% of similar schools (31.6%) and in the top 50% of similar schools (57.3%) for the CSI are both above expectation. The percentage of schools in the bottom 25% of schools (18.2%) is also better than expectation.

#### *Key Stage 3:*

Performance in the Core Subject Indicator (CSI) improved by 2.6pp in 2017 to 86.4%, with an overall improvement from 2014 to 2017 of 7.4pp. Despite these improvements, regional performance in the CSI remains lower than the national average, but the gap is narrowing as the result of a faster rate of improvement than that across Wales (6.3pp).. The percentage of schools in 2017 placed in top 25% of similar schools (37.1%) and in the top 50% of similar schools (57.1%) for the CSI are both above expectation. The percentage of schools in the bottom 25% of schools (14.3%), is much lower than expectation.

#### *Key Stage 4:*

For 2017 it is not possible to meaningfully compare results to previous years because of significant revisions to examinations from previous years. Final performance in the Level 2 threshold including English/Welsh and mathematics (L2 inc E/W and M) declined from 55.5% in 2016 to 52.9% in 2017 (2.6pp decline). There was a decline across Wales in this time of 5.7pp to 54.6%, and as a result, the gap between regional performance and national performance has narrowed. The percentage of schools in 2017 for the L2 inclusive threshold, placed in top 25% of similar schools (37.1%), is higher than 2016 and far higher than expectation (13 schools out of 35) The percentage of schools in the top 50% of schools is 54.3%, slightly higher than expected (19 schools), and in the bottom 25% of schools the figure of 28.6% is lower than 2016, and slightly higher than expected (10 schools).

The percentage of schools in 2017 for the Level 2 threshold (L2) placed in the top 25% of similar schools (22.9%) and in the top 50% of similar schools (54.3%) are in line with expectation. The percentage of schools in the bottom 25% of schools (28.6%) is also in line with expectation. The percentage of schools in 2017 for the Level 1 threshold (L1) placed in the top 25% of similar schools (5.7%) and the top 50% of similar schools (25.7%) are both well below expectation. There are still too many schools in the bottom 25% of schools (42.9%).

In summary, and as illustrated in the table below, attainment at Foundation Phase and Key Stage 2 has been above the Wales average since 2013. Attainment at Key Stages 3 and 4 is still below the Wales average, but the rate of improvement is above the rate for Wales, so the gap is narrowing.

Trend		2014	2015	2016	2017	1 Year Improvement	4 Year Improvement
Foundation Phase FPI	EAS	88.2	88.0	88.8	89.2	0.4	1.0
	Wales	85.2	86.8	87.0	87.3	0.3	2.1
KS 2 CSI	EAS	87.0	88.1	89.9	90.2	0.3	3.2
	Wales	86.1	87.7	88.6	89.5	0.9	3.4
KS3 CSI	EAS	79.0	82.2	83.8	86.4	2.6	7.4
	Wales	81.0	83.9	85.9	87.4	1.5	6.4
KS 4 L2 Threshold E/W & M	EAS	52.2	55.1	55.5	52.9	-2.6	0.7
	Wales	55.4	57.9	60.3	54.6	-5.7	-0.8
KS 5 L3 Threshold	EAS	96.1	95.6	97.9	96.4	-1.5	0.3
	Wales	97.1	97.0	98.0	97.1	-0.9	0.0

It is important to recognise that while outcomes are a valid measure of effectiveness in assessing the VFM provided by EAS it is also important to note that outcomes 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.

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.

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 level without the commitment from each tier within the system.

#### **D. Differentiated support and building strong school to school support across the region's schools is reducing inter school variability:**

While positive overall progress in school categorisation and pupil outcomes is to be welcomed, equity demands that all pupils are able to achieve their potential irrespective of their background, personal circumstances or the school they attend. This entitlement is enshrined in the Well Being of Future Generations Act which aims for 'A more equal Wales' exemplified by a society that enables people to fulfil their potential no matter what their background or circumstances (including their social economic background and circumstances).

In VfM terms if the most disadvantaged pupils with the greatest learning needs, improve more from their lower base than their peers, then provision has been equitable.

One of the biggest barriers to equity is variability in school performance and the aim has to be that all pupils attend a good school. Progress is being made towards this through the differentiated support offered to schools according to need as determined by categorisation - and investment in better performing schools to ensure the continued development of good practice and a supply of expertise for sharing with less well performing schools.

The importance attached to equity is reflected in the following objectives and underpinning actions as set out in the Business Plan for 2017-2020:

*“To raise aspiration, to improve pupil outcomes and reduce variance across schools ....., to improve the quality of teaching and leadership and accelerate the progress of those schools in amber and red support categories by”:*

- ensuring that all schools and settings receive high quality, bespoke support in line with their needs to accelerate progress and improve outcomes;
- working with LAs to develop a more consistent approach with schools causing concern and with the use of statutory powers to accelerate progress;
- supporting clusters of schools to build capacity, take collective ownership of outcomes and to improve the quality of teaching and learning, particularly between KS2 and KS3;
- reviewing the quality of provision at KS3 across the region and providing support to accelerate improvement as appropriate;
- implementing earlier target setting process at KS4;
- supporting and challenging school level planning documents, including grant spending plans, to ensure that maximum progress is made by all vulnerable groups of learners at all key stages;
- supporting school leaders to deal effectively with underperformance of staff; and
- providing a regional strategy for the delivery of the Foundation Phase and continuing to support and challenge non-maintained settings effectively to improve outcomes

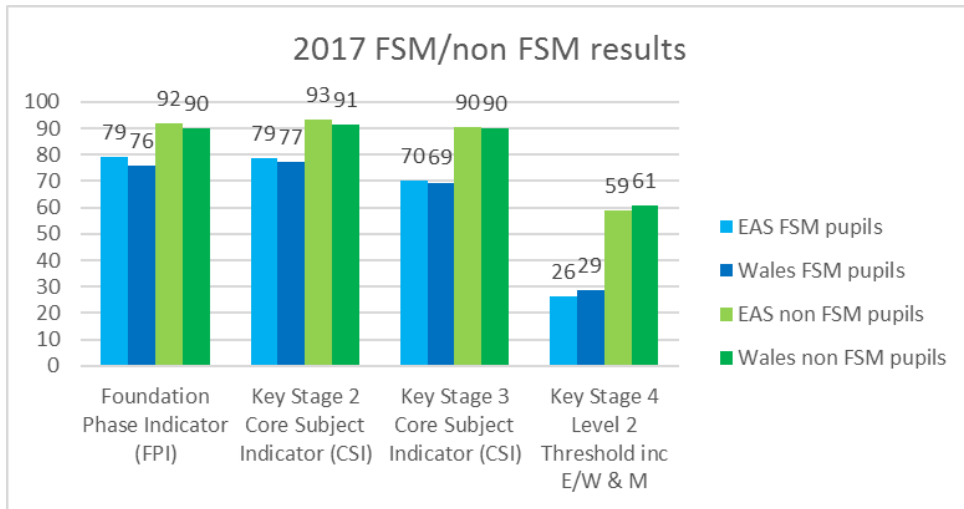
*“To implement a regional strategy and Professional Learning Offer that is focused on improving the well-being and accelerating outcomes for learners, particularly those facing the challenges of poverty by”:*

- supporting and challenging the use of evidence-based approaches to teaching to improve the allocation and impact of the PDG to accelerate outcomes of vulnerable learners;
- working with key partners to identify the most effective means of measuring well-being to accelerate the performance of all vulnerable learners; refining the support mechanisms to support Looked After Children (LAC) to a cluster-based model;
- supporting LAs in accelerating attendance and reducing exclusions across all schools by providing support to middle leaders in school who have this responsibility;
- ensuring that all schools and settings receive high quality, bespoke support in line with their needs to accelerate progress and improve outcomes;
- working with LAs to develop a more consistent approach with schools causing concern and with the use of statutory powers to accelerate progress;
- supporting clusters of schools to build capacity, take collective ownership of outcomes and to improve the quality of teaching and learning, particularly between KS2 and KS3;
- reviewing the quality of provision at KS3 across the region and providing support to accelerate improvement as appropriate; and
- implementing earlier target setting process at KS4.

The most commonly used method for measuring the impact of poverty on attainment is the performance of pupils in receipt of Free School Meals (FSM). The percentage of pupils aged 5-15 eligible for FSM (PLASC 2017) in the region was 18.5%, which is above the Welsh average of 17.8%, and the second highest of the regional consortia, second to Central South Consortia (CSC).

The performance of FSM pupils across the region can be measured by comparing their outcomes against those of non-FSM pupils, comparing them against FSM outcomes nationally or comparing their outcomes against WG modelled expectations.

In terms of comparison with non-FSM pupils the gap has narrowed at all levels, between 2014 and 2017 as a result of FSM pupils' performance increasing faster than that of non-FSM pupils', although at KS4 it has remained fairly static. While the overall narrowing of the gap is to be welcomed it is still a concern that the gap in attainment widens as pupils progress through each phase as illustrated in the graph below:



The graph also illustrates that outcomes for FSM pupils in the region are better than those nationally except at Key Stage 4 although even here the gap between FSM performance across the region and that across Wales narrowed between 2016 and 2017.

Each year the WG publishes modelled estimates of performance for key stage 3 and key stage 4 based on statistical models that highlight the relationship between free school meal entitlement and overall performance. At the end of key stage 3 the modelled estimate is provided for performance in the CSI. In 2015 regional performance was -0.6 below expectation. In 2017, whilst this remains below expectation, the gap has closed to -0.4.

At the end of key stage 4 the modelled expectation is provided for the Level 2 threshold including English/Welsh and mathematics, where in 2015 the gap was -0.3. This has closed to -0.2 in 2017, but these estimates were based on the old examination specifications, so do not account for the fall in performance nationally.

Another commonly used indicator for assessing outcomes for vulnerable pupils is that of outcomes for Looked After Children (LAC). The performance of LAC learners has improved in primary schools, but remains below all pupils' performance, although the gap is narrowing at key stage 2. At key stage 3 performance of LAC learners has improved considerably since 2014 and the gap between these pupils and all pupils is narrowing. Performance of LAC learners at key stage 4 was fairly static between 2013 and 2016 for most measures. There was a decline in LAC performance for most measures in 2017, which was mirrored across non LAC pupils and all pupils. The exception to this was A\*-C English, in which LAC performance improved from 2016, despite non LAC performance declining. Numbers are very low across the region (between 40 and 80 pupils at each Key stage per year), so results can be volatile.

***E. Sustainability is being addressed through increased finance management capacity and an emphasis upon a cost-effective self- sustaining school to school improvement system across the region.***

Sustainability can be defined as balancing short term needs with the need to safeguard the ability to meet long term needs, especially where things done to meet short term needs may have detrimental long term effects.

The long-term aim should be for EAS to improve their outcomes through improved VfM planning and management and to be continually challenging the cost base, monitoring the relationship of costs incurred to outcomes achieved, and aspiring to create an environment for continuous improvement.

Achieving financial sustainability through the delivery of VfM to stakeholders is central to ensuring that EAS achieves its mission and strategic objectives. Financial sustainability depends upon balancing income and expenditure over forthcoming years and as such requires a robust medium term financial strategy (MTFS). Developing a robust MTFS has been hindered by uncertainty over grant funding and a lack of financial management capacity. Capacity has been strengthened through the recruitment of an experienced Finance Manager to support the Company Secretary and this will enable greater concentration on medium term planning.

While financial sustainability is necessary for the continued provision of services it is not sufficient to deliver sustainable school improvement. Sustainable school improvement depends upon the successful implementation of an effective and affordable approach to school improvement across the region. Continued austerity provides a compelling argument that to be sustainable the approach needs to be based upon developing capacity within a self-improving school to school system.

Higher delegation rates to schools for grant funded national priorities support this strengthening of capacity, while resources retained centrally are being used more efficiently and targeted at identified need.



**Pen portrait – Rod Alcott**

Rod is a former senior manager with the Wales Audit Office who has become a self-employed education and local government consultant. Between 2014 and 2016 he was appointed to two Ministerial Education Recovery Boards (Blaenau Gwent and Monmouthshire) and was Chair of the independently established Powys Education Recovery Board. In 2016 he was appointed to succeed Robert Hill as Chair of the Education Development Board for Cardiff. Between 2016 and 2017 he carried out two National Studies for the Welsh Government under contract to the Welsh Local Government Association. The first of these was a study into the role of School Business Managers in school improvement across Wales and the second was a study into the role of Pupil Referral Unit Management Committees across Wales.

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## EDUCATION FOR LIFE SCRUTINY COMMITTEE – 22ND MAY 2018

**SUBJECT: EDUCATION ACHIEVEMENT SERVICE (EAS) SCHOOLS CAUSING CONCERN PROTOCOL AND RISK REGISTER**

**REPORT BY: EDWARD PRYCE, SERVICE STRATEGIC AND POLICY LEAD, EDUCATION ACHIEVEMENT SERVICE (EAS)**

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### 1. PURPOSE OF REPORT

- 1.1 To provide information for Members on the agreed SEWC 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 (22 March 2018)

### 2. SUMMARY

- 2.1 The SEWC Schools Causing Concern Protocol (Appendix 2) forms a part of, and is aligned with the National Model for School Improvement. This report provides both a summary of these process and support Schools Causing Concern risk register. It also provides further information on the Caerphilly schools included on the register.

### 3. LINKS TO STRATEGY

- 3.1 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

### 4. THE REPORT

#### BACKGROUND

- 4.1 The SEWC Schools Causing Concern Protocol (Appendix 2) 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.

- 4.2 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.
- 4.3 The previous protocol was last updated in April 2017 and subsequently 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.
- 4.4 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.
- 4.5 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, 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.
- 4.6 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 holding Education Improvement Board meetings and/or intervention meetings continues and this is an opportunity to have open discussions about progress and support. These meetings will involve the Cabinet Member for Education, where appropriate.
- 4.7 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.

- 4.8 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.
- 4.9 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.

#### Caerphilly Schools on the Risk Register (22 March 2018)

- 4.10 The last meeting of LA senior officers and the EAS took place on 22 March 2018. 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	Phase	LA Warning Notice Issued	National Categorisation <i>updated for in-year changes</i>			Current Estyn Follow-up Status
			2015-16	2016-17	2017-18	
Bedwas High School	Sec	Y	Red	Amber	Red	Special Measures
Cwmcarn High School	Sec		Red	Red	Amber	None
Heolddu Comprehensive	Sec		Amber	Amber	Amber	None
Islwyn High	Sec			Amber	Red	n/a
Lewis Girls' Comprehensive	Sec		Amber	Amber	Amber	Estyn Review
Lewis School Pengam	Sec		Amber	Yellow	Amber	Estyn Review
The Learning Centre (PRU)	Sec		Amber	Amber	Amber	None
Ysgol Gyfun Cwm Rhymni	Sec		Yellow	Yellow	Amber	Estyn Review
Bryn Awel Primary	Pri		Yellow	Yellow	Red	None
Llanfabon Infants	Pri	Y	Green	Yellow	Red	Significant Improvement
St James Primary	Pri		Amber	Red	Red	None
Upper Rhymney Primary	Pri		Amber	Amber	Amber	None
Idris Davies School	3-18				Amber	n/a

The table below provides additional information on one key headline indicator on performance and one on attendance for each of the last 3 years.

School name	Phase	KS4 Level 2 including E/W&M			Percentage attendance		
		2014-15	2015-16	2016-17	2014-15	2015-16	2016-17
Bedwas High School	Sec	35.0	51.0	54.7	94.4	94.3	93.6
Cwmcarn High School	Sec	55.9	55.2	57.6	92.9	92.7	94.0
Heolddu Comprehensive	Sec	48.9	44.3	40.4	90.4	93.0	93.4
Islwyn High	Sec	53.6	51.1	45.1	92.8	93.0	93.0
Lewis Girls' Comprehensive	Sec	54.3	54.5	56.0	91.6	93.2	93.1
Lewis School Pengam	Sec	57.8	58.5	36.6	92.5	93.0	93.5
Ysgol Gyfun Cwm Rhymni	Sec	53.5	62.0	52.5	93.0	93.5	94.0

School name	Phase	KS2 CSI (FPI for Infant School)			Percentage attendance		
		2014-15	2015-16	2016-17	2014-15	2015-16	2016-17
Bryn Awel Primary	Pri	92.3	95.8	100	93.8	96.1	94.9
Llanfalon Infants	Pri	93.1	90.0	90.6	93.4	93.1	91.3
St James Primary	Pri	55.6	73.8	71.4	92.0	92.8	93.2
Upper Rhymney Primary	Pri	90.5	90.5	90.9	93.4	92.5	93.0

Please note that colour coding for the above table represents Benchmark Quarter. Information for Idris Davies 3-18 and The Learning Centre not available for

1	2	3	4
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- 4.11 The next meeting of the Schools Causing Concern – Risk Register group is 9 May 2018. This meeting will be used to review progress against agreed LA and EAS Actions to support these schools and to agree future required actions.

## 5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 The schools causing concern protocol and risk register 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. The long term strategy is to improve the standards in our schools and therefore improve attainment outcomes for our children and young people. The schools causing concern protocol and risk register aim to highlight concerns and risks at the earliest opportunity thereby enabling early intervention through an integrated and collaborative partnership approach and preventing the escalation to use of statutory powers.

## **6. EQUALITIES IMPLICATIONS**

- 6.1 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.

## **7. FINANCIAL IMPLICATIONS**

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

## **8. PERSONNEL IMPLICATIONS**

- 8.1 There are no personnel implications.

## **9. CONSULTATIONS**

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

## **10. RECOMMENDATIONS**

- 10.1 For members to receive the report for information and take the opportunity to comment.
- 10.2 For members to consider the main strengths and areas for development within Caerphilly schools.

## **11. REASONS FOR THE RECOMMENDATIONS**

- 11.1 For members to have the opportunity to comment on the process and progress of Caerphilly schools included on the Risk Register.

## **12. STATUTORY POWER**

- 12.1 Local Government Acts 1972 and 2000  
Children's Act 2004  
Standards and Framework Act 1998

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**Appendices:**

Appendix 1 SEWC Schools Causing Concern Protocol 2017-18  
Appendix 2 WG Statutory Guidance – Schools Causing Concern (March 2016) (202/2016)



# **SEWC Schools Causing Concern Protocol**

## **2017-2018**

**Updated May 2016 following WG Guidance in March 2016**

**Updated April 2017 – Schools Causing Concern Register**

**Updated July 2017**

## Introduction

This Policy forms a part of, and is aligned with the National Model for School Improvement in relation 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). The School Standards and Organisation (Wales) Act 2013 consolidated, clarified and reformed the law in relation to intervention in schools causing concern.

### WG Guidance on schools causing concern (March 2016)



WG Schools  
Causing Concern Gu

All parties are committed to reducing the number of schools identified as causing concern following inspection 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 development plans. School development plans have been a statutory requirement for all schools in Wales since September 2015.

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.

LAs have statutory responsibility for monitoring and intervening where there are concerns about school standards. However, in line with the national model for regional working, the EAS will deliver or broker school improvement strategies on behalf of the LAs. The EAS will 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. The EAS and LAs will work in partnership with schools to put in place effective mechanisms for performance monitoring, detailed within the intervention framework. Such mechanisms have a key role in providing early identification of issues that need to be addressed.

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

Making intelligent use of data to understand a school's needs and taking a proactive role in early intervention are central components of the EAS's role in supporting school improvement. 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.

Local authorities will work in partnership with religious authorities 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.

The religious and voluntary bodies work in close partnership with local authorities and EAS in providing and supporting schools. The appropriate religious bodies are able to exercise a powerful influence over the schools they provide. They will 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 will be given by local authorities, the EAS and religious authorities to support and where necessary intervene in schools where performance is unacceptably low or where other issues are having an adverse impact on the operation of the school.

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 the EAS, local authorities provide support, monitor, challenge and intervene with the schools in their area. Ordinarily, local authorities are best placed to consider intervention for schools in their area. Therefore, if intervention is required the local authority will take action in the first instance.

The region implements a Schools Causing Concern Register which is used to regularly to review the actions taken by the EAS, LA and religious authority (if appropriate) for each school identified at risk in order 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 with each LA. The Headteacher and Governing Body will be notified if their school is placed on the Schools Causing Concern Register. This will be via a joint email from the EAS Principal Challenge Adviser and the LA. Formal regional review sessions attended by EAS and LA Leaders are conducted on a termly basis.

The register considers a range of criteria to identify schools at risk including:

- Pace of progress against current EAS 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 WG modelled estimates at KS4.
- Attendance (Benchmarks over a 3-year period);
- Exclusions;
- Any other LA specific concerns linked to: Finance, Safeguarding, HR, ALN.

Where a local authority/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 will be completed in full consultation with the school.

In such circumstances, the local authority acting with the EAS will, 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. For schools with a designated religious character the appropriate religious authority will be kept informed of any concerns in relation to such schools and will work in partnership with the authority, the EAS 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 will also consider whether it is appropriate to serve the governing body with a warning notice as provided under Section 3 of the 2013 Act.

## Schools Causing Concern

A local authority has the power to intervene in a maintained school where:

- one or more of the grounds 1-6 exist (see below);
- 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).

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.

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.

Where HMCI is of the opinion that a school requires special measures the Welsh Ministers may direct the local authority to close the school.

## Establishing the grounds for a warning notice

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:

<b>Ground 1</b>	The standards of performance of pupils at the school are unacceptably low.
<b>Ground 2</b>	There has been a breakdown in the way the school is managed or governed.
<b>Ground 3</b>	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.
<b>Ground 4</b>	The safety of pupils or staff at the school is threatened (whether by a breakdown of discipline or otherwise).
<b>Ground 5</b>	The governing body or head teacher has failed, or is likely to fail, to comply with a duty under the Education Acts.
<b>Ground 6</b>	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.

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 them;

- The standards attained by pupils at comparable schools.

Local authorities will 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 EAS before deciding to issue a warning notice. This should include as a minimum the All Wales Core Data Sets, but will extend to the full range of relevant quantitative and qualitative evidence available.

### **Evidence of unacceptably low standards and levels of progress - Ground 1**

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 data shows that the school is underperforming.

Qualitative evidence to confirm concerns about the school's standards indicated by the quantitative data will be available from sources such as Estyn reports, EAS intelligence and reviews including school categorisation judgments, feedback from parents, or analyses of pupils' work.

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. In the majority of cases, local authorities will 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**

"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.

In addition, some data trends may indicate a breakdown in management and governance. Such data will be treated with caution, as they may also arise for reasons other than poor school leadership.

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**

A warning notice will 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.

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 Headteacher to prevent or put right a breakdown of discipline. The local authority will 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**

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**

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 EAS, 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**

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.

In line with the national model for regional working, local authorities and the EAS will engage schools effectively through a professional dialogue and work in partnership. In the case of schools with a religious character, discussion will 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.

Where a school is refusing to engage constructively and at pace with the challenge and support commissioned or provided by the EAS, the local authority will 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.

Headteachers and teachers should be mindful that failure to engage with the local authority and the EAS, to improve the school's performance, could be considered to be an act of misconduct.

A warning notice can be issued to a school which is cooperating with the EAS 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.

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.

**\*Please refer to Appendix 1: Warning Notice Template**

In addition to giving the governing body the warning notice, the local authority will 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 e-mail address: [SMED1@wales.gsi.gov.uk](mailto:SMED1@wales.gsi.gov.uk). This is a requirement under section 3 of the School Standards and Organisation (Wales) Act 2013

The warning notice must set out the action which the local authority "requires" the governing body to take. The local authority and EAS 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.

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.

**Inappropriate issue of warning notices**

The governing body may make a complaint to the Welsh Ministers if they feel that the local authority has issued a warning notice inappropriately. 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).

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 accordingly. 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.

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

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.

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**

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: [SMED1@wales.gsi.gov.uk](mailto:SMED1@wales.gsi.gov.uk). This is a requirement under section 4 of the School Standards and Organisation (Wales) Act 2013

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.

### **Powers and types of intervention – LAs**

Where a school is 'eligible for intervention' there are a number of powers the LA or Welsh Ministers may. These interventions are set out in sections 5 to 9 and 12 to 18 of the 2013 Act. LAs 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. 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**

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.

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.

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**

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.

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.

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.

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.

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

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. 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 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.

### **The appointment of an Interim Executive Board (IEB)**

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. 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**

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. The consultation should 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. A minimum of 14 days should be allowed 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.

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.

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.

IEB applications should be made using the form (**\*Appendix 2 – Application form for Welsh Ministers' consent to appoint an IEB and guidance notes for completion**). 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 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**

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**

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. 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.

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.

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.

#### **Membership of the IEB**

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.

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.

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.

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.

#### **Transition from an IEB to a normally constituted governing body**

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.

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 (SGB) 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.

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.

### **\*Appendix 3 – Further guidance on IEBs**

#### **Power to give directions and take steps**

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.

#### **Schools requiring special measures or significant improvement**

The procedures and timescales in this Chapter apply to inspection of all maintained schools.

#### **When does a school require special measures or significant improvement?**

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’. 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.

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

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 EAS representative.

#### **Timescales for preparation of inspection report and action plans**

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 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. 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?**

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?**

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.

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

#### **Action plan**

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 (PIAP) and should also set out the period within which each action identified will be addressed. The local authority, and EAS will 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 begin as soon as early warning of the school being identified as a cause for concern is provided by the Reporting Inspector or HMI at the end of the inspection.

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.

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?**

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**

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.
- 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?**

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?**

The local authority will work closely through or with the EAS with the head teacher and governing body of the school and, if appropriate, the religious authority, in drawing together the school's Action Plan. Under Section 40 of the Education Act 2005, the local authority is also 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. 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.

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).

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. 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. Best practice indicates that the school, local authority and, where appropriate, the appropriate religious body should work

closely to prepare complementary 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?**

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?**

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 resubmitted 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**

For schools requiring special measures, in most instances Estyn will carry out termly monitoring visits to the school starting the term following publication of the inspection report. 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 the Welsh Ministers following each monitoring visit to report the progress made by the school since the initial inspection.

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.

Where progress is assessed as insufficient local authorities and the Welsh Ministers may consider the need to invoke their statutory powers of intervention in respect of the school.

#### **Schools requiring significant improvement**

For schools requiring significant improvement, in most instances, Estyn will re-inspect the school approximately twelve months after publication of the inspection report. Estyn will assess the progress made by the school and local authority in implementing the action plan and written

statement to address the issues identified in the school inspection report. A report of the visit will be sent to the Chair of the governing body, the local 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.

Where Estyn considers that good 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 above.

### **Parental engagement**

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. The Welsh Government expects local authorities to ensure that parents are properly informed and engaged when their child's school is causing concern. The school action plan and local authority statement of support for a school requiring significant improvement or special measures will set out how they will communicate with and ascertain the views of parents at the school.

**\*Appendix 4: Process for schools requiring special measures or significant improvement**

**\*Appendix 5: LA Statement of Action template**

**\*Appendix 6: EAS Progress Report Template for schools requiring Significant Improvement or Special Measures**

### **SEWC Intervention Framework (linked to National Categorisation of schools)**

School intervention plans and support plans are central to the EAS strategy for ensuring that schools make required improvement. They are used to support the stages of informal support to the school under the National School Improvement Model / SEWC Intervention Framework (**\*Appendix 7 - Intervention Framework Amber and Red Schools**) or following the issuing of a warning notice based on the six grounds for intervention, to support the formal intervention process.

School Intervention Plans (**\*Appendix 8 – Intervention Plan / Support Plan template**) are required when the school's overall support category is judged as Red using the National Model for Categorisation. Schools that are judged to require a Red level of support will require the plans to be formally agreed by the LA by the process identified below.

Schools that are judged to require an Amber level of support will require a support plan. These will be agreed with the CA and shared formally with each Governing Body. Progress towards the actions in the Support Plan will be monitored through the Education Improvement Board (EIB) process identified below.

The Challenge Adviser (CA) is responsible for the development, coordination and implementation of the Intervention Plan. They are supported by a Principal Challenge Adviser (PCA) (1 in each LA) who is responsible for ensuring that plans are fit for purpose and progressing appropriately. The Assistant Director, CAs has oversight of progress in intervention schools. The PCA provides the link between the EAS and the LA in making the final decision about the schools that require intervention and to coordinate formal meetings as explained below.



## Intervention Plans / Support Plans

Within the informal intervention process, the intervention plan will focus upon improvements within the Step 2 Criteria from the National Categorisation System.

The intervention plan / support plan will consider the following:

- What does the school need to do and by when? This outlines the actions which the school itself will take.
- How does the EAS ensure this happens? This relates to the EAS role in supporting the school in developing its action plan and monitoring and evaluating its progress.
- What specific support will the EAS and/or LA provide to support the school in implementing its actions? This relates to specific actions undertaken by the CA or by members of the EAS team and / or LA Officers (e.g. literacy/numeracy/ foundation phase / health and safety/ ALN / Finance.) to support school actions specified in the intervention plan. However, support for e.g. Literacy / numeracy will only be allocated when the capacity within the leadership of the school is deemed to be sufficient in order to maximise the input.
- How will progress be evaluated and outcomes reported? This relates to role of the CA in evaluating progress and arranging evaluation meetings between the Headteacher, Chair of Governors and where appropriate (amber and red schools) the Director of Education, Diocesan Director (as appropriate) or their representative and the Cabinet Member. The PCA will be involved in these meetings and will be the key person who makes arrangements with the LA.
- How will performance be monitored and evaluated? Particular attention will be given to key outcome milestones such as end of key stage assessments, national tests and external examinations.

Following the issuing of a warning notice or a school being deemed as requiring Significant Improvement or Special Measures following an Estyn inspection, the content of the intervention plan will need to conform to the requirements of the WG Guidance for schools causing concern, although the format and key sections of the plan will similar. This plan is then referred to as the LA Statement of Action. **(Appendix 5 – LA Statement of Action template)**

The school is responsible for developing and implementing an action plan to achieve the required improvements and will be supported to ensure this occurs by the EAS and the LA as required. It is, however, primarily the school which needs to take responsibility for securing its own improvement, with its capacity to self-improve determining the degree of intervention by the EAS and the LA.

The CA is responsible for ensuring the development and implementation of the intervention plan (schools in overall support category Red) or the support plan (schools in overall support category Amber) in order to secure the improvements required. In particular, the CA will:

- Support the school in developing its action plan (School Development Plan).
- Produce the intervention plan in partnership with EAS and LA colleagues to secure actions to support the school in implementing specific actions.
- Meet with the governing body to outline the issues facing the school and improvements required, and with the Headteacher to present the intervention plan (including school action plan) to the governing body.

- Provide specific support to the school to assist in implementation of its actions as detailed in the intervention plan / support plan.
- Regularly monitor the school's progress in implementing the action plan and the progress made by the EAS/LA in supporting the school and produce evaluation reports as required.
- Evaluate the school's progress towards achieving the improvements required and produce impact updates as required.
- Attend regular progress review meetings with the LA to provide updates (in the case of Red schools) and attend EIB meetings in the case of Amber schools.

The PCA is responsible for supporting the CA in developing and implementing the intervention plan / support plan and ensuring that they are fit for purpose, implemented within agreed timescales and effective in delivering outcomes.

The PCA has oversight of the progress made in implementing the intervention plan and the progress made by the school in terms of actions and outcomes. The PCA is responsible for liaising with the LA in setting up formal meetings within the intervention process.

The extent to which the school has been successful in achieving the required improvement will determine future actions by the LA and EAS in line with National Categorisation Framework. This may encompass:

1. The school has made strong / very good progress and will be removed from the intervention/support plan.
2. The school has made satisfactory/strong progress but will need to remain on the intervention/support plan 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 support plan / intervention plan 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 in line with the agreed policy.

## Intervention Plan process (for school requiring an overall support category of Red)

CA determines the overall categorisation of the school in conjunction with the PCA for the LA. The CA will identify the key issues to be addressed. The LA will formally agree the overall support category. If this is Red then the formal process below will begin. The school will receive the letter notifying them the category they have been placed. **(Appendix 9)**

The CA will create and intervention plan in close collaboration with the Headteacher and the LA (where appropriate). The intervention plan will focus upon leadership development in the first instance. The plan will be quality assured by the PCA. In the case of Schools Challenge Cymru schools, the agreed school plan will act as the intervention plan.

The PCA will link with the key LA Officer who will arrange the meetings between the Director of Education / Chief Education Officer/ Diocesan Director or their representative, CA, PCA, Headteacher, Chair of Governors and Elected Member to formally agree the plan and the improvements required. Agreement is reached around the timescales for the first progress meeting. **(Appendix 10)**

School implements the agreed actions.

CA monitors and supports the school progress in implementing actions.

The LA Officer will invite the Headteacher and the Chair of Governors to a review meeting within at least a term of the initial agreement of the intervention plan **(Appendix 11)**. The LA Officer will take responsibility for taking minutes of the meetings in line with the LA protocol.

The school will be asked to complete the impact evaluation column on the Intervention Plan. The school will be send this to the LA within 5 days of the meeting. The CA will also complete the impact evaluation column on the Intervention Plan and will send to the LA within 5 days of the meeting.

The Director of Education / Chief Education Officer / Diocesan Director or their representative, CA, PCA, Headteacher, Chair of Governors and Elected Member will discuss the progress towards the key actions and will evaluate progress. The LA will inform the Headteacher and Chair of Governors the outcome of the meeting, using the agreed template letter within 5 working days of the meeting. The PCA will be copied into the letter. One of the choices below will be chosen following the intervention panel meeting **(Appendix 12)**

The school has made strong / very good progress and will be removed from the intervention plan.

The school has made satisfactory/strong progress but will need to remain on the intervention plan for a further period of time to enable the improvements to become consistent and embedded.

The school has made satisfactory/strong progress but still requires additional support and the intervention plan requires revision and updating.

The school demonstrates limited progress which lacks pace. It is advised that the Local Authority determine appropriate next steps of action in line with the agreed policy.

## Support Plan process (for school requiring an overall support category of Amber)

CA determines the overall categorisation of the school in conjunction with the PCA for the LA. The CA in discussion with the Headteacher will identify the key issues to be addressed. The LA will formally agree the overall support category. If this is Amber then the formal process below will begin.

The CA will create a support plan in close collaboration with the Headteacher and the LA (where appropriate). The support plan will focus upon leadership development in the first instance. The plan will be quality assured by the PCA.

School implements the agreed plan.

CA monitors the school progress in implementing actions. CA will write an impact report on at least a termly basis.

The support plan will be monitored through an Education Improvement Board (EIB) every 6 weeks. The CA and HT will agree and issue dates in advance. The CA will invite the LA / Diocesan Director (as appropriate) and the HT will invite the Chair of Governors. The EIB meetings will take place in the school. Details of the EIB can be found in the SEWC EIB Protocol document.

The Head teacher and CA will update the Impact and Next Steps section on the Support Plan

All documents to be distributed to all attendees at least 3 working days in advance of the meeting.

The CA, Headteacher, Chair of Governors and LA Officer (Diocesan Director as appropriate) \* will discuss the progress towards the key actions and will evaluate progress.

\* The Elected Member for Education will attend a sample of meetings across the LA at their discretion.

\*\*Additional relevant staff can be invited to present directly to the EIB.

Minutes of the EIB will be taken on the agreed template. The agreed progress of the school will be recorded by the CA from one of the four options below. The CA will send the agreed minutes to Learning Intelligence.

The school has made strong / very good progress and will be removed from the intervention plan.

The school has made satisfactory/strong progress but will need to remain on the intervention plan for a further period of time to enable the improvements to become consistent and embedded.

The school has made satisfactory/strong progress but still requires additional support and the intervention plan requires revision and updating.

The school demonstrates limited progress which lacks pace. It is advised that the Local Authority determine appropriate next steps of action in line with the agreed policy.

## Appendices

Appendix	Title
1	Warning Notice Template Letter
2	Application form for Welsh Ministers' consent to appoint an IEB and guidance notes for completion
3	Further guidance on IEBs.
4	Process for schools requiring special measures or significant improvement (Flowchart)
5	LA Statement of Action template
6	EAS Progress Report Template for schools requiring Significant Improvement or Special Measures
7	SEWC Intervention Framework (Amber and Red)
8	Intervention Plan / Support Plan template
9	Template for letter from the LA to schools in overall support category Red
10	Sample structure of an intervention meeting
11	Sample invitation letter to an intervention meeting
12	Sample letter following an intervention meeting
13	Schools Causing Concern Register - Protocol

## Appendix 1: 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:		
Action	Timeline	Update
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

Regional Consortium

(in the case of a foundation or VA / VC school the person who appoints foundation governors)

(appropriate religious body where applicable)

**Appendix 2: Application form for Welsh Ministers' consent to appoint an IEB and guidance notes for completion**

**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 provide 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.

## **Appendix 3: Further guidance on 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. IEMs 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.

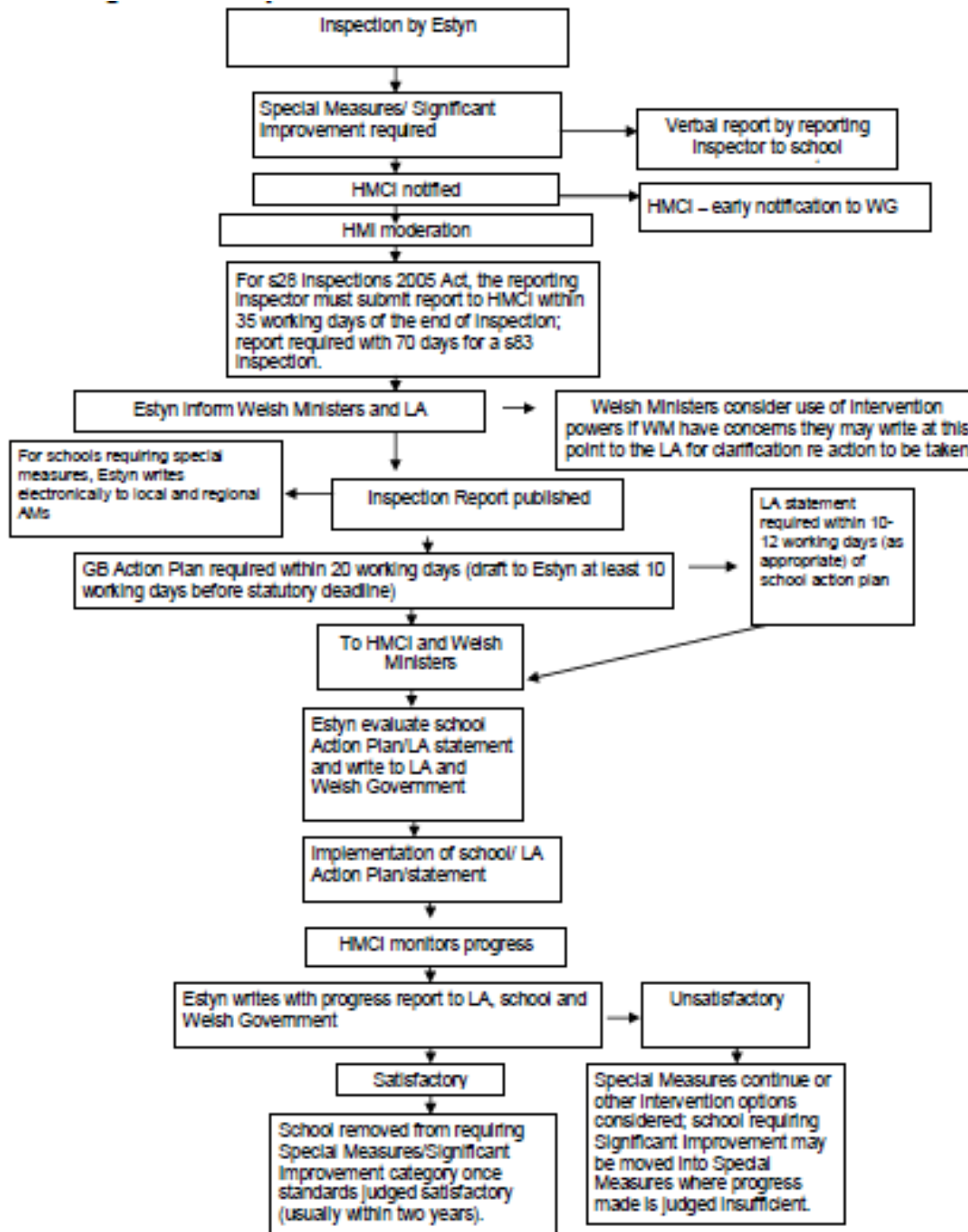
(iii) write to the governing body to provide notice that the IEB will be established (a “notice of establishment”). This letter should state when the IEB will commence, and should indicate when it is anticipated that the IEB will cease to function. In the case of foundation or voluntary schools, this letter should be copied to the diocese or other appropriate appointing authority.

23. For further guidance please contact:

Head of Schools Management and Effectiveness Division  
Department for Education and Skills,  
Welsh Government  
Crown Buildings  
Cathays Park  
Cardiff  
CF10 3NQ

DRAFT

**Appendix 4: Process for schools requiring special measures or significant improvement (Flowchart)**





## Appendix 5: LA Statement of Action template

Education Achievement Service

For South East Wales

### LA Statement of Action

School:

Date of Commencement of Plan:

#### Context for the Intervention

Current Categorisation	Standards	Capacity - Leadership, T&L	Overall support category

Page 85

- The school was inspected by Estyn in ... and placed into the category of ...

#### Key Issues

The Estyn Inspection noted that:

##### Current performance

The school's current performance is .... because:

- 
- 

##### Prospects for improvement

The school's prospects for improvement are ... because:

-

**Recommendation 1:**

**Key Issues:**

- 

Responsibility	Action to be taken	Resources (Specific no. of days/costs)	Timescale (Start/End)	Success Criteria (Measurable Outcomes)	Monitoring and evaluation arrangements for actions (date)
EAS					
LA					

**Recommendation 2:**

**Key Issues:**

- 

Responsibility	Action to be taken	Resources (Specific no. of days/costs)	Timescale (Start/End)	Success Criteria (Measurable Outcomes)	Monitoring and evaluation arrangements for actions (date)
EAS					
LA					

**Recommendation 3:**

**Key Issues:**

•					
Responsibility	Action to be taken	Resources (Specific no. of days/costs)	Timescale (Start/End)	Success Criteria (Measurable Outcomes)	Monitoring and evaluation arrangements for actions (date)
EAS					
LA					

**Recommendation 4:**

Key Issues:

•

•					
Responsibility	Action to be taken	Resources (Specific no. of days/costs)	Timescale (Start/End)	Success Criteria (Measurable Outcomes)	Monitoring and evaluation arrangements for actions (date)
EAS					
LA					

**Recommendation 5:**

Key Issues:

•

Responsibility	Action to be taken	Resources (Specific no. of days/costs)	Timescale (Start/End)	Success Criteria (Measurable Outcomes)	Monitoring and evaluation arrangements for actions (date)
EAS					
LA					

### Plans for parental engagement

#### The LA will;

- hold a meeting for parents to explain the inspection findings and outlining the plans for improvement – include date and time.
- produce a regular newsletter to update parents on the progress the school is making include dates.
- hold 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 on include dates and times.
- organise for 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. This will be discussed on the include date and time.

#### Powers of intervention

Consideration has been given to;

- to use powers of intervention to appoint additional governors
- suspend the right to a delegated budget or
- appoint an Interim Executive Board.

#### Statement

#### Commencement of plan:

#### Monitoring and Evaluating arrangements:

- The monitoring and evaluation arrangements will be in line with the agreed SEWC regional policy on Intervention in Schools Causing Concern.
- Following Estyn Feedback on the School's PIAP and LA/EAS Intervention plans, both plans will be presented to the Director of Education for

formal agreement and dates for monitoring progress by the Education Director, Chair of the Recovery Board and Cabinet Member will also be agreed.

- The CA will monitor the school's overall progress towards meeting the PIAP actions on a monthly basis and with specific focus on review of key elements at specified times as identified in the plan.
- A Principal Challenge Adviser is attached to the school as a part of the intervention to support the CA and to quality assure the intervention plan and its implementation. The CA will meet with the PCA on a regular basis to consider the progress made by the school and the EAS in implementing their plans and to verify the evidence available to support CA judgement.
- The Principal Challenge Adviser will report progress to the Director of Education and LA officers at scheduled LA monitoring meetings focusing on schools with concern. In line with the SEWC policy on Intervention in Schools Causing Concern, the School (Headteacher and Chair of Governors) and the EAS will present a summary evaluation of progress to the Director of Education at dates agreed in the initial meeting. (Normally within three months following the commencement of the action and at three-monthly intervals following this until such time that the LA considers that the school has made sufficient progress. The evaluations of progress will form the basis of any reports required by Estyn.
- The CA will present updates on progress to the GB at a three-monthly interval.
- The LA Intervention Panel will meet with the Headteacher and Chair of Governors to monitor school progress in implementing the action plan and achieving required outcomes at half-termly intervals.

**Reporting arrangements:**

- The action plan and progress evaluations by the school and the EAS/LA will be posted to School Secure
- All impact reports will be shared with the HT, GB, Director of Education, Chair of the Recovery Board and Elected member.

## Appendix 6: EAS Progress Report Template for schools requiring Significant Improvement or Special Measures

Education Achievement Service for South East Wales



Schools identified as requiring **Special Measures / Significant Improvement (delete as appropriate)** following a **Section 28 Inspection**.

**Please delete all red font before submitting this report and also delete the table below. This is designed to assist you in making your judgments on the progress made.**

**Your judgements must be based on a range of first hand evidence.**

**Please ensure that you delete any unnecessary boxes, spaces etc.**

**It all needs to be in Myriad Web size 12.**

**Report on the progress made by .....school**

**Date of report:**

..... was inspected in ..... and identified as requiring monitoring by the local authority. Since that time the authority has, through link officer visits and other officers' visits, supported and monitored the progress the school has made in addressing the recommendations contained in the Estyn report.

**Local authority's view of progress**

**Progress on the recommendations in the Section 28 report**

A brief evaluation of the progress made on **each** recommendation is set out below.

	<b>Addressing the recommendation</b>	<b>Aspects still requiring attention</b>	<b>Impact on standards and / or quality of provision</b>	<b>Work required on the next monitoring visit</b>
<b>Limited progress</b>	Does not meet the recommendation	All or many important aspects still awaiting attention	No impact on standards and/or quality of provision (e.g. standards have declined since core inspection in key indicators)	Much work still to do and many aspects still to consider
<b>Satisfactory progress</b>	Addresses the recommendation in many respects	A few important aspects still require significant attention	Limited impact on standards and/or quality of provision	Many aspects addressed but still significant work to do in important areas

<b>Strong progress</b>	Addresses the recommendation in most respects	Only minor aspects still require attention	Positive impact on standards and / or quality of provision	Most aspects covered already with little significant work left to do
<b>Very good progress</b>	Addresses the recommendation in all aspects	No aspects require further attention	Very good impact on quality of provision	School to maintain and build on improved practice

**Recommendation 1: Type the recommendation in here.**

Please note the actions and the impact that the school has made towards meeting the recommendation.

**Summary**

The school has made (Limited progress / Satisfactory progress / strong progress / very good progress) towards meeting this recommendation.

**Aspects that still require attention:**

Please note the areas that the school will need to address to ensure that the recommendation makes very good progress.

**Recommendation 2: Type the recommendation in here.**

Please note the actions and the impact that the school has made towards meeting the recommendation.

**Summary**

The school has made (Limited progress / Satisfactory progress / strong progress / very good progress) towards meeting this recommendation.

**Aspects that still require attention:**

Please note the areas that the school will need to address to ensure that the recommendation

makes very good progress.

**Recommendation 3: Type the recommendation in here.**

Please note the actions and the impact that the school has made towards meeting the recommendation.

**Summary**

The school has made (Limited progress / Satisfactory progress / strong progress / very good progress) towards meeting this recommendation.

**Aspects that still require attention:**

Please note the areas that the school will need to address to ensure that the recommendation makes very good progress.

**Recommendation 4: Type the recommendation in here.**

Please note the actions and the impact that the school has made towards meeting the recommendation.

**Summary**

The school has made (Limited progress / Satisfactory progress / strong progress / very good progress) towards meeting this recommendation.

**Aspects that still require attention:**

Please note the areas that the school will need to address to ensure that the recommendation makes very good progress.

**Recommendation 5: Type the recommendation in here.**

Please note the actions and the impact that the school has made towards meeting the recommendation.



### Summary

The school has made (Limited progress / Satisfactory progress / strong progress / very good progress) towards meeting this recommendation.

### Aspects that still require attention:

Please note the areas that the school will need to address to ensure that the recommendation makes very good progress.

### Recommendation 6: Type the recommendation in here.

Please note the actions and the impact that the school has made towards meeting the recommendation.

### Summary

The school has made (Limited progress / Satisfactory progress / strong progress / very good progress) towards meeting this recommendation.

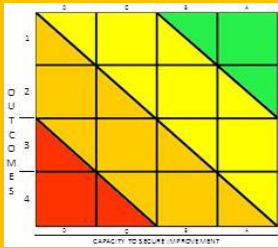
### Aspects that still require attention:

Please note the areas that the school will need to address to ensure that the recommendation makes very good progress.

### Conclusion

Provide a brief evaluative statement about the school's progress and prospects for improvement.

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### Amber support category

A school in this category may receive **up to 15 days** of Challenge Adviser time.

#### Level of support

Each Challenge Adviser will determine the nature of the bespoke support package to be provided to each school according to need which may result in the allocation of additional days support. This additional support could be delivered by a range of providers.

Each school will receive a bespoke support package from the CA linked directly to need. This will be a differentiated support of up to 15 days. Schools will receive either a high, medium or low support package within this support category.

A Support Plan to support and challenge improvement will be agreed through the protocol detailed in the SEWC Education Improvement Board Protocol.

The Support Plan details the nature and level of support, timetable for action and expected outcomes. The programme will dovetail with the school's own improvement programme (if appropriate).

#### Core Entitlement

Core entitlement from CAs for **Amber** schools:

1. Categorisation visit and setting of bespoke actions for improvement.
2. Agreement of target setting, EIG and PDG
3. Creation of a Support Plan that details the nature and level of support, timetable for action and expected outcomes. The programme will dovetail with the school's own improvement programme (if appropriate).
4. Report to the Governing Body on the National Categorisation of the school.
5. Headteacher Performance Management process.
6. Writing of Estyn Pre-inspection Evaluation report (if applicable).
7. A rolling programme of a 1 day visit to identify best practice (over a 2-year period).
8. Support for Headteacher / Deputy Headteacher appointment process (if applicable)
9. Regular Education Improvement Board (EIB) meetings (as detailed in SEWC Education Improvement Board Protocol) to monitor progress towards the Support Plan actions and outcomes.

#### Brokerage, Intervention and Support;

- Schools will be entitled to the Core Offer for all BIS Services \*

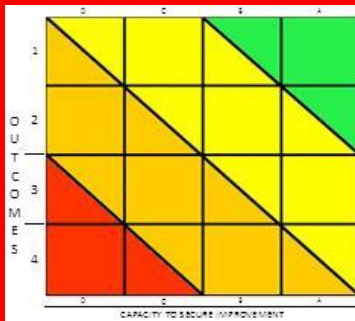
\*schools will incur the supply cover costs and travel (where applicable)

#### Intervention activity

1. All schools in this category will follow the SEWC Education Improvement Board Protocol.
2. A Support Plan will be created and closely monitored through the stages in the above protocol.
3. Grant plans will be signed off and agreed by the CA.
4. Where it is deemed necessary further specific leadership support will be considered on a case by case basis.
5. Schools may have Responsive BIS intervention, dependent on areas requiring improvement. School to fund if this is required. If required, this will be detailed in the Support Plan.

### Capacity building / development

1. Schools in this category may benefit from being linked with a 'Lead' school through structured school to school support package. This will be clearly defined in the Support Plan.
2. Schools may have Lead departments for the Brokerage, Intervention and Support (BIS) school to school support programmes on offer.
3. Schools have options to use the discretionary programmes on offer from Brokerage, Intervention and Support service.
4. Schools that are unable to improve outcomes for learners over a reasonable period, or who fail to manage their improvement effectively, will, by default become a school causing concern.



### Red support category

A school in this category may receive **up to 25 days** of Challenge Adviser time.

The school will automatically receive a letter from the Local Authority. Where appropriate statutory powers may be invoked.

## Level of support

Each Challenge Adviser will determine the nature of the bespoke support package to be provided to each school according to need which may result in the allocation of additional days support. This additional support could be delivered by a range of providers.

Each school will receive a bespoke support package from the CA linked directly to need. This will be a differentiated support of up to 25 days. Schools will receive either a high, medium or low support package within this support category.

An Intervention Plan to support and challenge improvement is agreed through the protocol detailed in the SEWC Schools Causing Concern Policy.

The Intervention Plan details the nature and level of support, timetable for action and expected outcomes.

## Core Entitlement

Core entitlement from CAs for **Red** schools:

1. Categorisation visit and setting of bespoke actions for improvement.
2. Agreement of target setting, EIG and PDG
3. Creation of an Intervention Plan that details the nature and level of support, timetable for action and expected outcomes.
4. Report to the Governing Body on the National Categorisation of the school.
5. Headteacher Performance Management process.
6. Writing of Estyn Pre-inspection Evaluation report (if applicable).
7. Support for Headteacher / Deputy Headteacher appointment process (if applicable).
8. Regular Intervention Meetings (as detailed in SEWC Schools Causing Concern Policy) to monitor progress towards actions in the Intervention plan.

### **Brokerage, Intervention and Support;**

- Schools will be entitled to the Core Offer for all BIS Services \*

\*schools will incur the supply cover costs and travel (where applicable)

## **Intervention activity**

1. All schools in this category will follow the protocol within the SEWC Schools Causing Concern Policy.
2. An Intervention Plan will be created and closely monitored through the stages in the above policy. All Intervention Plans must be approved by the Managing Director EAS and the Director of Education / Chief Education Officer , Diocesan Director (as appropriate) and Elected Member through the agreed protocol in the SEWC Schools Causing Concern Policy.
3. SDPs, SER and grant plans will need to be agreed by the Principal CA within each LA.
4. Where it is deemed necessary further specific leadership support will be considered on a case by case basis.
5. Schools may have Responsive BIS intervention, dependent on areas requiring improvement. School to fund if this is required. If required, this will be detailed in the Intervention Plan.

## **Capacity building / development**

1. The EAS in close collaboration with the LA (and Diocesan Director as appropriate) will closely monitor to ensure that sufficient progress is being made to bring about a rapid improvement in outcomes and leadership capacity. A key indicator of this will be the urgency and rigour with which the head, SLT and governing body implement actions for improvement.
2. Schools in this category may benefit from being linked with a 'Lead' school through structured school to school support package. This will be clearly defined in the Intervention Plan.
3. 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 as stated in the SEWC Schools Causing Concern Policy.
4. Failure to secure improvement will result in further intervention processes being applied, including, where necessary, application to Welsh Ministers to direct the federation of a school causing concern or that a school in special measures be closed.

**Appendix 8: Intervention Plan / Support Plan template**

**Education Achievement Service for South East Wales**

**Intervention/Support Plan (Red and Amber Schools)**

**School:**

**Date:**

**Principal Challenge Adviser (PCA):**

**Challenge Adviser (CA):**

<b>Current Categorisation</b>	<b>Step 1</b>	<b>Step 2</b>	<b>Step 3</b>	<b>Support Level</b>

<b>Expected Categorisation September 2016</b>	<b>Step 2</b>	<b>Step 3</b>

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**Date of commencement of plan:**

<b>Key Areas for Development</b>	
1	
2	
3	
4	
5	

**Key Area for Development 1:**

<b>Actions (School/EAS/LA)</b>	<b>Success Criteria</b>	<b>Resources (Specific no. of days / costs)</b>	<b>Timescales (Start and end date)</b>	<b>Impact and Next Steps (updated every 6 weeks)</b>
1.				
2.				
3.				
4.				
5.				

5. Page

**Key Area for Development 2:**

<b>Actions (School/EAS/LA)</b>	<b>Success Criteria</b>	<b>Resources (Specific no. of days / costs)</b>	<b>Timescales (Start and end date)</b>	<b>Impact and Next Steps (updated every 6 weeks)</b>
1.				
2.				
3.				
4.				



5.				
----	--	--	--	--

<b>Total number of allocated CA days identified in plan</b>	
---	--

\*Please delete evaluation and reporting arrangements as appropriate for Intervention / Support Plan

**Intervention Plan (Red Schools)**

**Evaluation arrangements: (By the EAS)**

The CA will evaluate overall progress against all actions on a termly basis or sooner if deemed necessary. Details of this process are found in the SEWC Schools Causing Concern Policy. Progress will be monitored through Intervention Meetings.

**This intervention plan has been agreed by:**

<b>Page 10</b>	<b>Signed</b>	<b>Date</b>
<b>Headteacher</b>		
<b>Chair of Governors</b>		
<b>Challenge Adviser</b>		
<b>Principal Challenge Adviser</b>		
<b>Director of Education / Chief Education Officer</b>		
<b>Elected Member</b>		

**Support Plan (Amber Schools)**

**Evaluation arrangements: (By the EAS)**

The CA will evaluate overall progress against all actions on a termly basis or sooner if deemed necessary. Details of this process are found in the SEWC Schools Causing Concern Policy. Progress will be monitored through Education Improvement Board Meetings.

This support plan has been agreed by:

	Signed	Date
Headteacher		
Chair of Governors		
Challenge Adviser		
Director of Education / Chief Education Officer		

<b>Termly Overall Recommendation for Intervention and Support Plans</b>	
<ol style="list-style-type: none"> <li>1. The school has made strong / very good progress and will be removed from the intervention/support plan.</li> <li>2. The school has made satisfactory/strong progress but will need to remain on the intervention/support plan for a further period of time to enable the improvements to become consistent and embedded.</li> <li>3. The school has made satisfactory/strong progress but still requires additional support and the support plan / intervention plan requires revision and updating.</li> <li>4. The school demonstrates limited progress which lacks pace. It is advised that the Local Authority determine appropriate next steps of action in line with the agreed policy.</li> </ol>	
Autumn 1	
Autumn 2	
Spring 1	
Spring 2	
Summer 1	
Summer 2	

## Appendix 9

### Template letter to be sent to schools in overall Red support category

Dear Headteacher (Name) and Chair of Governors (Name),

I am writing about the Overall Support Category assigned to your school for 2015-2016.

As you are aware, in September 2014, the Minister for Education and Skills announced the introduction of the National School Categorisation System.

Following discussions with your Challenge Adviser and final agreement with the Local Authority, the outcomes from this process of categorisation for your school are:

Step 1: Standards	Step 2: Leadership Capacity	Step 3: Overall Support Category

As a consequence of your school being placed in the Overall Support Category of Red this will require the Local Authority (LA) in conjunction with the EAS to closely monitor the pace and progress of the school in meeting the identified areas requiring improvements.

The identified aspects that require immediate improvements are;

- 1.
- 2.
- 3.
- 4.

Your CA in collaboration with yourselves and the LA will have already written an Intervention Plan. The Intervention Plan details the nature and level of support, timetable for action and expected outcomes. The School Development Plan (SDP) and grant spend allocations will also be approved and signed off by your CA when appropriate.

Regular impact reports will be required from your CA and also yourselves, these will be submitted to the Director of Education / Chief Education Officer. Progress will be discussed through scheduled Schools Causing Concern meetings.

Further details of the process noted above can be found in the SEWC Schools Causing Concern Policy (attached).

I look forward to meeting with you both in the first meeting to agree and sign off the Intervention Plan and in subsequent meetings to discuss the impact and progress you are making.

## Appendix 10

Exemplar schedule for an intervention plan 'day' with the LA

### Intervention Plan meeting

**Date:**

**Present:** Cllr\*\*\*\*\*  
 Director / Chief Officer or Representative  
 PCA  
 CA (per school)  
 Headteacher & Chair

**Venue:** \*\*\*\*\*

08.45 am – 09.00 am	Preparation for ***** Primary
09.00 am – 09.30 am	***** Primary School
09.30 am – 09.45 am	Preparation for ***** Primary
09.45 am – 10.15 am	***** Primary School
10.15 am – 10.30 am	Preparation for ***** School
10.30 am – 11.00 am	***** School
11.00 am – 11.30 am	Preparation for ***** School
11.30 am – 12.00 noon	***** School
<b>12.00 – 12.30 pm</b>	<b>L U N C H / Refreshments</b>
12.30 pm – 1.00 pm	Preparation for ***** School
1.00 pm – 1.30 pm	***** School
1.30 pm - 1.45 pm	Preparation for ***** Primary School
1.45 pm - 2.15 pm	***** Primary School
2.30pm – 3.00pm	Debrief with the Cabinet Member, LA Officer and PCA Agree outcomes and dates for the LA to send the letters Agenda for the next meeting, agree dates Any improvements to be made to the process?

## Appendix 11

Exemplar letter sent by the LA inviting the Headteacher and chair of governors to attend the intervention plan meeting with the LA

Dear

As previously advised, we would like to invite you and your Chair of Governors to the next Intervention Plan Monitoring meeting or a meeting to agree and sign off the new Intervention Plan that will take place on xxxxxxxx at xxxxxx. The meeting should last no longer than 45 minutes.

As previously described, following the review of progress meeting the panel will make a decision about which option from the list below the school best fits;

1. The school has made strong / very good progress and will be removed from the intervention/support plan.
2. The school has made satisfactory/strong progress but will need to remain on the intervention/support plan 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 support plan / intervention plan 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 in line with the agreed policy.
- 5.

You will have an opportunity in the meeting to present your evidence of progress against the priorities of the Intervention Plan. You will need to complete the 'impact column' on the Intervention Plan in preparation for the meeting and send this through 5 days prior to the meeting to ensure all members of the meeting have a chance to read this. Your Challenge Adviser will also provide their view of progress and impact to the Local Authority as part of the preparation for the meeting and they will share this with you.

Please let me know if you require any further information in advance of the session.

Yours sincerely,

Director of Education

Copy to: Chair of Governors  
Headteacher  
Councillor \*\*\*\*\*  
PCA \*\*\*\*\*

## Appendix 12

Exemplar letter following a review meeting with the LA

Dear \*\*\*\*\*,

We would like to take this opportunity to say thank you for attending the Intervention Plan Monitoring meeting on \*\*\*\*\*.

As previously described, the outcome of the meeting can be placed into three categories;

1. The school has made strong / very good progress and will be removed from the intervention/support plan.
2. The school has made satisfactory/strong progress but will need to remain on the intervention/support plan 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 support plan / intervention plan 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 in line with the agreed policy.

Following the meeting the Local Authority has decided that \*\*\*\*\* School (note which option has been chosen).

As a result, you will be asked to attend a further Intervention Plan Monitoring meeting on (Date).

Your Challenge Adviser will work with you in order to make any necessary adjustments to the plan.

I look forward to meeting with you again to discuss the progress of the school.

Yours sincerely,

Director of Education

Copy to: Chair of Governors  
Headteacher  
Councillor \*\*\*\*\*  
PCA \*\*\*\*\*

## Appendix 13

Across the region, there has been an overall improvement in categorisation over the last 3 years. More schools across the EAS region are now requiring less support. There are now fewer primary schools in the region in the categories requiring the highest level of support (amber and red) and there continues to be a focus to secure further improvement so that fewer secondary schools require the higher levels of support.

The number of red and amber primary, Infant and Junior schools across the region has decreased from 35 schools (18%) in 2015-2016 to 23 schools (12%) in 2016-2017. The number of red and amber secondary schools has decreased from 24 schools (67%) in 2015-2016 to 18 schools (50%) in 2016-2017. 4 secondary schools are red and the region has two 3-16 schools who for 2016-2017 require red levels of support which are included in this figure. 3 of these secondary schools have remained in this support category for 2 consecutive years.

**The purpose of the Schools Causing Concern Register is to review the actions taken by the EAS and LA for each school identified at risk in order to ensure that appropriate support and challenge has been provided to secure the necessary pace of improvement (SEWC Intervention Framework) and to improve regional consistency, particularly in the use of statutory powers (Schools Causing Concern Protocol).**

The register considers a range of criteria to identify schools at risk including:

- Pace of progress against current EAS 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 WG modelled estimates at KS4.
- Attendance (Benchmarks over a 3-year period);
- Exclusions;
- Any other LA specific concerns linked to: Finance, Safeguarding, HR, ALN.

Based on these criteria, EAS Learning Intelligence developed a spreadsheet for all schools which enables filtering facilities to flag schools at risk but can also be used as a tool for reviewing the performance of all schools, for example, aiding the identification and sharing good practice.

Schools listed on the register are agreed with each LA. The Headteacher and Governing Body will be notified if their school is placed on the Schools Causing Concern Register. This will be via a joint email from the EAS Principal Challenge Adviser and the LA. The register of schools causing concern is shared during every SEWC Directors' meeting, providing a regular opportunity to review EAS and LA actions. A formal review session is conducted on a termly basis.

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# Schools causing concern

Statutory guidance for schools and local authorities



## Guidance

Guidance document no: 202/2016

Date of issue: March 2016

Replaces guidance document no: 129/2014

## Schools causing concern

<b>Audience</b>	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.
<b>Overview</b>	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.
<b>Action required</b>	Local authorities must have regard to this guidance when considering intervening in schools causing concern in their area.
<b>Further information</b>	Enquiries about this document should be directed to: Schools Management and Effectiveness Division School Standards and Workforce Directorate Welsh Government Cathays Park Cardiff CF10 3NQ e-mail: <a href="mailto:SMED1@wales.gsi.gov.uk">SMED1@wales.gsi.gov.uk</a>
<b>Additional copies</b>	This document can be accessed from the Welsh Government's website at <a href="http://www.gov.wales/educationandskills">www.gov.wales/educationandskills</a>
<b>Related documents</b>	School Standards and Organisation 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

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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 Minister for Education and Skills' 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 Minister for Education and Skills, being one of the Welsh Ministers. The Welsh Ministers are part of the Welsh Government.
- 2.2 This circular replaces Welsh Government Circular 004/12. 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 will 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 working<sup>1</sup>, 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

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

leadership and management of a school, taking into account the school's 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 authorities<sup>2</sup> 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 Making intelligent use of data to understand a school's needs and taking a proactive role in early intervention are central components of the regional consortia's role in supporting school improvement. 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 intervene in schools where performance is unacceptably low or where other issues are having an adverse impact on the operation of the school.
- 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 intervene 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.
- 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

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<sup>2</sup> 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.

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 and evaluations of leadership and management.

- 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. 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 authority and 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 them;
- 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 <sup>3</sup> 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

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<sup>3</sup> 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.

Estyn reports, consortia intelligence and reviews including their school categorisation judgments, feedback from parents, or analyses of pupils' work.

- 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. In the majority of 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 A warning notice can 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.

### **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: [SMED1@wales.gsi.gov.uk](mailto:SMED1@wales.gsi.gov.uk)

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 the Welsh Ministers if they feel that the local authority has issued a warning notice inappropriately. 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 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.

### **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: [SMED1@wales.gsi.gov.uk](mailto:SMED1@wales.gsi.gov.uk). 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. 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. The consultation should 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. A minimum of 14 days<sup>4</sup> should be allowed 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 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

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<sup>4</sup> 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.

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](http://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](#)

## **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.](#)

### **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.charitycommission.gov.uk/Publications/cc11.aspx>

and Conflicts of interest

[http://www.charitycommission.gov.uk?Charity\\_requirements\\_guidance/Charitygovernance/Good\\_governance/conflicts\\_default.aspx](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.

### **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](http://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 begin as soon as early warning of the school being identified as a cause for concern is provided 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.
- 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 The local authority should work closely through or with regional consortia with the head teacher and governing body of the school and, if appropriate, the religious authority, in drawing together the school's Action Plan. Under Section 40 of the Education Act 2005, the local authority is also 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. 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.
- 7.18 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).
- 7.19 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. 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.

- 7.20 Best practice indicates that the school, local authority and, where appropriate, the appropriate religious body should work closely to prepare complementary 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?**

- 7.21 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?**

- 7.22 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**

- 7.23 For schools requiring special measures, in most instances Estyn will carry out termly monitoring visits to the school starting the term following publication of the inspection report. 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 the Welsh Ministers following each monitoring visit to report the progress made by the school since the initial inspection.
- 7.24 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.
- 7.25 Where progress is assessed as insufficient local authorities and the Welsh Ministers may consider the need to invoke their statutory powers of intervention in respect of the school (see Chapter 7 of this circular).

### **Schools requiring significant improvement**

- 7.26 For schools requiring significant improvement, in most instances, Estyn will re-inspect the school approximately twelve months after publication of the inspection report. Estyn will assess the progress made by the school and local authority in implementing the action plan and written statement to address the issues identified in the school inspection report. A report of the visit will be sent to the Chair of the governing body, the local 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.
- 7.27 Where Estyn considers that good 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 8.26 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:

Head of Schools Management and Effectiveness Division  
Department for Education and Skills,  
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**

<b>LA School</b>
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 provide 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 endeavor 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.

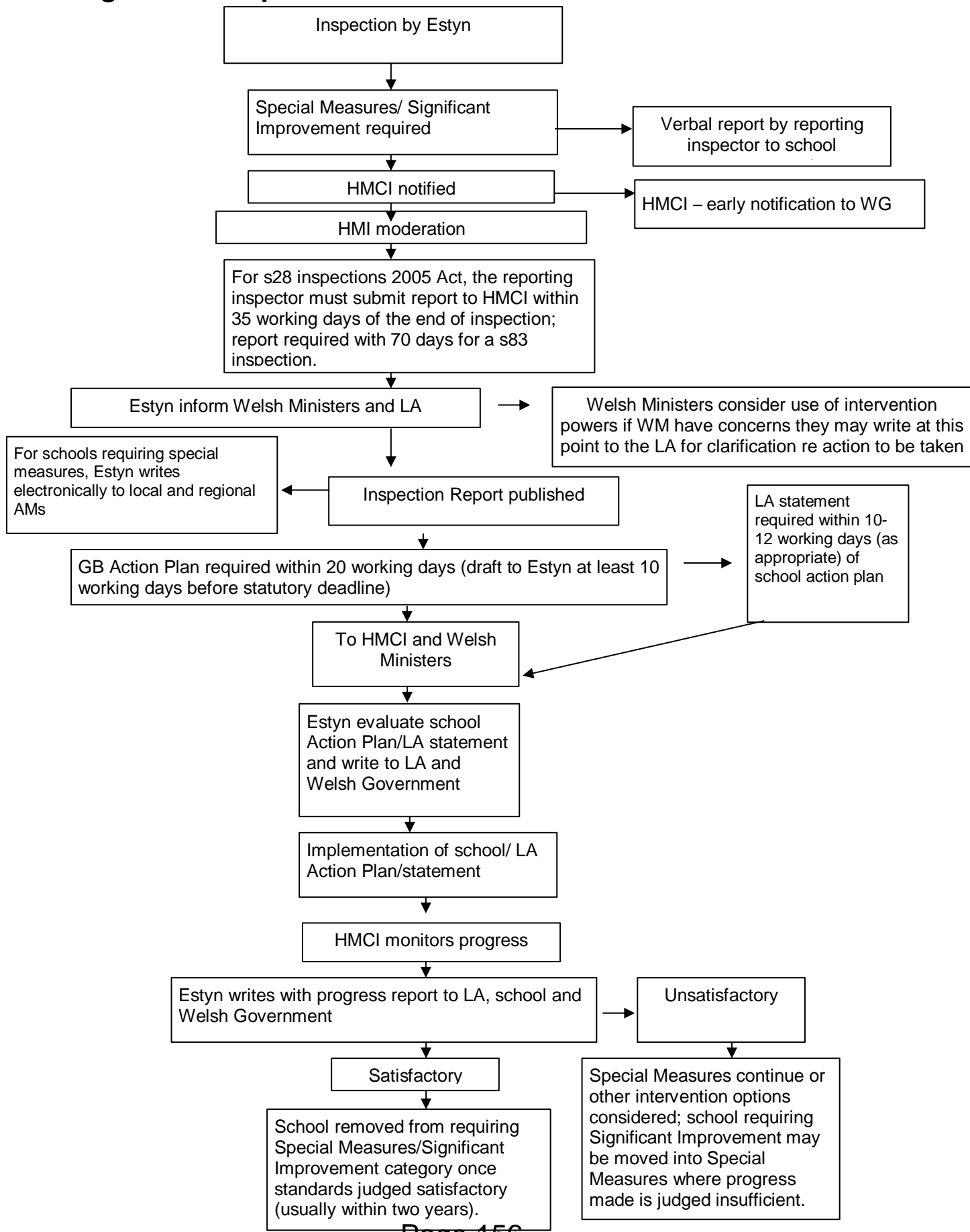
### **Further advice**

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 nessessary]:

**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.

<b>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:</b>		
<b><i>Action</i></b>	<b><i>Timeline</i></b>	<b><i>Update</i></b>
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>B. Implement the agreed action plan immediately and report weekly to the local authority on progress</b>		
<b>C. Confirm to the local authority by the end of the specified compliance periods that all actions have been successfully concluded.</b>		

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](http://www.legislation.gov.uk/ukpga/1996/56/contents)

Education Act 2002  
[www.legislation.gov.uk/ukpga/2002/32/contents](http://www.legislation.gov.uk/ukpga/2002/32/contents)

Education Act 2005  
[www.legislation.gov.uk/ukpga/2005/18/contents](http://www.legislation.gov.uk/ukpga/2005/18/contents)

Learning and Skills Act 2000  
[www.legislation.gov.uk/ukpga/2000/21/contents](http://www.legislation.gov.uk/ukpga/2000/21/contents)

Education and Inspections Act 2006  
[www.legislation.gov.uk/ukpga/2006/40/contents](http://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>

*Guidance for the inspection of primary schools from September 2010*  
(Estyn, updated in 2013)  
<http://www.estyn.gov.wales/document/guidance-inspection-primary-schools>

*Guidance for the inspection of secondary schools from September 2010* (Estyn, updated in 2013)  
<http://www.estyn.gov.wales/document/guidance-inspection-secondary-schools>

*Guidance for the inspection of special schools from September 2010* (Estyn, updated September 2013)  
<http://www.estyn.gov.wales/document/guidance-inspection-special-schools>

*Guidance for the inspection of local authority education services for children and young people from September 2010* (Estyn, 2012)  
<http://www.estyn.gov.wales/document/guidance-inspection-special-schools>

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/schoolshome/raisingstandards/power-to-innovate/?lang=en>

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## EDUCATION FOR LIFE SCRUTINY COMMITTEE – 22ND MAY, 2018

**SUBJECT: THE DIRECTORATE OF EDUCATION AND LIFELONG LEARNING  
PRIORITIES FOR 2018 TO 2023**

**REPORT BY: CHIEF EDUCATION OFFICER**

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### 1. PURPOSE OF REPORT

- 1.1 The purpose of the report is to update and inform Members of the review of Directorate priorities for 2017-18 through a robust self-evaluation process and the identification of priorities for 2018-2023.
- 1.2 The report also considers one of the Council's five Well-being Objectives for 2018 – 2023; *"Improve education opportunities for all"*.

### 2. SUMMARY

- 2.1 Through the Self Evaluation process and taking account of Council priorities, included in the Corporate Plan 2018-2023, the Directorate has identified 8 key priority themes for 2018 to 2023.
- 2.2 The Council has identified 6 Well-being Objectives. The Directorate will be responsible for one of the six Well-being Objectives, *"Improve education opportunities for all"*.
- 2.3 Members are asked to agree the Education Directorate priorities for 2018 to 2023.

### 3. LINKS TO STRATEGY

- 3.1 The recommended course of action contributes to the following Well-being Goals within the Well-being of Future Generations Act (Wales) 2015:
  - **A healthier Wales**, supporting vulnerable learners can improve their well-being and add educational achievement. Reducing the number of NEETs will significantly impact the wellbeing goals for future generations.
  - **A prosperous and more equal Wales**, Standards of attainment and gaps in inequality can result in a low skilled, low paid workforce, and higher levels of unemployment leading to poverty. Inability to deliver the childcare offer will impact on parental in work poverty. Delivery of essential skills courses can affect both wellbeing and long term employability prospects.
  - **A Wales of cohesive communities** (in the context of improving quality of life with attractive, viable, safe and well connected communities).
  - **A More Equal Wales** by enabling all children and young people to fulfil their potential.

#### 4. THE REPORT

- 4.1 The planning process undertaken within the Directorate is outlined in Appendix A.
- 4.2 2 planning days were held with key managers and staff from within the Directorate to identify and agree priorities.
- 4.3 Progress against the 6 priorities identified in 2017-18 was evaluated. In summary:-
- Priority 1 – Raising standards – particularly at KS4  
Highest ever ranking for Key Stage 4 outcomes when compared with other local authorities across Wales; however a high percentage of secondary schools continue to require increased levels of intervention and support. There was a significant increase in the number of primary schools categorised as 'Green'. Maintained successful primary phase performance portfolio.
- Priority 2 – Deliver 21<sup>st</sup> Century Schools Strategy and Development  
All Band A 21<sup>st</sup> Century Schools and Education proposals came within budget and within expected timescales. £110m of Band B funding agreed by Welsh Government.
- Priority 3 – Provide diversity of provision for EOTAS – proposals developed for model of provision. Dedicated Educational Psychologist identified to work with EOTAS provisions. Structure of provision and staffing reviewed to ensure a quality of provision and outcomes.
- Priority 4 – Raise standards of attendance – Nearly all schools have implemented the Callio attendance monitoring model. Attendance self-evaluation toolkit provided to all schools. The majority of schools have introduced Fixed Penalty Notices. Attendance levels remain too low across primary and secondary schools.
- Priority 5 – Inclusion and Additional Learning Needs – working group developed with Headteachers regarding exclusions. Awareness raising of Adverse Childhood Experiences (ACEs) has been undertaken. Person Centred Practice promoted through planning meetings. Contributed to the ALN bill.
- Priority 6 – Reducing the impact of poverty – Childcare offer rolled out to full borough within 7 months – team highly regarded by Welsh Government. Highest number of childcare settings engaged in completing the Healthy Early Years scheme.
- 4.4 Further to consideration of the previous priorities and the completion of a robust self-evaluation exercise, the Directorate agreed 8 service priorities for 2018 to 2023 (Illustrated in Appendix B).
- 4.5 The 8 priority themes proposed by the Directorate for 2018 to 2023 are as follows:
1. Improve outcomes for all learners, particularly those within Key Stages 3 and 4 - this area continues to be a priority for the Directorate; Increase the percentage of pupil attendance across primary and secondary in order to maximise pupils' learning across Caerphilly – this continues to be a priority for the Directorate and has been identified as an area for improvement by Estyn;
  2. Reduce the impact of poverty upon communities - this area continues to be a priority for the Directorate – expansion of childcare provision; expansion of the Childcare Offer; increasing accessibility, take up and attendance of Flying Start childcare;
  3. Transform educational opportunities for learners by delivery of fit for purpose 21<sup>st</sup> Century Schools;
  4. Improve provision and outcomes for vulnerable groups;
  5. Reduce the rates of exclusions, therefore impacting upon pupil attainment and outcomes;



6. Secure excellence in learner well-being;
7. Ensure that the local authority is fully compliant with the ALN act.

4.6 In addition to these priorities, the following will be core priorities that will underpin the successful work of the Directorate :

1. Safeguarding;
2. Medium Term Financial Planning;
3. Workforce well-being and continuous professional development.

## **5. WELL-BEING OF FUTURE GENERATIONS**

- 5.1 These priorities contribute to the Well-being Goals as set out in Section 3 - Links to Strategy above. It is consistent with the five ways of working as defined within the sustainable development principle in the Act in that the 8 Priority Areas identified throughout the plan aim to contribute to the long-term well-being of children and young people within the county borough by ensuring they have the best start in life and the opportunity to achieve success as a young person and as an adult.
- 5.2 Strategies identified within the plan are aimed at prevention – preventing young people becoming disaffected from education, preventing young people from becoming NEET and hence contributing towards the prevention of adulthood poverty.
- 5.3 Integration is fundamental to everything we do within Education – ensuring that all our children and young people are fully engaged in an educational programme appropriate to their needs, maintaining an ethos where they feel safe and secure and encouraged to succeed.
- 5.4 Collaboration with schools, Headteachers, the EAS and our SEWC colleagues will further assist us in driving up standards and securing progress in all of our priority objectives.
- 5.5 We actively involve children and young people in our decision making processes, encouraging the ‘pupil voice’ within the Directorate and encourage participation in the Junior and Youth Forums.

## **6. EQUALITIES IMPLICATIONS**

- 6.1 Any equalities implications found and associated with this report have been concluded, although the main objective seeks to address inequalities and promote equal opportunities for learning and young people.

## **7. FINANCIAL IMPLICATIONS**

- 7.1 These will be detailed in the Service Improvement Plan, as appropriate.

## **8. PERSONNEL IMPLICATIONS**

- 8.1 There are no personnel implications associated with this report.

## **9. CONSULTATIONS**

- 9.1 All responses from consultations have been incorporated into this report.

## **10. RECOMMENDATIONS**

10.1 Members are asked to agree these priorities.

## **11. REASONS FOR THE RECOMMENDATIONS**

11.1 That Council undertakes effective scrutiny for setting and monitoring of performance improvement.

## **12. STATUTORY POWER**

- 12.1 Statutory power which impacts on this report includes:
- Schools Standards and Organisation (Wales) Act 2013
  - Government of Wales Act 2006 (Section 78)
  - National Welsh Medium Education Strategy 2010
  - The Local Government Measure 2009

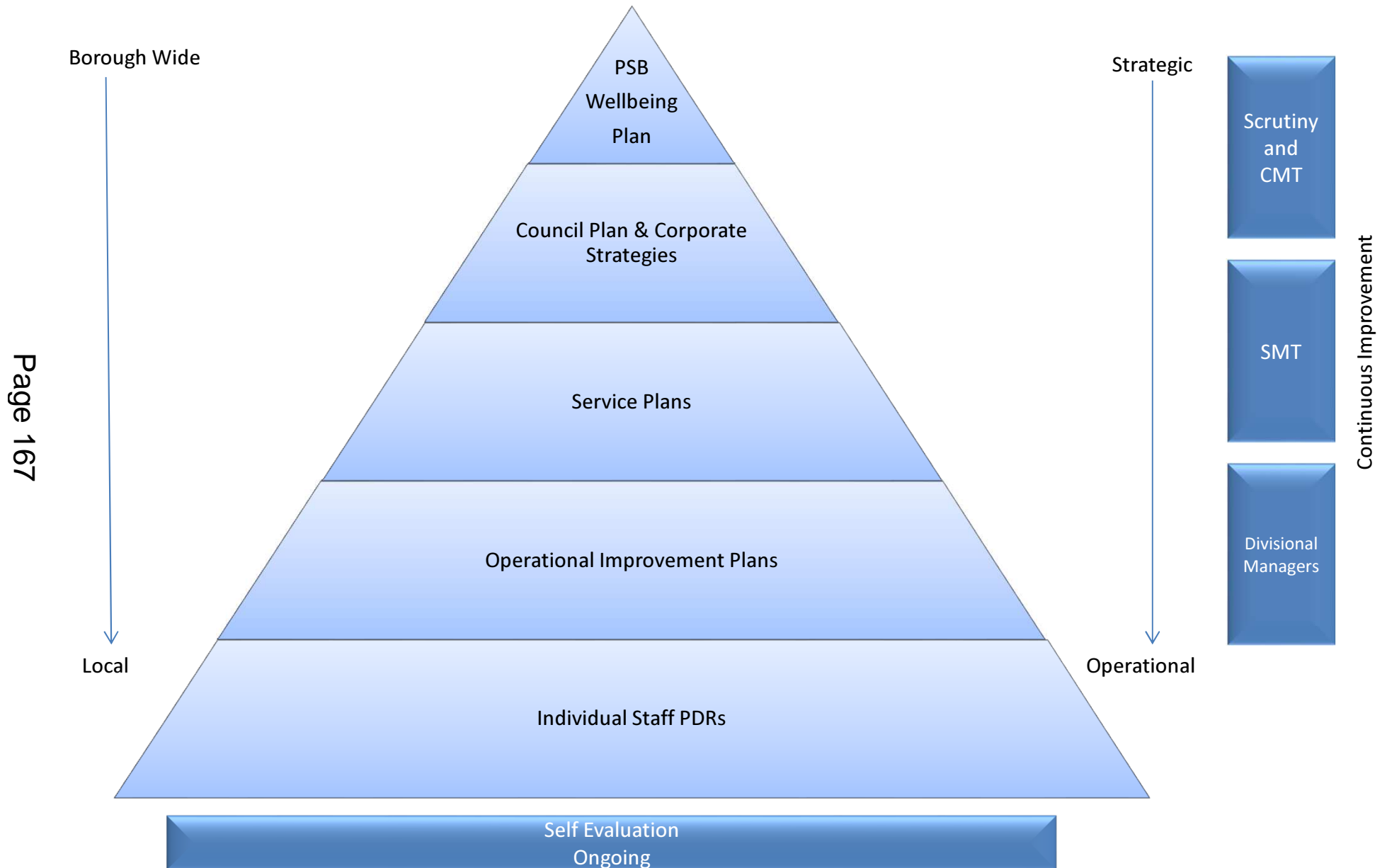
Author: Keri Cole - Chief Education Officer

Consultees: Christina HARRY, Interim Chief Executive  
Dave Street, Corporate Director, Social Services  
Directorate Senior Management Team  
Councillor Philippa Marsden, Cabinet Member, Education & Achievement  
Councillor Wynne David, Chair, Education for Life Scrutiny Committee  
Councillor Gaynor Oliver, Vice Chair of Education Scrutiny Committee  
Ros Roberts, Corporate Performance Manager  
Lynne Donovan, Head of Human Resources and Organisational Development  
Anwen Cullinane, Senior Policy Officer (Equalities and Welsh Language)  
Stephen Harris, Interim Head of Corporate Finance

Appendix A : Planning Framework

Appendix B : Directorate Priorities for 2018 to 2023

# Planning Framework



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# Directorate of Education and Lifelong Learning

Appendix B



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