

Schools Causing Concern

Guidance

Organisation & Management

Overview

This guidance covers two categories of schools causing concern under revised legal provisions in the Education Act 2005 which come into force on 1 September 2005 and the use by local authorities (LA) of formal warning powers. The 2005 Act re-enacts many provisions from the School Inspections Act 1996 but there are also some significant changes including revisions to the categorisation of schools causing concern. The guiding principle is that early and decisive action should be taken to ensure that pupils in schools causing concern are disadvantaged for the shortest possible time. Maintaining authorities should use their powers, and confer with the DfES about the use of the Secretary of State's powers where necessary, to prevent schools failing and to respond to adverse Ofsted reports.

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Audience:

Local Authorities

Maintained and non maintained schools

Church and other faith groups

department for

education and skills

creating opportunity, releasing potential, achieving excellence

SCHOOLS CAUSING CONCERN

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SECTION 1: INTRODUCTION

Guidance : Policy, Procedures and New Categories

1. This guidance explains the procedures which schools, local authorities and others should follow in relation to schools causing concern. Policy on schools causing concern reflects the commitment set out in the DfES Five Year Strategy for Children and Learners that every child gets the best possible start in life. The Secretary of State will continue to challenge schools that are underperforming and intervention will follow as necessary to turn the school around or close it.
2. This guidance supersedes the Schools Causing Concern Guidance issued in 2002 as LEA/0360/2002 and reflects changes in the Education Act 2005 and the England (School Inspection) Regulations 2005. The first part of the Education Act 2005 repeals the School Inspections Act 1996. It re-enacts some provisions and revises others. It reforms school inspections and revises the categorisation of schools causing concern. Where their overall effectiveness is found on inspection to be inadequate schools will now be placed in one of two statutory categories, schools which require **special measures**, which has a revised definition, and those which require **significant improvement**, which means they will be given **notice to improve**.
3. **Special measures** judgements will now take into account a school's capacity to improve. In broad terms, **significant improvement** replaces the existing categories of serious weaknesses, inadequate sixth form and the non-statutory Ofsted category of underachieving. A school which requires significant improvement will be a school which, though it does not require special measures, is performing less well than it might in all circumstances be expected to perform, and judgements will take into account the value added by the school.
4. Simpler requirements for follow-up action by LAs and schools have also been agreed by Ofsted and the Department in line with the shorter and sharper inspections based on school self-evaluation and the New Relationship with Schools.
5. The guidance offers advice on **LA powers of intervention**. There are also separate sections on the powers available to the **Secretary of State**, the **Diocese** or other appropriate appointing authority and the **Learning and Skills Council**.
6. LAs have powers of intervention in schools which they see as being a cause for concern i.e. schools which the LA itself judges to be failing to provide an adequate standard of education or to need significant

improvements (and which may therefore warrant a formal warning), or which are at risk of not meeting the Government's floor targets for attainment.

7. LAs should consult and work with dioceses or other appointing authorities for voluntary and foundation schools and with the LSC on all post-16 provision causing concern. The LSC will take into account the quality of provision in school sixth forms and 16-19 institutions (schools) as part of its remit to improve the quality of provision which it funds (<http://www.lsc.gov.uk>).

8. Finally, the guidance provides advice on some of the intervention powers and other possible solutions, including partnerships and collaborative restarts. Separate guidance is given on Fresh Start proposals at: <http://www.standards.dfes.gov.uk/sie/si/SCC/sifreshstart>

Schools Judged to be Causing Concern Before September 2005

9. Schools that were judged to require special measures, have serious weaknesses, inadequate sixth forms or be underachieving before September 2005 will retain those designations until they are re-inspected. The monitoring procedures for these "legacy schools" have been revised and a letter explaining the changes has been sent to the individual schools concerned (see **Annex**)

10. All schools that have been in special measures for more than two years in September 2005 will be re-inspected in 2005/06. Under the revised framework for inspections, schools may be designated to have special measures again or be removed from the category or require a notice to improve. Inadequate sixth forms, schools with serious weaknesses or underachieving schools will normally be re-inspected twenty-four to twenty-eight months after their designations.

SECTION 2: CATEGORIES

SPECIAL MEASURES 2005

Introduction

11. The definition of a school requiring special measures, which has existed since the Education Act 1993, has been changed. Occasionally, schools have been placed in special measures because they are failing to provide pupils with an acceptable standard of education, although they have recently acquired the capacity to improve, for example, through a change in leadership. The revised definition means the capacity to improve will be considered by inspectors before a judgement is made.

12. Special measures are required to be taken in relation to a school if :

(a) the school is failing to give its pupils an acceptable standard of education, and

(b) the persons responsible for leading, managing or governing the school are not demonstrating the capacity to secure the necessary improvement in the school.

13. The procedures following the judgement have been simplified. The Local Authority is required to produce a statement of action to turn round the school but schools are no longer required to produce a separate post-inspection action plan. Action to address the areas for improvement highlighted by the inspection team should be included in the school development or improvement plan.

14. LA powers to intervene come into force 10 calendar days after DfES informs the LA that the Secretary of State has been notified by HMCI that a school requires special measures.

Procedures for schools requiring special measures

Inspection

15. The schools which Ofsted have a duty to inspect are:

(a) Maintained schools

- community, foundation and voluntary schools
- community and foundation special schools
- maintained nursery schools

(b) Non-maintained schools

- Academies
- city technology colleges
- city colleges for the technology of the arts
- special schools which are not community or foundation special schools but which are for the time being approved by the Secretary of State.

16. If the members of the inspection team judge that a school needs special measures, they will **state this during oral feedback** at the end of the inspection to the headteacher and governing body. The governing body should invite the local authority to be present at all or part of the feedback.

17. A rigorous system of moderation will ensure that all judgements that a school requires special measures are scrutinised internally by Ofsted. Following the completion of the inspection, Ofsted must send a draft inspection report to the governors of a maintained school or the proprietors of a non-maintained school as soon as possible. In the case of special measures, the school will be asked to offer comments on the report within **5 working days**. The judgement that a school requires special measures will be personally authorised by HMCI or by an HMI specially authorised by him. HMCI will decide, on the basis of the draft report and any comments made by the school whether he agrees with the judgement that a school needs special measures and authorise the judgement giving notice in writing to the LA, the Secretary of State, to the LSC for schools with sixth forms and for any non-maintained school to the proprietor.

18. The intention is that inspection reports will be issued within 4 weeks of an inspection so that parents get information sooner and the school can act earlier to make improvements.

School action

(a) Maintained schools

19. The governing body, in consultation with the LA, should start immediately after the oral feedback to take action, including any modification of existing plans to address weaknesses identified during the inspection. There is no statutory requirement any longer for the production of a specific action plan. Schools will be expected to develop current school development/improvement plans to cover the issues highlighted by the inspection. Where these issues relate to sixth form provision the local LSC should also be consulted. One of the principles of a New Relationship with Schools is that schools should have a single, integrated development plan.

(b) Non-maintained schools

20. The governing body in consultation with the proprietor should start

immediately after the oral feedback to take action to address weaknesses identified during the inspection. The proprietor must prepare a statement of action and send this to Ofsted. This should address the key issues highlighted in the inspection report showing action to be taken to address weaknesses; who will be responsible and who will be involved; and on what timescale.

School Improvement Seminars

21. Ofsted will provide school improvement seminars for schools made subject to special measures and those given a notice to improve. Schools, and for maintained schools their LA Adviser or Inspector (and/or School Improvement Partner), will be invited to attend these seminars.

LA intervention powers and action

22. LA statutory powers of intervention (to appoint additional governors, withdraw a school's delegated budget or replace a school governing body with an IEB) will come into force when a school is judged to require special measures. In the case of voluntary aided schools, Dioceses or other appropriate appointing authorities should be kept informed of the school's situation by the LA so that they can appoint additional governors if they wish.

LA statement of action

23. The LA should work closely with the headteacher and governing body of the school and, where applicable, the Diocese or other appropriate appointing authority and the local LSC immediately following HMI's oral feedback.

24. The **LA statement of action** should provide a detailed explanation of the options for the future of the school. It should:

- assess the scope for the school to be closed or federated, taking into account the number of surplus places in better performing local schools;
- state whether the LA intends to use its powers to appoint additional governors, suspend the right to a delegated budget or replace the governing body with an interim executive board.
- where the school is to remain open, specify a target date for its removal from special measures as soon as possible; *
- explain the action the LA has taken and will take to support the school (including resource implications, and quantified targets for evaluating the effectiveness of the LA support);
- describe how local authority services and partners will support the school;
- if the school is not to be closed or federated or the Authority's

intervention powers will not be used, state why none of these actions are considered appropriate;

*The target date should take account of the revised definition of special measures, i.e. the consideration to be given to a school's capacity to improve. In all cases, action will need to be taken to improve capacity, which may result in the school moving up to the Improvement Notice category following an early Ofsted monitoring visit.

25. The LA should copy the statement of action to Ofsted, the school's governing body and where applicable to the diocese or other appropriate appointing authority and the local LSC.

Monitoring inspections

26. HMI will make their first monitoring visit about five to seven months after the school's inspection. Subsequent monitoring visits will normally take place termly but their timing and nature may be adjusted to meet the school's needs. The school will normally receive two days notice of each monitoring inspection.

27. The school will be encouraged to provide its most recent self-evaluation report and any revisions done, for example for governors or for the School Improvement Partner, for each visit. This should be available to HMI at the beginning of the monitoring visit. The Joint DfES /Ofsted document *A New Relationship with Schools: Improving Performance through School Self-Evaluation* provides a brief guide to self-evaluation and school improvement. The document can be downloaded from <http://www.ofsted.gov.uk/publications> or <http://publications.teachernet.gov.uk/default.aspx?PageFunction=productdetails&PageMode=publications&ProductId=DFES-1290-2005&>

28. On monitoring inspections, HMI will make judgements on the progress the school has made and whether the school should remain subject to, or be removed from, special measures.

29. HMI's judgement will normally be reported in a letter addressed to the school's headteacher, copied to the Secretary of State, the Chair of Governors, the LA and, where applicable, the Diocese or other appropriate appointing authority. **The letter will be published on the Ofsted website.**

30. If a school remains subject to special measures following a monitoring inspection all partners (the LA, governors, headteacher and, where applicable the Diocese or other appropriate appointing authority and, if the school has a sixth form, the local LSC) will be expected to discuss and agree the next steps needed to enable an acceptable rate of progress to be achieved before the next HMI monitoring visit.

Removal from special measures

31. If at the conclusion of a monitoring inspection HMI conclude that the

school no longer needs special measures, the inspection will be treated as though it were an inspection under section 5 of the Education Act 2005 and a report will be published giving this judgement. In some cases, however, the school may still require significant improvement and so may be given a notice to improve.

32. A school that is closed in order to be given a “Fresh Start” or a “Collaborative Restart” or to become an Academy is no longer subject to special measures.

33. It is not expected that a school will remain subject to special measures for more than two years. Implementation of the LA’s action plan should build the school’s capacity to improve at a much earlier stage. If the school is making limited progress after 12 months, the LA should again consider the scope for it to be closed or federated, or whether use of its intervention powers would be appropriate. After two years the school would receive a further inspection resulting in a published report.

34. This inspection may renew the school’s designation as requiring special measures or remove it, substituting the designation of requiring significant improvement and giving a notice to improve where necessary.

SPECIAL MEASURES TIMELINE

| | |
|-----------------------------|--|
| <p>1 – 2 weeks</p> | <p>School inspected. At the end of the inspection feedback is given to the school that special measures are required. This judgement is moderated.</p> <p>School should begin to take action, including revision of its development or improvement plan.</p> <p>Draft report sent to governing body or proprietor with 5 working days given for comments.</p> |
| <p>3 – 5 weeks</p> | <p>HMCI considers comments and if he agrees with inspection judgement notifies the school, the Secretary of State, LA or school proprietor.</p> <p>Secretary of State informs LAs, Dioceses or other appropriate appointing authorities. Intervention powers come into force 10 calendar days later.</p> |
| <p>4 weeks</p> | <p>Final version of inspection report sent to school and LA or proprietor.</p> <p>LA has 10 working days to produce a Statement of Action</p> <p>Proprietor of non-maintained school has 10 working days to produce a statement of action.</p> |
| <p>5 - 7 months</p> | <p>HMI will usually undertake their first monitoring visit before the end of the term following that in which the school was judged to require special measures. They will judge the progress of a school, its effectiveness and capacity to improve.</p> <p>They will also make a judgement on the quality of the LA or proprietor's statement of action. Advice may be given if there are areas of weakness and a new statement sought within a short period of time.</p> <p>HMI will report their judgments to the governors and LA, the Secretary of State and where appropriate the Diocese or other appointing authority and/or the LSC.</p> |
| <p>6 – 23 months</p> | <p>Second and subsequent monitoring visits.</p> |
| <p>2 years</p> | <p>School will be re-inspected.</p> |

SIGNIFICANT IMPROVEMENT

Introduction

35. A new category of **significant improvement** replaces former categories of serious weaknesses, inadequate sixth form and underachieving (an Ofsted non-statutory category). A school requiring significant improvement is a school which does not require special measures but which is performing significantly less well than it might in all circumstances be expected to perform. The intention is to ensure that schools receive appropriate challenge and support to improve their performance.

Procedures for schools requiring significant improvement

36. The definition of significant improvement is in section 44 of the *Education Act 2005*. Section 44(2) states :

“For the purposes of this Part, a school requires significant improvement if, although not falling within subsection (1)* it is performing significantly less well than it might in all the circumstances reasonably be expected to perform”.

* subsection 1 defines special measures

37. The definition of a sixth form requiring significant improvement is in paragraph 3(3) of Schedule 5 of the *Education Act 2005*, which substitutes paragraph 1(2) of Schedule 7 of the *Learning and Skills Act 2000*, and is as follows:

“...a school requires significant improvement in relation to its sixth form if –

the school is failing to give its pupils over compulsory school age an acceptable standard of education , or

in relation to its provision for pupils over compulsory school age, the school is performing significantly less well than it might in all circumstances reasonably be expected to perform”

Inspections can result in a school being judged to have a sixth form requiring significant improvement except where the school is judged to require special measures. Where weaknesses in the sixth form contribute to the judgement that special measures are required, this will be referred to specifically in the report but will not be reported as a discrete judgement of inadequacy.

38. The Inspector will give the governing body and headteacher oral

feedback on his findings. The governing body should invite the LA to be present at all or part of the feedback meeting. A written report clearly stating that the school requires significant improvement will be sent by Ofsted to the governing body, the headteacher, the LA and, if appropriate, the Diocese or other appointing body and/or LSC.

39. When a school has been found to need significant improvement Ofsted will write to the governing body and the LA to provide guidance on the action required. The governing body, in consultation with the LA, should start immediately after the oral feedback to consider the action they will need to take to address the key issues identified by the inspectors. The headteacher, the staff and the School Improvement Partner should be closely involved. Where these issues relate to sixth form provision, the local LSC should also be consulted. The School Development or Improvement Plan should be revised.

40. Ofsted will invite schools and their LA Adviser or Inspector to attend a seminar on school improvement.

Schools given a notice to improve will be re-inspected after one year.

LA intervention powers and action

41. LA powers of intervention (to appoint additional governors, withdraw a school's delegated budget or replace a school governing body with an IEB) will come into force 10 days after being informed by DfES that Ofsted have notified the Secretary of State that a school requires significant improvement. In the case of voluntary aided schools, the Diocese (or other appointing authority) should be kept fully informed of the process so that they can appoint additional governors if they wish.

LA statement of action

42. The LA should prepare a statement of action working closely with the school, the School Improvement Partner and, where applicable, with the Diocese or other appropriate appointing body and/or the LSC.

43. The LA should send copies of the LA statement of action to Ofsted, the school's governing body and, if applicable, the Diocese or other appropriate appointing body and the local LSC. The LSC is responsible for raising standards across sixth forms, as well as in colleges and other providers, as part of its role in the planning and organisation of post-16 education. LAs are expected to work in partnership with local LSCs.

44. The LA statement should :

- state whether the LA intends to use its powers to appoint additional governors, suspend the right to a delegated budget or replace the governing body with an IEB.
- explain the action the LA has taken, and will take, to support the

school and to ensure that its performance improves significantly within 12 months (including resource implications, and quantified targets for evaluating the effectiveness of the LA support);

- describe how local authority services and partners will support the school;
- if the school is not to be closed or federated and the local authority's intervention powers will not be used, state why none of these actions is considered appropriate;
- for sixth forms assess the scope for the school to be closed or federated or where appropriate, in consultation with the LSC, for a sixth form to be closed. This should include an examination of the number of surplus places in better performing local schools, local school sixth forms and other post-16 provision.

Monitoring and follow-up

45. Schools given notice to improve, including those where the sixth form requires significant improvement will not receive a monitoring visit but will be re-inspected after one year.

46. Where on re-inspection a school that has been found by Ofsted to still have a sixth form requiring significant improvement i.e. not to have made the necessary progress for the judgement to be removed, the LSC can propose closure of the school sixth form. The LSC needs to publish proposals for closure and present these to the local School Organisation Committee (SOC). If the SOC cannot reach agreement, the proposals will be referred to the Schools Adjudicator. Further guidance on LSC powers is provided on their website: <http://www.lsc.gov.uk>. Further separate guidance on regulations covering school organisation proposals by the LSC is also available there.

SIGNIFICANT IMPROVEMENT TIMELINE

| | |
|---------------------------|---|
| <p>1 – 2 weeks</p> | <p>School is inspected. At the end of the inspection, feedback is given to the school that inspectors are of the opinion that the school requires significant improvement. This judgement is moderated.</p> <p>Draft report sent to governing body or proprietor with 5 working days given for comments.</p> |
| <p>3 – 5 weeks</p> | <p>Ofsted consider comments and if they consider that a school requires significant improvement, notify the Secretary of State, LA or school proprietor.</p> <p>DfES informs LA and Diocese or appointing authority where appropriate when intervention powers come into force.</p> <p>School should begin to take action, including revision of its development or improvement plan.</p> |
| <p>4 weeks</p> | <p>Final version of inspection reports are sent to the school and LA or proprietor and appropriate appointing authority. For schools requiring significant improvement in their sixth forms, copies are sent to the Learning and Skills Council.</p> <p>LA or proprietor has 10 working days to produce a Statement of Action.</p> |
| <p>1 year</p> | <p>School will be re-inspected and either the designation of school requiring significant improvement will be removed or the school may be judged to need special measures if it is failing to provide an acceptable standard of education and does not have the capacity to improve.</p> |

SECTION 3: INTERVENTION POWERS

LOCAL AUTHORITY POWERS

Introduction

47. LAs have a duty to promote high standards of education in primary and secondary education (section 13A of the Education Act 1996 inserted by section 5 of the School Standards and Framework Act 1998). They should be taking radical action to tackle failure, to challenge and support their schools before Ofsted judge that a school requires special measures or significant improvement.

48. The Education Act 2005 does not change LA powers to intervene in schools causing concern but these can be used earlier as soon as schools are placed in special measures, judged to need significant improvement or governors have not complied with a formal warning by a specified date. The aim of **New Relationship with Schools** is to modernise how authorities' responsibilities are carried out and to gradually build up local capacity for school improvement with a nationally accredited network of School Improvement Partners. These are to be phased in from September 2005 to September 2007. **School Improvement Partners** will be accountable to schools, to the school's maintaining authority and through the **National Strategies** contractor to DfES and central government. It will be the School Improvement Partner in the future who will be likely to alert the local authority that a school is causing concern.

Formal warning notices

49. Formal warning notices are meant to remedy situations comparable in seriousness to concerns which would result in the school being placed in special measures or judged to require significant improvement on inspection by Ofsted. The use of Ofsted criteria by authorities in considering the issuing of a formal warning is recommended. These criteria are available at: <http://www.ofsted.gov.uk/inspectors>.

50. Where schools do not comply with a formal warning, are placed in special measures or judged to need significant improvement, powers are available to local authorities in partnership with the Diocese or other appropriate appointing body where appropriate, to drive and support improvements.

51. Support should be designed to help schools improve by themselves wherever possible, ensuring for instance that the school has strong leadership and management. Ofsted is introducing a new inspection system from September 2005 which will focus on school self-evaluation. Advice on school self-evaluation and the principles involved is available in the DfES/Ofsted

publication *A New Relationship with Schools: Improving School Performance Through Self-Evaluation* available at: <http://www.ofsted.gov.uk/publications> or <http://publications.teachernet.gov.uk/default.aspx?PageFunction=productdetails&PageMode=publications&ProductId=DFES-1290-2005&>

Use of a formal warning

52. Section 15 of the *School Standards and Framework Act 1998* (SSFA) provides for a LA to issue a formal warning notice to the governing body of a maintained school where:

- the standard of performance of pupils at the school is unacceptably low and likely to remain so unless the LA appoints additional governors and/or suspends the school's delegated budget;
- there has been a serious breakdown in the way in which the school is managed or governed which is prejudicing, or is likely to prejudice, pupils' standard of performance; or
- the safety of pupils or staff of the school is threatened, whether by breakdown of discipline or otherwise.

53. Section 15 requires that an Authority may only issue such a notice if:

- the LA has previously informed the governing body and the headteacher of the matters which have caused it to conclude that one or more of the tests above is met; and
- those matters have not been remedied to the LA's satisfaction within a reasonable period.

54. Section 15 also requires that the formal warning notice must set out:

- the matters which have caused the LA to conclude that one or more of the tests is met;
- the action which the LA requires the governing body to take to remedy those matters; and
- the period within which that action is to be taken by the governing body ("the compliance period").

55. The length of the compliance period may vary. Immediate action could be judged to be required where children are at risk but at least one month minimum may be considered appropriate for other action. Setting challenging timescales and giving guidance on what is required of the governing body and how to comply would be good practice.

56. Section 51 of the *Education Act 2005* gives the Authority the right to inspect any school maintained by it where it requires information about the school for the purpose of exercising its functions and where it is not

reasonably practicable for it to obtain information in any other manner.

57. If the governing body does not comply with a formal warning notice, sections 16, 16A and 17 of the SSFA allow the LA to take one or both of the first two of the following steps, or the third step:

- to appoint additional governors to the school's governing body; and/or
- to suspend the school's delegated budget ; or
- to replace the governing body with an interim executive board (IEB) (section 16A, inserted by section 57 of the *Education Act 2002*).

58. Where an IEB is appointed, an LA cannot suspend the school's right to a delegated budget. Where an IEB is appointed to a school which does not have a delegated budget, the suspension of the right to a delegated budget is revoked. Neither the LA nor the Secretary of State can appoint additional governors while the IEB is in place.

LA powers of intervention

59. LAs' powers of intervention are set out in sections 14-17 of the *School Standards and Framework Act 1998 (SSFA)* including section 16A inserted by section 57 to the *Education Act 2002* and as amended in the *Education Act 2005*.

To appoint additional governors

60. Under section 16 an LA can appoint unlimited numbers of additional governors to a school in the following circumstances:

- when a school requires **special measures** or **significant improvement**, or
- if the school has been subject to a **formal warning**, the LA may appoint additional governors within two months of the end of the formal warning compliance period and after it has informed the governing body and the headteacher in writing that it intends to use this power.

61. An LA cannot appoint additional governors to a school if the Secretary of State has already appointed or intends to appoint, additional governors to that school.

To suspend the right to a delegated budget

62. Under section 17 of the SSFA the LA may suspend the governing body's right to a delegated budget in the following circumstances:

- when a school requires **special measures** or needs **significant improvement**; or

- if the school has been subject to a **formal warning**, the LA may suspend the right to a delegated budget within two months of the end of the formal warning compliance period and after it has informed the governing body and the headteacher in writing that it intends to use this power.

63. **The removal of delegation by the LA should be a measure to assist and support the school.** The LA should continue to work with the governing body and, where applicable, the Diocese or other appropriate appointing body, keeping them informed of decisions taken. In addition, the school's governing body will continue to have a responsibility to ensure that teaching standards are effectively monitored and that the school is meeting its statutory requirements in respect of the curriculum. Both the LA and the governing body should be working towards a point when delegation can be returned to the school as quickly as possible.

64. In community and voluntary controlled schools, the LA will take responsibility for personnel issues and the school budget. In the case of voluntary aided and foundation schools, the governing body remains the employer of staff, but the LA is able to set conditions over personnel issues. These include determining the complement of staff at the school, a requirement to give consent to the appointment or dismissal of staff, and the power to give directions to the governing body as to the educational qualifications of staff to be appointed to the school.

65. The LA must give the governing body written notice (and, at the same time, send a copy to the headteacher and, where applicable, the Diocese or other appropriate appointing body) of the intention to suspend the governing body's right to a delegated budget. The suspension has effect from receipt of the LA's letter. There is no right of appeal against the suspension.

Other measures

66. In certain circumstances, an LA may also replace a governing body with a specially constituted governing body, known as an Interim Executive Board (IEB). Further guidance on IEBs is given in the next section.

A New Relationship with Schools

67. Since 2004 the Government, in partnership with representatives of schools, local authorities and the relevant associations has been developing a new relationship with schools. The aim is to help schools raise standards by sharpening accountability and minimising distracting bureaucracy. Changes to the inspection system brought in as part of this are set out in the Education Act 2005. Other key changes include the introduction of multi-year school budgets allowing schools to forward plan more effectively; the introduction of School Improvement Partners; increased emphasis on school's self-evaluation as the starting point for planning and inspection; and better data and information systems. School Improvement Partners will provide external support and challenge to all schools and most of them will be experienced headteachers. Details, including the timetable for these changes, are set out

in *A New Relationship with Schools: Next Steps*. Guidance on self-evaluation is set out in *A New Relationship with Schools: Improving Performance through School Self Evaluation*. (Both documents are available on: www.ofsted.gov.uk/publications or <http://publications.teachernet.gov.uk/default.aspx?PageFunction=productdetails&PageMode=publications&ProductId=DFES-1290-2005&>)

School Improvement Partners

68. High-quality, nationally accredited School Improvement Partners will be appointed for all primary and secondary schools on a rolling programme starting in September 2005 and planned to be complete by September 2007. Many of these will be headteachers or have recent headship experience. Their role will be to challenge and support head teachers in their assessment of how well their schools are performing and their planning for the future. More details are available at:

<http://www.teachernet.gov.uk/docbank/index.cfm?id=8508>

69. In circumstances in which a School Improvement Partner has concerns about the capacity of the school to improve, his/her role is to alert the school's maintaining authority so that early action can be taken. Where the School Improvement Partner's advice is that the school's own actions will not enable it to improve, this advice may prompt the authority to use its statutory intervention powers above. The new relationship does not alter these powers.

70. The Department is conducting a trial with five local authorities during 2005/06 to clarify the role and value of the School Improvement Partner function for special schools.

SECRETARY OF STATE POWERS

Introduction

71. The Secretary of State has powers to appoint additional governors or replace a governing body with an interim executive board when a school is placed in special measures or judged to need significant improvement; and to direct an LA to close a school when it is placed in special measures.

Appointing additional governors

72. Under section 18 of the School Standards and Framework Act 1998, the Secretary of State may, at any time, appoint as many additional governors as is appropriate in a school requiring **special measures** or **significant improvement**. She may also nominate one of these additional governors to be the chair of governors. The school's governors will be told of the Secretary of State's intention and asked for their views on the skills and expertise needed in those to be appointed.

73. The Secretary of State will determine the length of time of office of such additional governors and what, if any, allowances and remuneration they should be paid.

74. Before appointing additional governors to a voluntary aided school, the Secretary of State will consult the relevant Diocese or other appropriate appointing authority, or the person(s) responsible for the appointment of foundation governors. Where the Secretary of State appoints additional governors, the Diocese or other appointing authority may not appoint so many additional governors that the effect would be to outnumber the governors as a whole after the Secretary of State appointees had been added. Thus if there were 10 governors and the Secretary of State appointed an additional two governors the appointing authority could only appoint less than 12 additional governors.

75. If the Secretary of State has exercised her power to appoint additional governors, the LA may not exercise its powers under paragraph 1 of Schedule 15 to the SSFA 1998 to suspend the governing body's right to a delegated budget. If the LA has already exercised that power or its power under section 17(1) of the SSFA, the Secretary of State will, if requested to do so by the governing body, revoke the suspension.

Directing closure

76. Under section 19 of the SSFA the Secretary of State may at any time give a direction to the LA that a school subject to **special measures** should be closed on a given date. In such circumstances, statutory proposals are not required.

77. The Secretary of State's power can be used at any time a school is in special measures, although a school and its LA would normally be allowed time to implement recovery plans within the agreed timescale. If a school has

been in special measures for an excessive period (see paragraph on target dates page 8) with no imminent recovery, the Secretary of State will consider using the power to direct the closure of the school if the LA is unwilling to do so. If places are required in the local area, the LA will have to consider options for providing them, including the possibility of creating a Fresh Start school. The power may also be used within two years if a school is in particularly severe difficulties and it is considered unlikely that the LA will be able to resolve the situation and ensure rapid improvement.

78. Before giving a direction to close a school, the Secretary of State must consult the LA, the school governing body and the LSC if the school has a sixth form. In the case of a foundation or voluntary school, the appropriate diocesan authority or those responsible for the appointment of foundation governors will also be consulted as will other appropriate bodies.

79. If, following consultation, the Secretary of State decides to direct the closure of the school, she will direct the LA and give written notice to the school's governing body and the headteacher. She will also advise those she consulted. The LA must give effect to the direction and close the school.

Other powers

80. The Secretary of State may appoint an IEB in place of a normally constituted governing body. Further advice on this is provided in the section on IEBs below. The Secretary of State may also direct an LA to use an external partner to provide consultative advice for supporting a school causing concern. Further guidance on this is provided in the later section on Partnerships.

INTERIM EXECUTIVE BOARDS

Introduction

81. Local authorities, with the approval of the Secretary of State and the Secretary of State have the power to replace the governing body of a school causing concern with an Interim Executive Board (IEB), in circumstances where the governing body is proving an obstacle to progress.

LA Powers

82. Section 57 of the *Education Act 2002* inserted section 16A into the *School Standards and Framework Act 1998*, providing LAs with an additional power to appoint a specially constituted governing body of interim executive members to replace a normally constituted governing body for a temporary period. The power to replace the governing body of a school with an IEB is available when a school:

- (a) requires special measures;
- (b) has been judged to require significant improvement; or
- (c) has failed to comply with a formal warning from its LA;

83. In the case of (a) and (b), HMCI must have given the LA a notice under the Education Act 2005 that the school requires special measures or significant improvement.

84. The governing body should also be judged to be incapable, even with support, of turning the school around. The power is intended to be used only in these exceptional circumstances, and may be used only with the consent of the Secretary of State.

85. Where an Authority is minded to use this power, they should inform the DfES and set out:

- the reasons for suggesting an IEB;
- details of any steps the LA have taken to turn the school around;
- details of the proposed members, and the skills and experience they will bring.

86. In such circumstances, an LA should have evidence that a governing body is obstructing rather than enabling progress to be made in improving a school, possibly preventing the head teacher and staff following advice from the LA and not seeking support. The power should not normally be used unless it is clear that the use of other intervention powers (to appoint additional governors or withdraw the delegated budget) has failed or would fail to bring about the necessary improvement.

87. Before using the power, the LA must consult the school governing body and, in the case of a foundation or voluntary school, the Diocese or other appropriate appointing authority. The normally constituted governing body must be given written notice that an LA proposes to establish an IEB.

Secretary of State Powers

88. The Secretary of State also has the power to appoint an interim executive board if the LA has not done so in respect of schools requiring special measures or significant improvement. Before exercising this power, the Secretary of State must consult the LA, the governing body that is to be replaced and, in the case of a foundation or voluntary school, the Diocese or other appropriate appointing authority, unless that consultation has already been carried out by the LA in connection with a proposal of their own to appoint interim executive members.

89. IEBs are expected to be appointed only in circumstances where the governing body is a clear barrier to improvement and almost always by LAs. The Secretary of State will be prepared to appoint an interim executive board only where an LA chooses not to do so and where such action is judged to be absolutely necessary to secure the improvement that is needed at the school.

The Interim Executive Board

90. Schedule 1A to the *School Standards and Framework Act 1998*, inserted by Schedule 6 to the *Education Act 2002*, contains detailed provisions relating to the temporary replacement of a normally constituted governing body.

91. An IEB should be a small focused group with at least two members appointed for the full period which it is expected to take to turn the school around. The period of time can be specified in the initial notice of establishment. The IEB will take on all the responsibilities of a governing body with regard to the conduct of the school, 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 will have a duty to ensure that the school improves and to promote high standards of educational achievement, putting appropriate targets in place.

92. An LA must give a governing body a period of notice as to when an IEB will be established after approval in writing from the Secretary of State.

93. Members of an IEB should be chosen on an individual basis, although existing governors can be appointed to the IEB. The initial appointment should commence on the date specified in the notice. Once established, further interim executive members can be appointed at any time. Interim executive members hold office in accordance with their terms of appointment and can be removed for incapacity or misbehaviour by the LA (or by the Secretary of State if appointed by her). Copies of the notice appointing a member should be given to each member, existing governors, the LA or Secretary of State (whichever is appropriate), and the Diocese or other appropriate appointing

authority where they have an interest.

94. The Education (Governors' Allowances) (England) Regulations 2003 do not apply in relation to IEBs: LAs or the Secretary of State may choose to pay interim executive members whatever amount they decide. They may also nominate a member to be chairman of the IEB.

Duties of the IEB and LA

95. The IEB should be considered to be the governing body of the school for the time it is in office. Its main function is to secure a sound basis for future improvement in the school. The IEB may determine its own procedure to carry out the duties of a governing body and make such arrangements as it wishes for its functions to be carried out by any other person. The School Governance (Constitution) (England) Regulations 2003 and the School Governance (Procedures) (England) Regulations 2003, which relate to the constitution and procedures of normally constituted governing bodies respectively, do not apply in relation to IEBs; and, to the extent that it relates to the constitution of the governing body, the instrument of government of the school does not have effect in relation to the IEB.

Delegated budget

96. An IEB has a right to a delegated budget. If the school's budget has been withdrawn either under section 17 (1) or paragraphs 1 to 8 of Schedule 15 to the *School Standards and Framework Act 1998*, then the LA 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 under Schedule 15 specifying a date when it is proposed to withdraw the right to a delegated budget for financial mismanagement or any other reason, the notice will cease to be valid from the date of commencement of the IEB.

School closure

97. An IEB may recommend to an LA, or recommend that the Secretary of State give a direction to an LA, that a school should be closed under the normal statutory procedures. The IEB cannot itself publish proposals for closure, however. If the LA and the School Organisation Committee agree closure proposals or the Secretary of State issues a direction to an LA to close a school, the IEB should continue to hold office until the implementation date of the proposals when the LA ceases to maintain the school.

Voluntary schools and Interim Executive Boards

98. In general, LAs and the Diocese or other appointing authorities currently work very well together to support schools causing concern, and we expect these strong partnerships to continue. This will in many cases be sufficient but for the most serious cases of schools causing concern there are powers to enable LAs (with the Secretary of State's approval) or the Secretary of State to appoint an IEB in place of the governing body of a voluntary school. IEBs should be considered only when there is clear evidence the

governing body is a barrier to school improvement. There should also be evidence that other intervention strategies have been considered – including the appointment of additional governors and/or the removal of delegated powers – and that there has been full consultation over the process.

99. Where an LA seeks to appoint an IEB in respect of a voluntary school, the Diocese or other appointing authority will have been consulted and the Secretary of State will expect to see evidence of their full involvement in any decision to establish an IEB. The LA will no doubt welcome nominations, particularly of good quality governors, from the Diocesan or other appropriate appointing authority. Interim executive members will be required to ensure that the school's trust deed is preserved and developed and the character of the school is maintained.

Transition to a normally constituted governing body

100. If the final date for an IEB to cease work was not given in the first notice of appointment, the LA (or the Secretary of State where she has appointed the IEB) must specify a date when a normally constituted governing body will return in a second notice. The final notice should be sent to all those (listed above) who were given a copy of the first notice. IEB members will vacate office on the discontinuance date.

School Governance (Transition From An Interim Executive Board) Regulations 2004

101. These regulations provide for a smooth transition to normal school governance arrangements after an interim executive board (IEB) has been appointed to a school under Schedule 1A to the School Standards and Framework Act 1998 and a date set for the completion of its work.

Shadow governing body

102. The regulations provide for a “shadow” governing body to work alongside the IEB for at least six months, before taking over full responsibility as the governing body until a normally constituted governing body is established under an instrument of government. For some schools, more time may be needed. In some cases it may be necessary for a shadow governing body to work alongside an IEB for a full academic year allowing them to experience a full year's cycle in the school and see what has influenced decisions and planning.

103. The shadow governing body will be expected to act alone as the governing body of the school for up to thirteen months after the IEB has been disbanded. It will be essential for IEB members to work closely with them until the IEB dissolution date. Although the IEB may delegate specific functions to the shadow governing body during the interim period, the main purpose of this parallel running is to allow IEB members to coach the shadow governing body. Once the shadow governing body has been established members should be allowed to attend IEB meetings as observers to help smooth the school's return to normal governance arrangements.

104. The School Governance (Constitution) (England) Regulations 2003 and the School Governance (Procedures) (England) Regulations 2003, which relate to the constitution and procedures of normally constituted governing bodies respectively, do not apply in relation to shadow governing bodies; and, to the extent that it relates to the constitution of the governing body, the instrument of government of the school does not have effect in relation to the shadow governing body.

105. Shadow governing bodies consist of between 9 and 20 members made up of shadow parent, staff, LA and community governors and shadow foundation governors for foundation and voluntary schools. Shadow governors are appointed by the LA in all categories of school and it will be for the LA to decide the size of the shadow governing body. In appointing shadow foundation governors, the LA must consult those people who would be entitled to make such appointments if the governing body were a normally constituted governing body. An interim executive member can also be a shadow governor.

106. The number or proportion of each category of governor for each category of school is set out in the Regulations.

For community schools, community special schools and maintained nursery schools:

- one third or more shadow parent governors*
- at least two but no more than one third shadow staff governors**
- one fifth shadow LA governors
- one fifth or more shadow community governors

For foundation schools and foundation special schools:

- one third or more shadow parent governors*
- at least two but no more than one third shadow staff governors**
- at least one but no more than one fifth shadow LA governors
- one tenth or more shadow community governors
- where the school has a foundation, at least two but no more than one quarter shadow foundation governors.

For voluntary controlled schools:

- one third or more shadow parent governors*
- at least two but no more than one third shadow staff governors**
- at least one but no more than one fifth shall be shadow LA governors
- one tenth or more shall be shadow community governors
- at least two but no more than one quarter shall be shadow foundation governors.

For voluntary aided schools:

- at least one shadow parent governor*
- at least two but no more than one third shadow staff governors**
- at least one but no more than one tenth shadow LA governors
- such number of shadow foundation governors as will lead to their outnumbering the shadow governors mentioned above by two.

*Shadow parent governors must be parents of a child under or of compulsory school age; the child need not attend that particular school but the parent of a child attending the school would be preferable if at all possible.

** Shadow staff governors must be paid to work at a maintained school. Wherever possible, LAs should appoint a person paid to work at the school in question as a shadow staff governor of that school.

107. The regulations also specify the procedures to be followed in relation to:

- the election of the chair and vice-chair,
- the appointment of and functions of the clerk,
- the proceedings and meeting papers of the shadow governing body.

In all other respects, the shadow governing body should establish their own procedures.

Normally constituted governing body

108. At the end of the interim period specified in the notice of appointment, the IEB will cease to exist in accordance with paragraph 18 of Schedule 1A to the School Standards and Framework Act 1998 and the shadow governing body will be the governing body of the school as if it were a normally constituted governing body.

109. The LA must set a date on which the shadow governors will vacate office and the governing body will be constituted as a normally constituted governing body. This date is called the constitution date and must be set at a date no later than 13 months after the IEB ceased to exist. The LA must give notice of the constitution date for one term and will need to ensure that they secure the appointments or elections of governors as required by the instrument of government. LAs should be aware that any amendments that need to be made to the school's instrument of government must be made at an appropriate stage to enable the normally constituted governing body to be constituted as intended.

110. The procedure for amending an instrument of government is set out in the School Governance (Constitution) (England) Regulations 2003. The LA and the shadow governing body may wish to review the school's instrument of government prior to the constitution date to ensure that the size and membership of the normally constituted governing body will be appropriate. Where the school's instrument of government has not been previously amended prior to September 2006 to reflect the 2003 Constitution Regulations, a new instrument of government should be made under those regulations to avoid making further changes to the school's governance arrangements. Section 5 of the statutory guidance on the Constitution Regulations requires the governing body to draft the instrument and submit it to the LA. In keeping with this LAs should expect the shadow governing body, acting as the normally constituted governing body, to prepare the first draft of any new instrument for their approval.

DIOCESAN POWERS

Introduction

111. Powers are available to a Diocesan body or other appropriate appointing authority in respect of voluntary aided schools which have not complied with a formal warning or are placed in special measures or judged to require significant improvement.

Appointment of additional governors

112. If an LA appoints additional governors to a **voluntary aided school needing significant improvement or which has been subject to a formal warning and not complied**, the Diocese or other appropriate appointing authority may also appoint additional foundation governors if the LA does so. The number of new foundation governors may match the number of new LA appointed governors to ensure that foundation governors can continue to hold a majority of places on the governing body. The additional foundation governors will be subject to the same term of office as the additional LA appointed governors (i.e. the same period of appointment and only eligible for re-appointment if the additional LA governors are re-appointed).

113. The relevant appointing authority for **voluntary aided schools subject to special measures** may appoint an unlimited number of additional foundation governors regardless of whether the LA has appointed its own governors. If more than one person is responsible for appointing additional governors and they cannot agree on additional appointments, the Secretary of State may, after consulting all those within the appropriate authority, decide which individual or individuals to appoint as additional foundation governors.

114. It would normally be good practice for the LA, Diocese or other appropriate appointing authority to provide the governing body with information about the appointees before the appointment is confirmed. This will give the governing body an opportunity to raise any concerns about the appointment of a particular individual, or about the terms of that person's appointment.

LSC POWERS

Introduction

115. The Learning and Skills Council (LSC) has a responsibility for planning and funding the provision of almost all government funded post-16 education and training other than higher education. In addition, the LSC has a remit to improve the quality of the provision that they fund. The LSC and LAs will therefore work together to support the improvement of sixth form provision.

116. The LSC's powers of intervention are set out in the *Learning and Skills Act 2000* and the *Education Act 2002*.

Proposals for closure of school sixth forms

117. Section 113 and Schedule 7 of the *Learning and Skills Act* (as amended by section 45 and Schedule 5 of the *Education Act 2005*) provides that where a school sixth form has been judged to require significant improvement or an institution for 16-19 year olds (maintained school) special measures has been judged to require significant improvement or special measures in two consecutive inspections by Ofsted the LSC may publish proposals for closure. If the LSC decides that closure is the most appropriate form of action, it will need to publish statutory proposals and following a representation period these will be considered by the local School Organisation Committee (SOC). If the SOC cannot agree a unanimous decision, the proposals will be referred to the Schools Adjudicator for a final decision.

Proposals for re-organisation of post-16 education and training

118. Under section 113A of the *Learning and Skills Act* (inserted by section 72 of the *Education Act 2002*) the LSC may also put forward proposals for the reorganisation of 16-19 provision in an area as a result of an area-wide inspection of post-16 provision. The LSC can make proposals relating to school sixth forms, in the absence of an area inspection report, where the proposals are made with a view to promoting one of relevant objectives.

119. The relevant objectives are:

- an improvement in the achievement of 16 to 19 year olds;
- an increase in participation amongst 16 to 19 year olds; or
- an expansion of the learning opportunities open to 16 to 19 year olds.

These proposals are decided by the Secretary of State.

120. The LSC's proposals may involve the closure of one or more sixth forms, the opening of new sixth forms, or alterations such as a change in the age range or enlargement of premises. The LSC may also propose the

establishment of 16-19 institutions under schools regulations or as FE institutions. In all cases it is important that the LSC considers all options that include alternatives to reorganisation, for example, encouraging more collaborative working between sixth forms and the FE sector. Regulations and associated guidance detail the procedures for the LSC to follow when bringing forward proposals. These can be found at <http://www.lsc.gov.uk>.

PARTNERSHIPS FOR SUPPORTING SCHOOLS

Models of partnership working

121. Local authorities are encouraged to promote effective partnership working between schools to secure school improvement. External support from another school can play a key role in helping a school causing concern to move forward.

122. Where there have been weaknesses relating to sixth form provision and/or vocational education schools have benefited from developing partnerships with colleges or work-based providers. The LSC should be consulted and is able to facilitate arrangements.

Education Improvement Partnerships

123. Education Improvement Partnerships (EIPs) are an enabling framework to allow schools and other partners to work together to raise standards and to take on wider responsibilities for the children and young people within their local community. They will enable existing partnerships, and new partnerships where none now exist, to evolve to deliver a range of local authority usually operate on a geographic basis and membership of partnerships will be diverse including, for example, responsibilities.

124. EIPs will operate on a geographic basis and membership of partnerships will be diverse including, for example, colleges, nurseries and voluntary and private sector providers. Local authorities will delegate both functions and funding to EIPs, who will be collectively accountable for delivery. EIPs could deliver functions in a wide range of contexts such as improving behaviour and attendance, developing childcare and extended services and delivery of a broader 14-19 curriculum.

125. EIPs are designed to capitalise on the 'partnership dividend', to rationalise the many forms of partnership activity which currently exist, and to support the devolution of responsibilities and resources from local authorities to groups of schools and other partners.

126. Further advice on these is available on the Standards site at: www.standards.dfes.gov.uk/sie/si/educationimprovementpartnerships

Secretary of State's powers

127. Section 63 of the *Education Act 2002* gives the Secretary of State the power to require an LA to obtain an external partner where it has not done so and is, or appears likely to be, unable to remedy deficiencies in its school, or has a disproportionate number of schools in special measures and/or needing significant improvement.

128. Before any direction can be made, the LA will be able to make representations as to the applicability of such a direction, and what it will require of the LA. The LA may also highlight the likely effects of such a direction on its costs and staff and on all its other schools. A direction may require the contract or other arrangement with a partner to include specified terms and conditions, and the LA may need to go through a procurement process. Section 64 of the *Education Act 2002* sets out in detail the terms in which the LA would be required to assist an external partner in connection with the contracted work, where a direction has been made. This includes the right of entry to premises, the right to inspect records and documents, and appropriate access to computers. In summary, the LA, the school governors and the school staff should assist the consultant partners in any way they reasonably can.

GLOSSARY

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| Advisory services | In the context of section 63 and 64 of the <i>Education Act 2002</i> , the provision of consultative services of an advisory nature to LAs and school governing bodies to advise on school improvement |
| Appropriate appointing authority | In relation to powers in section 16 of SSFA 1998. In community and voluntary controlled schools the LA. In voluntary aided schools, the appropriate appointing authority is either the appropriate Diocesan authority (for Church of England or Roman Catholic Church schools) or in any other case, the person(s) that appoint the foundation governors. |
| Education Improvement Partnerships | Local community partnerships for school improvement |
| Formal warning | The process by which an LA may notify a governing body of its concerns relating to the performance of the school. |
| Fresh Start school | A new school opened in the place of a school causing concern which has closed. |
| Future of Inspection | Consultation and pilots leading to a new inspection system from September 2005, the aim is to help schools raise standards. A sharper, focused and less bureaucratic approach to inspection that will provide clearer information for parents. |
| HMCI | Her Majesty's Chief Inspector of Schools in England. The Chief Inspector's functions are set out in section 2 of the Education Act 2005. |
| HMI | Her Majesty's Inspector (all references in this Guidance to HMI include Additional Inspectors, who are given powers under section 1, Schedule 1 of the Education Act 2005). HMI will carry out monitoring visits once the school has been found to need special measures. |
| Interim Executive Board (IEB) | A specially constituted governing board, to replace a normally constituted governing body to undertake all its functions in exceptional circumstances for a temporary |

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| | period. |
| Key Issue | The particular areas of weakness in a school identified by inspectors and included in their inspection report and which should be addressed. |
| Legacy schools | Schools which were placed in special measures or were judged to have serious weaknesses, an inadequate sixth form or to be underachieving before September 2005. |
| Local Authority statement of action | Local Authority statement of the action it intends to take to improve a school which requires special measures or significant improvement. |
| Moderation procedures | Ofsted procedures for quality assurance of judgements by lead inspectors that fall into one of the categories of schools causing concern. |
| National Strategies | Primary and Secondary strategies incorporating literacy, numeracy and KS3 strategies. |
| New Relationship with Schools | Reshaping of the relationship between schools and central and local government. Aiming to help schools raise standards by sharpening accountability and minimising bureaucracy. |
| Regional Inspection Service Providers (RISPs) | Regionally based inspection providers working in partnership with Ofsted. Teams of independent inspectors working alongside HMI. |

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| School Improvement Partner | A critical professional friend to schools acting for the maintaining authority |
| Self-evaluation | A school's objective analysis of its performance, priorities for improvement and the targets it has set. A new Ofsted self-evaluation form (SEF) gives schools the opportunity to set out how they are developing the strengths and addressing the weaknesses within the school. These will enable inspectors to get a better overall view of the school. |
| Significant Improvement | The term applied following an Ofsted inspection. A school is judged to require significant improvement if it is performing significantly less well than it might be expected to perform. |
| Single conversation | Focused discussion between School Improvement Partner and school. |
| Sixth Form requiring Significant Improvement | A sixth form that is judged to be not providing an acceptable standard of education or which is performing less well than it might be expected to perform |
| Special measures | <p>The term applied following an Ofsted inspection when a judgement that a school is failing to provide an acceptable standard of education to its pupils and the capacity to improve is not demonstrated. All judgements are personally authorised by HMCI or an HMI authorised by him</p> <p>The definition has been revised by the Education Act 2005.</p> |
| Working Day | Any day which is not a Saturday or Sunday, a bank holiday or part of a holiday longer than a week taken by the school in question. |

Annex

12 May 2005

To the headteachers of all schools designated as causing concern before 1 September 2005

Dear Headteacher

ARRANGEMENTS FOR SCHOOLS DESIGNATED AS 'CAUSING CONCERN' BEFORE 1 SEPTEMBER 2005

We are writing to explain how the new national inspection arrangements for schools, to be implemented from 1 September 2005, will affect schools designated as 'causing concern' before 1 September 2005.

Schools that cause concern are currently placed in one of four categories:

- special measures;
- serious weaknesses;
- underachieving;
- inadequate sixth form.

The new national inspection arrangements

As you will know, new national inspection arrangements for schools will be introduced from 1 September 2005. Schools will be inspected every three years, and the inspections will be shorter than previously and will take place at short (normally two days) notice.

If an inspection results in the judgement that a school's overall effectiveness is inadequate, it will be placed in one of two categories:

- special measures, if it is failing to provide 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. Such schools will receive regular short-notice monitoring visits led by HMI and, if they remain subject to special measures, will be re-inspected after two years;

- requiring significant improvement if, although not requiring special measures, it is performing significantly less well than it might in all the circumstances reasonably be expected to perform. Such schools will receive a notice to improve. They will be re-inspected after one year.

After 1 September, schools will not be placed in the current categories of serious weaknesses, underachieving or inadequate sixth form.

Schools made subject to special measures before 1 September 2005

Schools made subject to special measures before 1 September 2005 will continue to receive regular monitoring visits led by HMI. The arrangements for the monitoring inspections will be brought into line with those that apply to inspections nationally; for example, they will take place at short (normally two days') notice. They will be led by HMI (with, in the autumn term 2005, the assistance of two former HMI working as additional inspectors).

All schools that have been subject to special measures for more than two years on 1 September 2005 will either have special measures removed as a result of a monitoring inspection, or will be re-inspected in the 2005/06 school year. Those that have been subject to special measures for longest will be re-inspected first. The re-inspections will be conducted in accordance with the new national inspection arrangements.

Schools that have been subject to special measures for less than two years on 1 September 2005 will be re-inspected in the term after the two-year period expires, if they remain subject to special measures.

If, on re-inspection, a school is again made subject to special measures, it will continue to receive monitoring inspections.

Schools designated as having serious weaknesses, underachieving or having an inadequate sixth form before 1 September 2005

Schools placed in these categories before 1 September 2005 will remain in the categories until they are removed as a result of re-inspection (or, in the case of inadequate sixth forms, as a result of a monitoring inspection).

Monitoring inspections of these schools will be made in the same way as they are at present except that, as for schools subject to special measures, the arrangements for the visits will be brought into line with those that apply to inspections nationally.

Schools that remain in these categories will be re-inspected, as they are now, two years after their designation. These inspections will be led by HMI or by additional inspectors from regional inspection service providers.

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