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# Schools causing concern

Guidance for schools and local authorities



## Guidance

Welsh Government Circular No: 004/2012

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Replaces Circular No: 28/03

## 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. This guidance is also of relevance to teacher associations and other national and local bodies concerned with education in Wales.
<b>Overview</b>	<p>This 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 School Standards and Framework Act 1998 as amended.</p> <p>This guidance will be reviewed in the spring of 2013.</p>
<b>Action required</b>	Local authorities and governing bodies of maintained schools should refer to the guidance when considering intervening in schools causing concern in their area.
<b>Further information</b>	Schools Management and Effectiveness Division Department for Education and Skills Welsh Government Cathays Park Cardiff CF10 3NQ Tel: 029 2082 6363
<b>Additional copies</b>	This document can be accessed from the Welsh Government's website at <a href="http://www.wales.gov.uk/educationandskills">www.wales.gov.uk/educationandskills</a>
<b>Related documents</b>	See Annex 6.

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## Summary

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.

- A school will be 'eligible for intervention' if it has not complied with a warning notice or where the school has been deemed by Estyn to require significant improvement or special measures.
- Where schools are eligible for intervention local authorities may exercise their powers to: appoint additional governors; suspend the delegated authority for the schools budget; appoint an Interim Executive Board.
- Where schools are eligible for intervention the Welsh Ministers have the power to appoint additional governors or appoint an Interim Executive Board.
- Where schools are in Special Measures the Welsh Ministers may direct the local authority to close the school.

## **Legal context**

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. This circular replaces Welsh Government Circular 28/03. It does not constitute an authoritative interpretation of the relevant provisions of the legislation - that is a matter for the Courts.

The current law on local authority intervention powers is contained largely in the School Standards and Framework Act 1998 (the 1998 Act). The 1998 Act has been amended on numerous occasions making it difficult to navigate. The Welsh Government intends, in the forthcoming School Standards and Organisation (Wales) Bill to consolidate, clarify and where necessary reform the law in respect of intervention in schools causing concern. This guidance will be reviewed once the Bill receives Royal Assent which is likely to be in the Spring of 2013.

Maintained schools are subject to regular inspection by Her Majesty's Inspectorate for Education and Training in Wales, ('Estyn'). In most cases schools causing concern are identified by Estyn as a result of such inspections. Inspection arrangements are governed by the Education Act 2005 ('the 2005 Act') supported by provisions set out in The Education (School Inspection)(Wales) Regulations 2006 as amended by the Education (Amendments Relating to the intervals for the Inspection of Education and Training)(Wales) Regulations 2010. The regulations include detail on the intervals for inspection, inspection procedures and timescales for preparation of inspection reports and action plans.

Inspections of local education authorities are carried out by Estyn under Section 38 of the Education Act 1997 relating to the provision of education for (a) persons of compulsory school age (whether at school or otherwise) or (b) for persons of any age above or below that age who are registered as pupils at schools maintained by an authority. Other aspects of local authority provision are subject to inspection under a range of legislation, including the functions conferred on them under sections 25 and 26 of the Learning and Skills Act 2000 and Section 51 of the Children Act 2004.

Area inspections are conducted under Section 83 of the Learning and Skills Act 2000. The timescales for the preparation of the inspection report and Action Plan are set out in the Inspection of Education and Training (Wales) Regulations 2001 (as amended). Schools can also be identified as causing concern through any inspection or monitoring visit carried out by Estyn under Section 24 of the 2005 Act.

## **Scope of this Circular**

This is guidance to local authorities when they are considering intervening in a maintained school in their areas which has been identified as a school causing concern. For the purposes of this guidance, a "school causing concern" is a school which is:

- Subject to a Warning Notice issued under the 1998 Act.

- Deemed by Estyn to require significant improvement under the Education Act 2005.
- Deemed by Estyn to require special measures under the Education Act 2005.

Such schools include maintained sixth forms (i.e. sixth forms within a school that also teaches pupils of compulsory school age) but do not include independent schools or provision within the further education sector.

## Introduction

a) All those involved in the education sector 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 school should have effective improvement/development plans). Similarly local authorities need to monitor schools' progress systematically, identify at an early stage schools where there may be problems and act quickly to prevent difficulties occurring or escalating by providing effective targeted support and/or intervention. Challenging of standards and intervention therefore play a key role in addressing low performance, raising standards and improving the quality of education.

b) 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, 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.

c) Local authorities and where appropriate, Diocesan<sup>1</sup> and other authorities, are charged with working with and supporting governing bodies and school management teams in securing ongoing improvements in standards. The four regional education consortia have a key role in providing support and challenge to schools and local authorities.

d) It is important that 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. Making intelligent use of data to understand a school's needs and taking a proactive role in early intervention are central components of the local authority's strategic role. 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. In addition, local authorities should have regard to the commitments and actions in respect of children and young people outlined in their LSB-led single strategic plans and thereby secure a joined-up approach to securing school improvement and better outcomes for young people. Particular attention should be given by local authorities and Diocesan 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. In doing so, local authorities should have

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<sup>1</sup> In this circular all references to Diocese and Diocesan Authorities are used as short hand and should be taken to mean the appropriate authority which appoints foundation governors to either religious or secular voluntary aided schools.

regard to the Welsh Government's Code of Practice on Local Authority School Relations)<sup>2</sup>.

e) Under the current Estyn school inspection framework, inspections of schools are conducted within six years by teams of inspectors, led by a HMI, additional inspector or registered inspector and result in a written report. Estyn is a key partner in securing school improvement. Estyn maintains a close working relationship with local authorities through regional teams with link inspectors who have responsibility in relation to local authority work. This enables Estyn inspectors and local authority officers to work together in identifying areas for concern and supporting schools causing concern. The Common Inspection Framework is clearly aligned to the School Effectiveness Framework. Both frameworks share the same emphasis on improved school effectiveness and higher standards for learners. All references in this document to reporting inspector include HMI, additional inspectors (AIs) and registered inspectors (Rgls).

f) 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 providing support, monitoring, challenge and intervention to 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, there is an expectation that if intervention is required, the local authority will take that action. Where a local authority has concerns about a school surrounding the quality of learning and standards achieved by pupils and its leadership and management, prompt action should be taken by the authority. Such concerns may be based on both quantitative and qualitative evidence including analysis of performance data and direct observation of the quality of teaching. Data would be expected to include attendance and exclusions in a school. The local authority must at this stage inform the governing body and the head teacher of its concerns.

g) In such circumstances the local authority 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. If matters are not resolved within a measurable period the local authority should also consider whether it is appropriate to serve the governing body with a 'Warning Notice' as provided under Section 15 of the School Standards and Framework Act 1998.

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<sup>2</sup> Code of Practice on LEA-School Relations, Welsh Government 2001.

## Section 1: Schools causing concern

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

- The local authority has given a warning notice and the governing body has failed to comply to the authority's satisfaction within the compliance period.
- The school requires significant improvement.
- The school requires special measures.

### Warning notices

Local authorities are expected to engage schools effectively through a professional dialogue to address the issues causing the local authority concern. If a school is refusing to engage constructively with the challenge and support commissioned or provided by the local authority, the 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.

A warning notice may be given to a local authority in one of three circumstances.

Where:

- The standards of performance of pupils at the school are unacceptably low and are likely to remain so unless the authority exercises their powers.
- There has been a serious breakdown in the way the school is managed or governed which is prejudicing, or likely to prejudice, such standards of performance.
- The safety of pupils or staff at the school is threatened (whether by a breakdown of discipline or otherwise).

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

- The standards that the pupils might in all the circumstances reasonable be expected to attain.
- Where relevant, the standards previously attained by them.
- The standards attained by pupils in comparable schools.

Further information on the use of warning notices is set out in the Welsh Government's Code of Practice on LEA/School Relations  
<http://wales.gov.uk/topics/educationandskills/publications/guidance/leaschoolrelations/?lang=en>

## **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.

**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, the judgement means the local authority 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.

Section 15 sets out the provisions relating to warning notices. A warning notice should be used where there is evidence to justify both the local authority's concerns and the school's ability to address these concerns within a reasonable time frame. Before deciding to give such a warning notice, local authorities must draw on a suitable range of quantitative and qualitative information to form a complete picture of a school's governance.

### **Giving a warning notice**

A warning notice must be given in writing to the governing body of the school and must set out:

- The matters on which the local authority's concerns are based. These should be set out in some detail and explain the facts that exist in that particular school and the circumstances which are giving the local authority cause for concern.
- The action which the governing body is required to take in order to address the concerns raised.
- The initial compliance period beginning with the day when the warning notice is given and ending 15 working days following that day, during which time the governing body is to address the concerns set out in the warning notice.
- The action which the local authority is minded to take (under one or more of sections 16 and 17 of the 1998 Act or otherwise) if the governing body does not take the required action.

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 Church of Wales,

Church school or a Roman Catholic Church school, the appropriate diocesan authority, and in the case of a foundation or voluntary school, the person who appoints the foundation governors.

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.

The governing body may make a complaint to the Welsh Ministers under Section 496 and/or 497 of the Education Act 1996. This enables the Welsh Ministers to make a direction, if expedient to do so, where he is 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 Act 2005, the Welsh Ministers may request Estyn to inspect and report on a school where there are serious concerns.

## Section 2: Powers and types of intervention – local authorities

Where a school is ‘eligible for intervention’ there are a number of powers the local authority or Welsh Ministers may use to drive school improvement. These interventions are set out in sections 16 and 17 of the 1998 Act (as amended) in respect of local authorities and sections 18 and 19 of the same Act in respect of Welsh Ministers. The expectation is that local authorities will act in the first instance. Local authorities must give reasonable notice in writing to the governing body that they propose to exercise their powers under any one or more of sections 16 and 17.

### Local authority powers

#### The appointment of additional governors

Section 16 enables a local authority to appoint additional governors where a school is eligible for intervention. The local authority is likely to appoint additional governors when they would like a school to be provided with additional expertise and may appoint as many additional governors as they think fit. In the case of a voluntary aided school, where the local authority has exercised the power to appoint additional governors, the appropriate appointing authority in relation to that school may appoint an equal number of governors to those appointed by the local authority if they so wish.

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.

Best used: Where the governing body needs additional expertise, or the Headteacher and senior management team need further challenge and support.

Can be used with:

Appointment of Interim Executive Board	Suspension of delegated budget
No	Yes

it is good practice for the local authority to inform the diocesan or other appointing authority who are entitled to appoint additional governors and for the local 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 their appointment.

#### Timeframe

Where the school is eligible for intervention as a result of being given a warning notice, this power must be exercised within a period of two months following the end of the compliance period. If the local authority fails to exercise this power within this time, a new warning notice must be given in order to do so.

## The appointment of an Interim Executive Board

Section 16A of the 1998 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 1A to the 1998 Act. An IEB is a specially constituted governing body which replaces a school's existing governing body. 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 (an "Interim Executive Board").

Best used: Where the governing body is providing insufficient challenge to the Headteacher 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.

Can be used with:

Additional Governors	Suspension of delegated budget
No	No

Requirements before using power:

- Local authority must consult the governing body, and – if a foundation or voluntary school – the diocesan or other appointing authority.
- Local authority must obtain Welsh Ministers' consent for the establishment of an IEB.

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. 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.

### Timeframe

This power may be exercised at any time a school is eligible for intervention and is not subject to the time limitation set out above in respect of other intervention powers.

## Consultation

Before the local authority can exercise this intervention power they must consult:

- The governing body of the school.
- In the case of a Church of Wales School or a Roman Catholic Church School, the appropriate diocesan authority.
- In the case of any other foundation or voluntary school, the person or persons by whom the foundation governors are appointed.

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. A minimum of 14 days<sup>3</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.

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 accounts:

- (i) That the local authority has complied with its statutory duties 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 interim executive board is appropriate and justified when taking into account all the relevant facts and circumstances.

The Minister looks to Estyn to provide advice on aspects of education provision and is likely to seek advice on all applications to appoint Interim Executive Boards.

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.

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 IEB will 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

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<sup>3</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.

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 member. The Government of Maintained Schools (Wales) Regulations 2005 and the Governor Allowances (Wales) Regulations 2005 do not apply in relation to IEBs. Furthermore the instrument of government of the school does not have effect in relation to the IEB.

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.

### **Membership of the IEB**

As set out in schedule 1A to the 1998 Act as amended, the number of interim executive members must not be less than two; once the IEB has been established, further interim executive members can be appointed at any time. An IEB should be a small, focussed 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 and existing governors may be appointed to the IEB.

Interim executive 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 foundation or voluntary school, the diocesan or other appropriate appointing authority. A local authority or the Welsh Ministers may choose to pay interim executive members such remuneration and allowances as is considered appropriate.

## **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 1A to the 1998 Act, as amended by the Education Act 2002, provides that arrangements for the transition may be prescribed by the Welsh Ministers in regulations. Under the draft 'School Governance (Transition from an Interim Executive Board)(Wales) Regulations 2012, the proposal is that 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. Subject to consultation the regulations will come into force on 1 September 2012.

In the interim period before September 2012, the Welsh Ministers recommend that local authorities appoint ‘shadow’ governing bodies where IEBs have been appointed.

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.

### **Associated resources**

Questions and Answers on IEBs (Annex 1).

Interim Executive Board application Form and guidance notes (Annex 2).

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

Section 17 of the 1998 Act enables a local authority, by giving the governing body of the school notice in writing, to suspend the governing body’s right to a delegated budget. 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 1998 Act.

A copy of the notice to suspend the right to a delegated budget must be given to the headteacher of the school and the governing body. If the local authority has appointed an Interim Executive Board (IEB), it cannot suspend the school’s right to a delegated budget.

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 to other priorities for improvement.

If the local authority has appointed an Interim Executive Board (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 Headteacher or senior management team of the school, or where management of the budget is providing a distraction from the improvement priorities for governors.

Can be used with:

Additional governors	Interim Executive Members
Yes	No

### **Timeframe**

Where a school is eligible for intervention as a result of being given a warning notice, this power must be exercised within a period of two months following the end of the compliance period. If the local authority fails to exercise this power within this time, a new warning notice must be given in order to do so.

## **Section 3: Welsh Ministers' powers**

As stated above 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 Section 2).

### **Power to appoint additional governors**

Section 18 of the 1998 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 he sees fit.

Before making any appointment, the Welsh Ministers must consult:

- The local authority.
- The governing body of the school.
- In the case of a Church of Wales school or a Roman Catholic Church School the appropriate diocesan authority.
- In the case of any other foundation or voluntary school, the person, or persons by whom the foundation governors are appointed.

The Welsh Ministers may pay any governor appointed such remuneration and allowances as is considered appropriate. Where the Welsh Ministers have exercised this power, the local authority may not exercise the power to suspend the governing body's right to a delegated budget. If the local authority has already suspended the governing body's right to a delegated budget, the Welsh Ministers must reinstate the budget if requested to do so by the governing body. In contrast to the local authority's power, 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.

### **Power to direct the closure of a school**

Section 19 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 improvements. Before this power can be exercised the Welsh Ministers must consult:

- The local authority and the governing body of the school.
- In the case of a Church of Wales' school or a Roman Catholic Church school the appropriate diocesan authority.
- In the case of any other foundation or voluntary school, the person or persons by whom the foundation governors are appointed.
- Such other persons as the Welsh Ministers consider appropriate.

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.

### **Power to provide for the governing body to consist of interim executive members**

Under Section 18A of the 1998 Act the Welsh Ministers may require the governing body of a school to be constituted as an IEB in accordance with schedule 1A 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.

Before this power can be exercised the Welsh Ministers must consult:

- The local authority.
- The governing body of the school.
- In the case of a Church of Wales school or a Roman Catholic Church school the appropriate diocesan authority.
- In the case of any other foundation or voluntary school the person or persons by whom the foundation governors are appointed.

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.

### **Power to publish proposals to close a school's sixth form**

Where a school's sixth form has been judged to require significant improvement in two consecutive Estyn inspections, or where a maintained school has been assessed as requiring special measures but where the sixth form is identified as requiring significant improvement the Welsh Ministers may propose closure of the school's sixth form.

In most instances a decision on a school requiring special measures or significant improvement will be applied to provision for all age groups being made by a school. However, there is potential for Estyn to determine that provision being made in a school for the sixth form requires significant improvement. Such a judgement could be made as a result of an inspection carried out under Section 28 of the Education Act 2005 or through the school being included as part of an area inspection under Section 83 of the Learning and Skills Act 2000.

As defined by Schedule 7, paragraph 1(2) to the Learning and Skills Act 2000 as amended by the Education Act 2005 a school requires significant improvement in relation to its sixth form where:

- (a) The school is failing to give its pupils over compulsory school age an acceptable standard of education; or
- (b) In relation to its provision for pupils over compulsory school age, the school is performing significantly less well than it might in all the circumstances reasonably be expected to perform.

## **Section 4: Schools requiring special measures or significant improvement**

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

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

4.1 Inspections are either undertaken by Her Majesty's Inspectors of Education and Training in Wales (HMI), an Additional Inspector acting on behalf of Estyn or a team of inspectors led by a Registered Inspector. 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' (see definitions in Section 2 and Section 5 of this circular). Schools can also be identified through any inspection or monitoring visit carried out by Estyn under Section 24 of the 2005 Act.

4.2 Estyn's handbooks 'Guidance on the Inspection of Primary and Nursery Schools', 'Guidance on the Inspection of Secondary Schools' and 'Guidance on the inspection of Special Schools and 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 <http://www.estyn.gov.uk/home.asp>

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

4.3 As part of oral feedback at the end of the inspection the Reporting Inspector will inform the headteacher 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 governors should normally invite the local authority and where appropriate, the diocese to be present at all or part of the feedback meeting.

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

4.4 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 report. The Reporting Inspector 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 to produce its response and provide comments on factual accuracy.

4.5 Where the inspection is undertaken by a Registered Inspector a draft of the inspection report will be submitted to Her Majesty's Chief Inspector (HMCI) and other information as may be required. HMCI will decide on the basis of the documentary evidence and a corroboration visit by HMI, as considered necessary, whether to

support the Registered Inspector's view on the need for special measures or significant improvement. The corroboration visit is normally made within 3 weeks of receipt of the Registered Inspector's report. The purpose of the corroboration visit is to:

- inspect those aspects of the school where deficiencies have been found by the Reporting Inspector;
- determine the validity of the judgements made;
- check that the inspection itself has been properly conducted.

4.6 Where required, HMCI may extend the deadline for the inspection report to be completed by a Reporting Inspector by a maximum of 3 months from the date when it was originally due so as to allow adequate time for corroboration of a draft inspection report and assessment of documentary evidence where a school has been judged by a Reporting Inspector to require special measures or significant improvement.

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

4.7 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. However, 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?**

4.8 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/home.asp>.

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

#### ***Action Plan***

4.9 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 should work closely with the headteacher and governing body of the school and where applicable, the Diocese or other appropriate appointing authority to provide support in drawing up the action plan. It is recommended 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.

4.10 The Action Plan must be completed within 45 working days (statutory deadline) 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.

4.11 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?**

4.12 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 final Action Plan***

4.13 A copy of the final Action Plan must, within 2 working days of completing it, 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 regulations 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.

4.14. With regard to foundation governors, the appropriate authority must also send a copy of the summary to the person who appoints the governors and, if different, also to the appointing authority (i.e. the diocesan authority).

### **What should the Action Plan set out?**

4.15. 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.

Schools may wish to make use of the School Effectiveness Framework in improvement planning. As a minimum, however, for each area for improvement identified in the Inspection report the Action Plan should 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 against which progress will be judged;
- resources to be applied to the work;
- how progress will be monitored e.g. who, when and how.

4.16 Estyn will write to the school to acknowledge receipt of the Action Plan. Where a governing body has prepared an Action Plan they must in their governor's report, prepared pursuant to their duty under Section 30 of the Education Act 2002, state the extent to which the proposals set out in the Action Plan have been put into effect.

#### **What action is required by local authorities and when?**

4.17 The local authority should work closely with the headteacher and governing body of the school and, if appropriate, the Diocese, 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 with 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. If the local authority does not propose to take action it must still produce a written statement setting out its reasons.

4.18 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 diocesan authority). Where the local authority is the appropriate authority for the school, there is no requirement to prepare a written statement (as the local authority will have prepared the school's Action Plan).

4.19 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.

4.20 Best practice indicates that the school, local authority and, where appropriate, the Diocese 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?**

4.21 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 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 (see Section 4) to appoint additional governors, withdraw the school's delegated budget or replace the governing body with an Interim Executive Board (IEB).

### **Who approves the school Action Plan and local authority statement?**

4.22 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. 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 (see paragraphs 4.23 to 4.26 below).

## **Monitoring of schools causing concern**

### ***Schools requiring special measures***

4.23 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. 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.

4.24 Where progress is assessed as unsatisfactory local authorities and the Welsh Ministers may consider the need to invoke their statutory powers of intervention in respect of the school (see Section 4 of this circular).

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

4.25 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 governor body, the local authority and to the Welsh Ministers. The letter will include HMCI's judgement as to whether the school still requires significant improvement.

4.26 Where Estyn consider 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 'requires significant improvement' category. Where a school has made some progress but is still judged to require significant improvement Estyn may carry out a further monitoring visit after a further 6 months. If the school has made suitable progress, Estyn will report as in 4.25 above. If progress is assessed as unsatisfactory HMCI will give consideration to the school requiring special measures.

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

### **Interim Executive Boards (IEBs) – Questions and answers**

1. The School Standards and Framework Act 1998 (as amended by the Education Act 2002) gives local authorities and the Welsh Ministers powers to provide for a school governing body to consist of an Interim Executive Board (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 Section 19A of and Schedule 1A to the Schools Standards and Framework Act 1998. 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 diocese) 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 a school has failed to comply with a Warning Notice or has been identified by Estyn following inspection as requiring special measures or significant improvement. 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. 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. The IEB may determine its own procedures and make such arrangements as it thinks fit for the discharge of its functions.

7. The Government of Maintained Schools (Wales) Regulations 2005 and the Governor Allowances (Wales) Regulations 2005 do not apply in relation to IEBs. Furthermore, the instrument of government of the school does not have effect in relation to the IEB.

### **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. 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 foundation or voluntary schools - the diocesan or other appropriate appointing 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.

## **Delegated budget**

12. 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?**

13. 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**

14. Where a local authority seeks to appoint an IEB at a foundation or voluntary school, it must consult the diocesan or other appointing authority before applying to the Welsh Ministers. Ministers will expect to see evidence of the full involvement of the Diocese or appointing authority in any decision to establish an IEB.

15. Interim executive members will be required to ensure that the school's trust deed is preserved and developed, and that the character of the school is maintained.

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

16. The transition from an IEB to a normally constituted governing body needs to be carefully managed. Schedule 1A to the 1998 Act, as amended by the Education Act 2002, provides that arrangements for the transition may be prescribed by the Welsh Ministers in regulations. Under the draft 'School Governance (Transition from an Interim Executive Board)(Wales) Regulations 2012, the proposal is that 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. Subject to consultation the regulations will come into force on 1 September 2012.

In the interim period before September 2012, the Welsh Ministers recommend that local authorities appoint 'shadow' governing bodies where IEBs have been appointed.

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?**

17. 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.

18. 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**

19. 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. 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; 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.

20. 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

Tel: (029) 20826087

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

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

LA	School		
1. Brief description of the school, including status (community, foundations aided), location number on roll.			
2. Date of notification of Warning Notice/Special Measures/significant improvement.			
3. Background and reasons for application, to include process/steps/consultation taken prior to application for IEB.			
4. Date Governing Body first informed of application for IEB, including dates of appropriate consultation meetings and minutes of relevant meetings.			
5. Governing Body's reaction to IEB proposal (or attach separately).			
5a. Diocesan authority's reaction 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).			
5b. In the case of any other foundation or voluntary school, the person or persons by whom the foundation governors are appointed reaction to the proposal.			
6. List of proposed members of the IEB, with a brief outline of their suitability, skills and experience (or attach separately).			
7. 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.

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 LA feels it should be replaced.

Questions 4 & 5, 5a, 5b - In answering these questions, the local authority should set out what steps it has taken to inform governing body/diocesan authority of its intention to replace it with an IEB.

It should record the reaction of governing body/diocesan authority to the IEB proposal; including the nature and extent of formal consultation (this should include evidence that the LA 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 GB are refusing to discuss the issue.

Question 6 - The answer to this question should give the reasons why the proposed membership has sufficient capacity to allow 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 LA should give reasons for the choice of the IEB Chair; ideally this should be someone independent from the school and LA.

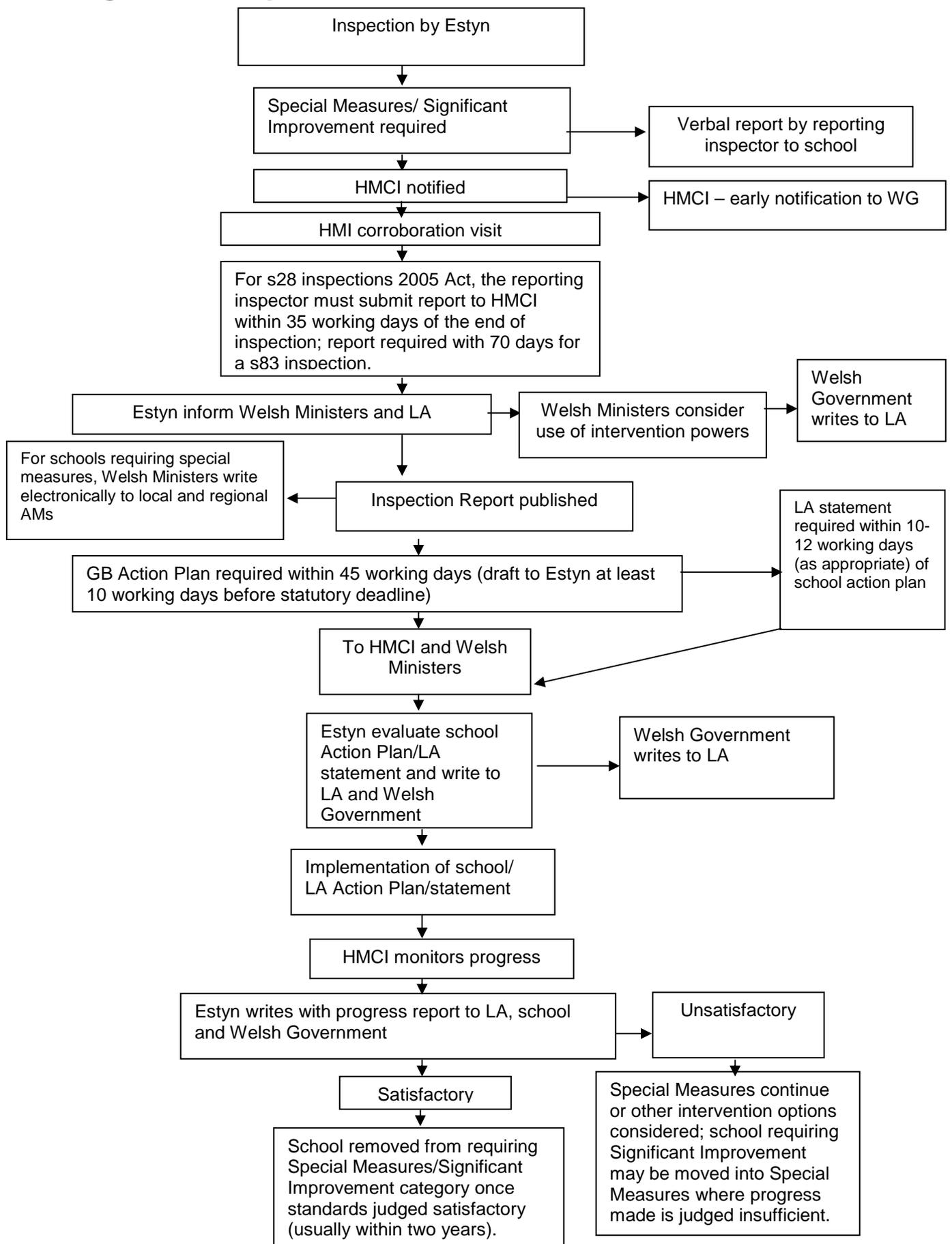
### **Further advice**

LAs 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 LA 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 Diocese.
3. Where the LA 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 LA 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: Governing body action checklist

- Verbal report on inspection conclusions to senior management of school.
- Copy of inspection report received.
- Copy of report and summary:
  - made available for inspection by members of the public;
  - made available to any person who asks for one;
  - every parent of a registered pupil at the school has received a copy of the summary of the report within 10 working days of receipt.
- Prepare Action Plan within 45 working days of receipt of inspection report.
- Submit draft Action Plan to Estyn for comment at least 10 working days before statutory deadline.
- Submit agreed Action Plan to:
  - the Welsh Ministers
  - Estyn
  - Local Authority
- Copy of Action Plan:
  - made available for inspection by members of the public;
  - made available to any person who asks for one;
  - every parent of a registered pupil at the school receives a copy of the Action Plan (or summary of it) as soon as is reasonably practicable.

## Annex 5: Local authority action checklist

Copy of inspection report and summary received.

### Where the local authority is *not* the appropriate authority

(i.e. where the school has a delegated budget):

- copy of the school's Action Plan received;
- Local Authority prepare a written statement of action the authority proposes to take within 10 working days from receipt of the school governing body's action plan;
- Local Authority consider whether to use powers of intervention to appoint additional governors, suspend the right to a delegated budget, or appoint an Interim Executive Board.

**Where the local authority *is* the appropriate authority** (i.e. where the school does **not** have a delegated budget), the local authority must:

#### *Inspection Report:*

- ensure that every parent of a registered pupil at the school receives a copy of the summary inspection report within 10 working days of receipt;
- make a copy of the inspection report and summary available for inspection by members of the public;
- provide a copy of the full inspection report and summary to any person who asks for one;

#### *Action Plan*

- prepare an Action Plan within 45 working days of receipt of inspection report;
- submit draft Action Plan to Estyn for comment at least 10 working days before statutory deadline;
- submit final Action Plan to:
  - the Welsh Ministers;
  - Estyn;
  - the school's governing body.

- Copy of Action Plan:
  - to be made available for inspection by members of the public;
  - to be made available to any person who asks for one;
  - or a summary of it, to be received by every parent of a registered pupil at the school as soon as is reasonably practicable.

*Powers of intervention:*

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

## Annex 6: Related resources

The School Standards and Framework Act 1998  
Education Act 1996  
Education Act 2002  
Education Act 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 Education (Code of Practice on LEA–School Relations) (Appointed Day) (Wales) Order 1999  
The Maintained Schools (Partnership Agreements) (Wales) Regulations 2007  
The draft 'The School Governance (Transition from an Interim Executive Board) (Wales) Regulations 2012'  
*Guidance for the inspection of primary schools from September 2010* (Estyn, 2011)  
*Guidance for the inspection of Secondary Schools from September 2010* (Estyn, 2011)  
*Guidance for the inspection of Special Schools and Pupil Referral Units from September 2010* (Estyn, 2010)  
*Guidance for inspection of and Local Authority Education Services for Children and Young People from September 2010* (Estyn, 2011)