

**BRACKNELL FOREST POLICY
for
CHALLENGE, SUPPORT and
INTERVENTION in SCHOOLS**

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Department of Children, Young People and Learning

Bracknell Forest Policy for Challenge, Support and Intervention in Schools

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* Previously the School Improvement Partner (SIP)

Bracknell Forest Policy for Challenge, Support and Intervention in Schools

1. Introduction

- 1.2. The aim of the Bracknell Forest Policy for Challenge, Support and Intervention in Schools is to enable schools to maximise the potential of all their children, recognising their talents and achievements and encouraging them in the pursuit of life-long learning.
- 1.3. The Borough is committed to raising pupils' achievement, working in partnership with all schools to secure continued improvement. The Local Authority (LA) monitors the quality of education provided by all our schools and will provide an appropriate level of support when schools need it.
- 1.4. All processes of school improvement are underpinned by appropriate challenge. Challenge will be provided through the LA's programmed visits to schools and the work of School Advisers.

2. Context

- 2.2. Schools in Bracknell Forest seek to provide a high quality education for all pupils. The LA supports all schools in this through a process of analysis, monitoring and evaluation,¹ and enabling staff and governors to effect school improvement. The policy recognises that schools play a fundamental part in securing improvement, where staff are the key agents of educational change and take responsibility for applying the outcomes of reviews to classroom practice.
- 2.3. The focus for LA support is published in the strategic plan for children and young people², a working document reviewed annually and modified in response to an analysis of schools' needs and standards attained by pupils.
- 2.4. Central to the policy will be the accountability of the LA to parents, governors, staff, elected members, the community and others, such as the DfE and Ofsted, for the quality of education provided in Bracknell Forest schools.
- 2.5. The Local Authority will take on a strategic role including:
 - the duty to promote choice, diversity, high standards and the fulfilment of potential for every child;
 - the duty to respond to parental concerns about the quality of local schools;
 - appointing and quality assuring a School Adviser for each school.
- 2.6. The policy will also enable the LA to respond appropriately to national and local school improvement initiatives. It should be considered in association with *Section 15 of the Education Act 2005 (and any subsequent amendments), School Standards and Framework Act 1998, Part 4 of the Education and Inspections Act 2006* and other statutory requirements and local LA school protocols.

¹ **Analysis** : the interpretation of information to gauge significant differences or changes over time and taking relevant circumstances into account.

Monitoring : the systematic and routine collection of information about a range of statistical data and first hand observations relating to school' performance, to activities in formal plans and to locally and nationally set expectations or targets all within a given period of time.

Evaluation : judging the value of activities in terms of their impact and effectiveness. Evaluation will be most valuable when it involves the school through a process of self-evaluation, complemented by objective external judgements.

3. Principles

3.2. School improvement in Bracknell Forest is underpinned by the following principles. The LA will:

- establish criteria of need which are clear and applied fairly;
- recognise the context in which the schools operate and assist schools to improve against their own previous best achievements and those of schools operating in a similar context;
- use validated data and information to inform discussion;³
- work in partnership to encourage schools' independence and recognise that they are responsible for bringing about their own improvement;
- build on and support schools' own processes for self evaluation and review, by complementing them with analyses of data and first hand observations in classrooms;
- identify potential difficulties in schools early so as to intervene and support preventatively whenever possible.

4. Strategies

4.2. In order to meet these aims, the LA will, in partnership with its schools, implement the following strategies:

The LA will:

- support all headteachers and governing bodies in their drive for school improvement through setting challenging performance targets,
- maintain a coherent system of review in Bracknell Forest which integrates self evaluation by the school, local review by the LA and external inspection by Ofsted;
- work with schools to celebrate excellence and spread good practice;
- implement negotiated levels of support and intervention as an outcome of any review;
- implement required levels of support following an Ofsted inspection;
- communicate the key issues and action plans of the review through the various publicly accountable processes;
- support the continuing professional development of school-based staff;
- consult with pupils, parents, governors, school-based staff and other partners in the community and report on the outcomes.

4.3. All schools will receive support and monitoring related to an analysis of their needs. This will be in one of five categories. An explanation of each category is included in Appendix A. Information to determine the appropriate level of support and monitoring will be taken from the LA's information database of school performance and contextual data, including knowledge gained in the field through visits to schools and reports prepared by School Advisers.

4.4. The LA advisory team meets regularly to review the standards in all schools and to identify both good practice and causes of concern. In identifying concerns the group takes into account all aspects of a school's performance including: pupil performance; provision of access to learning opportunities; attendance; level of exclusions; behaviour; progress in addressing key issues; quality of teaching; provision to meet special or additional educational needs; and standards of

³ Information will be taken from three broad sources:

- i) data collection to include academic results, finance, attendance, RAISEonline, the LA profile, data from Ofsted inspections.
- ii) direct observation of school activity, through visits by School Adviser and other LA officers.
- iii) judgements made by schools themselves as part of a process of self evaluation and review.

management and governance. For schools 'causing concern' a separate LA officer group, chaired by the Chief Adviser, meets half-termly to discuss progress and determine appropriate levels of further support. The chair of governors and the headteacher of any such school will be kept fully informed of the discussions and the actions which the LA proposes to take. The criteria used to determine an overall school category for support are included in Appendix G.

- 4.5. Judgements made on the quality of teaching and the strengths of the senior management team in addressing issues will be used to inform the LA's programme for dissemination and staff development.
- 4.6. For the national priorities related to 'narrowing the gap', literacy, numeracy and ICT the LA provides support through the provision of in-service training and the work of members of the advisory team. The LA will also offer centre-based courses and in-school support in other subject areas and aspects related to school and pupil needs.

5. Evaluation

- 5.2. The effectiveness of the LA's support for school improvement will be judged by:

- progress in raising standards;
- progress towards improving the quality of teaching;
- progress towards improved leadership, management and governance;
- progress towards improving access to learning opportunities;
- progress towards meeting the needs of children with special or additional educational needs;
- the school's capacity for sustained improvement;
- other criteria drawn from key issues specific to the school.

- 5.3. Strategies for reviewing the impact and work of the LA will include:

- reviewing the school's documentation, including the outcomes of the school's own processes of self evaluation;
- lesson observations;
- discussions with headteachers, staff, pupils and governors;
- analysis of outcomes of internal and external assessments of the work of schools;
- other outcomes of the support specific to the school's need;
- discussions at meetings of the School Improvement Group;
- discussions at the School and Children's Centre Performance Advisory Panel (SCCPAP) of the Council;
- external evaluation;
- reports from a Management Intervention Board , where appropriate, chaired by independent consultant.

6. Support during and following an Ofsted inspection

- 6.2. Prior to an inspection the School Adviser will comment on the school's Self Evaluation form as required. Additional support will also be made available to ensure that the school has the most up to date data.
- 6.3. During an inspection members of the LA team will be available to support the school and, where necessary, meet with the Lead Inspector. The LA (normally the School Adviser or a Senior Adviser) will offer to attend the feedback to take notes and respond to any requests from the headteacher or governors present.
- 6.4. Following an Ofsted inspection, the School Adviser, supported by a Senior Adviser, will act as the key adviser to the headteacher and governing body and:

- support the school in making a detailed analysis of what the school should do to improve further and the findings in the main body of the report;
- provide guidance in producing any action plan and exemplars of good practice.

In particular, the School Adviser and Senior Adviser will support the headteacher and governors as they:

- identify the most significant actions required;
 - identify the methods to be used to monitor progress;
 - specify detailed success criteria by which the school can measure progress;
 - provide a critical appraisal of the structure, content and timescale for any action plan;
 - provide guidance on the support mechanisms the LA can bring to any action plan, including brokering additional support.
- 6.5. Specialist staff from the LA will be made available to the school to support any post Ofsted action plan.
- 6.6. The Chief Adviser (L&A) will provide quality assurance of any post Ofsted LA action plan.

Criteria for categories and levels of support.

1. All schools have a School Adviser assigned to work with the headteacher, staff and governing body. All schools receive support before, during and after an Ofsted inspection.
2. The School Adviser visits will focus on support for target setting, school planning and development, evaluating aspects of the school development plan, supporting the headteacher, monitoring progress and the impact of the school's work in relation to the LA's CYPP priorities, identifying and advising on CPD, supporting and monitoring internal school reviews and self evaluation. The Senior Adviser will arrange support following an inspection and also assess statutory provision.
3. Part of the allocation to each school is provided for the School Adviser to support the work of the Governing Body. The School Adviser will prepare termly reports for the headteacher and the chair of governors. These will be consolidated into an annual report. The School Adviser may attend a Governing Body meeting to present the report. This is in addition to, and complimentary to, the support provided by Governor Services. Schools also draw on the support of other specialist teams, eg Human Resources, Extended Services and Finance as required.
4. Schools in categories 3, 4 and 5 are likely to have a Raising Achievement Plan to meet priorities identified by the school and/or the School Adviser. The Raising Achievement Plan will be agreed during the Autumn Term. Implementation and impact of the actions in the Raising Achievement Plan for both secondary and primary schools will be evaluated regularly throughout the year. The School Adviser will attend the meeting associated with the Raising Achievement Plan.

Category 1

5. A school with no issues of concern will be in Category 1. Such a school will be judged to be capable of self-improvement on the basis of termly monitoring. Such schools are likely to have been judged as outstanding by Ofsted.

Category 2

6. A school with very few issues of concern will be in Category 2. These will be in the nature of an alert, where speedy resolution is judged to be likely. Such schools are likely to have been judged good with some outstanding features by Ofsted.

Support for schools in Category 1 and 2

7. Each primary school in these categories will receive the equivalent of 5 half-day visits per year from their School Adviser. Each school also receives support from the Psychological and Education Welfare services. Secondary schools will be visited by the Senior Adviser (secondary).

Category 3

8. Schools will be deemed to require an enhanced level of support and monitoring if, as a result of LA monitoring or external inspection, up to three issues have been identified from the following list:
 - the School Development Plan (SDP) is seriously deficient;
 - pupils' achievements in end of Key Stage assessments are considerably lower than might have been expected considering the context of the school and as measured against schools with similar intake;

- the school falls substantially below its published targets, or consistently sets unchallenging targets;
 - inadequate access to learning opportunities hinder the learning of pupils with a disability or special educational need;
 - levels of inclusion of pupils with special or educational needs are considerably lower than for similar schools;
 - the LA is receiving significant complaints from parents, staff, governors or pupils whose nature is a cause for concern;
 - the exclusion rate in the school is considerably higher (at least 5%) than for similar schools;
 - the attendance rate at the school is considerably lower for schools with a similar intake;
 - a substantial number of reported racial harassment incidents;
 - concerns regarding Health & Safety and Welfare, including safeguarding;
 - the effectiveness of the governing body is of concern;
 - the quality of teaching or the behaviour of pupils in the school are adversely affecting pupils' learning and progress;
 - high staff absence or turnover, or low staff morale;
 - the school's budget setting process and management of resources are causing concern;
 - any additional factor which has an adverse impact on educational standards e.g. bullying;
 - the school faces challenging circumstances which require additional temporary leadership support.
9. Such schools are likely to have been judged as requiring improvement (possibly with some good features) by Ofsted.

Support for schools in Category 3

10. Schools in this category will receive an additional monitoring visit per term, and further support as appropriate, by other LA officers according to the nature of the concern. Schools will be required to indicate how they intend to effect improvements and may be recommended to seek external support.
11. The School Adviser and the Senior Adviser will draw the headteacher's attention to the provision of relevant courses and access to school-based developments where the school has not already identified them and seek to ensure that the school's professional development programme is consistent with the SDP and the school's identified needs.
12. Schools in this category receive additional support for agreed actions in their SDP or Action Plan.
13. If a school has not made sufficient progress after two terms, and is showing signs that improvements are unlikely to be secured, it may be moved to Category 4. It will continue to receive a further term's support and monitoring visits.
14. Criteria for assessing the school's capacity to make improvements include:
How well the school can demonstrate that:
- i. school self evaluation is accurate and well evidenced;
 - ii. the Governing Body is well informed and has supported and challenged the school to achieve at least satisfactory outcomes for pupils;
 - iii. the Headteacher has high expectations and drives the school forwards, indicated by an improving trend or maintained high standards;
 - iv. senior and middle leaders are fully involved in monitoring and evaluating the school's performance and securing at least satisfactory outcomes for all pupils;

- v. any underperformance is quickly identified and rigorously tackled by the school;
- vi. the school holds teachers to account for the attainment and progress of all pupils in their care;
- vii. provision and outcomes for learners have improved

15. If it is reported that the progress made by the school after two terms is unsatisfactory, the Chief Adviser will report the matter to the Director, Children, Young People and Learning with the recommendation that the school be sent a letter setting out the nature of the concern and include issues for the school to address and the support to be made available.

Category 4

16. Schools will be judged to require a higher level of support and monitoring if, in the light of enhanced monitoring at Category 3:

- concerns are not being addressed within the agreed time scale, or;
- there are more than three areas causing concern (as defined under Category 2), or;
- there are serious concerns about the effectiveness of the senior management, or;
- improvement has not been secured after the letter referred to in para.14 has been issued, or;
- Ofsted inspection has resulted in the school being identified as one requiring significant improvement (serious weaknesses).

17. Information leading to decisions about the need to move to this enhanced level of support and monitoring will be reviewed at least monthly at the meeting of the cross-departmental team. The LA will ensure that judgements about a school will not be recorded without the headteacher's first being made aware of them.

18. In the case of a school being considered for Category 4 support and monitoring the school will always be made aware of the increasing concerns of the LA. The regrading to Category 4 will follow a visit from the School Adviser and a Senior Adviser.

19. Following this visit, a more formal meeting will take place between the headteacher, chair of governors and the Director, Children, Young People and Learning or his/her representative (normally the relevant responsible officer), the Chief Adviser (L&A) and the School Adviser and/or a Senior Adviser.

Support for schools in Category 4

20. A school in Category 4 will receive additional support and monitoring visits per half term, a visit from the Chief Adviser and further support as appropriate by any other officer relevant to the nature of concerns identified.

21. Schools in Category 4 will be supported in the production of action plans to enhance or extend their SDP. The level of support provided by the LA will be negotiated with the Director, Children, Young People and Learning or his/her representative (normally the relevant Chief Officer).

22. In allocating any additional resources, the LA will follow the following principles:

- funds will be devolved to identified schools in relation to need, clearly reflected in priorities costed within the action plans agreed with the LA;
- funds will, therefore, not be devolved on a formula basis;
- some funds will be retained for distribution during the financial year in order to meet further needs as they may arise.

Monitoring of schools in Category 4

23. Progress of schools in Category 4 will be monitored by the LA officer group. In the case of schools a school where Ofsted have identified serious weaknesses the LA will prepare a Statement of Action following completion of the action planning process. The content of the Statement of Action is given in Appendix E.
24. The LA will send the statement of action to Ofsted, the school's governing body; the School Adviser and the diocesan or other appointing authority, if the school is a foundation or voluntary school.
25. For a school with serious weaknesses, the school will be expected to remove the causes of the weaknesses within one year. The LA statement of action and any school action plan should reflect this.
26. The School Adviser will provide a written report at the end of two terms on the effectiveness of the LA's support and the progress made by the school. The LA officer group will consider the evidence and agree appropriate action to be taken after two terms. This may result in the school reverting to Category 3. Alternatively, if a school has not made sufficient progress after two terms, but is showing signs that improvements are being made, it will remain in Category 4 for a further term. It will continue to receive a further term's support and monitoring with a formal monitoring visit arranged by the Chief Adviser.
27. If the recommendation of this LA officer group is that the progress made by the school after two terms is unsatisfactory, the Chief Adviser will report the matter to the Director, Children, Young People and Learning with the recommendation that the school be sent a notice that a formal warning may be issued. In this way a formal warning notice will never come as a surprise either to the governing body or the headteacher. At this point the school moves into Category 5.

Category 5 schools

28. This category includes schools requiring Special Measures and schools for which a formal written warning has been issued. The procedure for issuing a formal warning is given in Appendix B.
29. A school will fall into this category if:
 - LA monitoring and school review indicate that the school has significant weaknesses and is not responding to Category 4 support, or;
 - a school has been issued with a formal warning, or;
 - a sudden, unexpected difficulty arises (e.g. major fire or critical incident), or;
 - Ofsted inspection deems the school to be in need of Special Measures.

Support for schools in Category 5

30. The School Adviser and a Senior Adviser will review all the evidence (from the LA and/or Ofsted) with the headteacher and the governing body and the agreement reached will form the basis of further support and involvement of the LA. In the case of an Ofsted inspection, this review will take place as soon as possible after the feedback to governors, with a second meeting taking place after the publication of the report. Every attempt will be made to achieve a consensus about the action which needs to be taken.
31. The LA will work closely to support the governors' preparation of a school improvement action plan which the LA believes will remove the causes of the weaknesses identified.

A school-specific monitoring group will be established, chaired by the Chief Adviser to manage the programme of support and monitor progress. An LA statement of action will also be produced by the School Adviser and a Senior Adviser.

32. Following an initial review, the Director, Children, Young People and Learning will convene a school-specific monitoring meeting, no later than one month after the first meeting of the monitoring group, to consider progress and determine future LA action. At this meeting, the LA will aim to agree a consensus of the actions which should be taken by the school. If it proves impossible to reach an agreed course of action with the governors and the headteacher, the Director, Children, Young People and Learning would use his / her powers to issue a formal warning to the school, if one had not already been issued.
33. The Director, Children, Young People and Learning will inform the governing body and the headteacher in writing about his/her concerns, the evidence on which his/her concerns are based and will allow a reasonable period to remedy the situation. The Diocese will be consulted, where appropriate, in advance if the Director, Children, Young People and Learning decides to issue a formal warning.
34. The Director, Children, Young People and Learning is able to issue a formal warning in consultation with the Executive Member for Education and will prepare a report on the matter and present it to the next meeting of the SCCPAP. The Chief Adviser will present the decisions taken to a specially convened governing body meeting.
35. The LA, in consultation with the Diocese in the case of Church schools, may establish a Management Intervention Board (MIB). A Management Intervention Board may be established where a school is deemed to be in need of Special Measures, where the Local Authority (LA) has serious concerns about the leadership and management of the school or where the school has failed to comply with a Warning Notice issued by the LA.
36. The Board will work alongside and with the Governing Body of the school and the Governors will be requested to consider and heed the advice of the Board on matters related to budget and personnel management. Should this not be possible then the LA will consider the formal removal of delegated budget powers from the Governing Body.
37. The Management Intervention Board will be established in consultation with the Executive Member for Education. The Director will prepare a report on the matter and present it to the next meeting of the School Performance Advisory Panel. Where a Management Intervention Board is deemed necessary, the Chief Adviser will present the decision taken to a specially convened governing body meeting. The Terms of Reference for a Management Intervention Board are given in Appendix H.

Monitoring of schools in Category 5.

38. The LA will monitor and evaluate improvements within a timescale agreed with the governing body.
39. For a school judged by Ofsted to require Special Measures, the school's and the LA's Action Plans must indicate a timescale of one year to remove it from this category. For a school to which a formal warning notice has been issued, the LA will expect the school's action plan to indicate a timescale that is commensurate with the compliance period of the notice.
40. The first visit will take place within one month of the identification of the concerns. The School Adviser, a Senior Adviser and the Chief Adviser will report monthly to the Director on the improvement made by the school. Formal reports will be made termly to the Director, who is in a position to make decisions about future recommendations for the school.

41. The Chief Adviser will report on the school's progress in making improvements and the School Adviser will report on the effectiveness of the support provided to the school through the negotiated support package.
42. Where a Management Intervention Board has been established, the Chair of the Board will report to the Director.
43. The Director, Children, Young People and Learning, supported by members of the Departmental Management Team, will consider the evidence and determine appropriate action. If progress made by the school is unsatisfactory, the Director will consider whether additional powers are required or whether Ofsted should be requested to make a further inspection.

Intervention in schools where there has been a sudden unforeseen difficulty

44. Many of the actions already described may be applied depending on the nature of the difficulty. The LA will maintain close monitoring and provide an intensive support package, tailored to the needs of the school.

Intervention in schools which require Special Measures

45. Any school placed in Special Measures will receive immediate assistance on the construction of the action plan via the school's adviser. This process will also be overseen and supported by the Chief Adviser and a Senior Adviser.
46. The statement of planned LA action and commentary on the school's action plan, including a statement on the school's viability and target date for removal from Special Measures, will be produced by the Chief Adviser and a Senior Adviser. Target dates for removal from Special Measures will be within a one year timescale.
47. Any decisions regarding the appointment of additional governors, the creation of a MIB or the suspension of financial delegation will be taken:
 - initially, if necessary, during the preparation of the LA statement of action; or
 - after an initial period of LA support, probably one term, if these issues remain/become a cause for concern.
48. In such instances, the Chief Adviser will make recommendations to the Children, Young People and Learning Department Management Team, who will then determine the appropriate course of action.
49. During a period of Special Measures, a school will receive regular visits by the School Adviser and a Senior Adviser who will monitor progress on the action plan. This may be weekly initially. There will also be feedback to the governing body and to the MIB if one has been created.
50. It may be necessary to allocate additional staff to the school in the form of advisers or consultants, leading teachers or Advanced Skills Teachers. The support for the school will draw on the personnel drawn from across the department, dependent on the recommendations of the Ofsted report and LA Action Plan. This will be done with the agreement of the governors, where possible.
51. In addition, alongside HMI monitoring visits, the LA will provide focused evaluations of key issues through in-school observation, including a formal visit of two or more advisers after two terms. Feedback from these visits will be provided to the senior manager of the school.

52. During monitoring visits from Ofsted, the School Adviser and a Senior Adviser will liaise with the visiting HMI. The Chief Adviser or a Senior Adviser will also be in attendance at any feedback. Following each monitoring visit, the LA will review its planned monitoring and evaluation arrangements with the school.
53. A school in Special Measures will continue to receive monitoring visits as long as it remains in the category. The timing of the second and subsequent monitoring visits is at the discretion of the lead inspector. Typically, schools will receive two monitoring visits within the first 11-13 months of being judged to require Special Measures. When the school has improved sufficiently, Special Measures will be removed.
54. If a school remains subject to Special Measures following a monitoring inspection, the local authority, Headteacher, governing body (and MIB if appropriate), diocesan or other appointing authority will discuss and agree the next steps needed to enable an acceptable rate of progress to be achieved or maintained before the next monitoring visit.
55. A school should not remain in Special Measures for an extended period of time if little or no progress is being made towards securing sustainable improvements. Based on the findings of the Ofsted monitoring visits the Secretary of State can inform the Local Authority that the case of a school in Special Measures has 'become urgent'. The usual trigger point would be a finding of inadequate progress at the second monitoring visit.
56. There may be some exceptions to the expectation that inadequate progress at the second monitoring visit will cause the Secretary of State to consider the case urgent. For example:
- the Secretary of State may consider that the case has become urgent if Ofsted provides evidence of major difficulties at any visit, including the first;
 - if the local authority's actions have included changes to leadership but these have legitimately yet to take effect, the Secretary of State may decide not to consider the case urgent;
 - if a school remains in Special Measures for an extended period, the Secretary of State may consider that the case has become urgent.
57. If the Secretary of State informs the LA that the case has become urgent, the LA will produce a revised action plan within 10 working days of receipt of the notice. This statement will set out the same range of considerations as detailed in Appendix E for the statement of action after a judgement of Significant Improvement ((Serious Weaknesses)) or Special Measures, but with additional specific references to the evidence from the latest monitoring report. The statement will contain a reconsideration of the actions taken, in order to determine why the school has not succeeded in making progress.
58. By this point, the LA will have already used a range of statutory and non-statutory interventions and therefore, the presumption at this time will be that the school should be closed and – if necessary – replaced, unless the LA is able to make a convincing case that a solution which has not yet been implemented would result in better outcomes for pupils. If the LA is deemed to have been unsupportive, indecisive, or dilatory in exercising their duties, then the presumption of closure will be even stronger. There will be no automatic presumption of closure for special schools and PRUs.

Support for schools deemed to be requiring Special Measures

59. The Chief Adviser will determine an individually tailored package of support for schools requiring Special Measures. Funding will be allocated from local funds, where available.

60. The action plan and associated support package will be agreed if they are in line with the issues identified. Schools in this Category may be directed towards sources of support within and outside the LA.
61. Once the action plan is in place, a Senior Adviser will co-ordinate an evaluation of the effectiveness of the support package and of the school's internal review of progress against the timescale prescribed. A report will be prepared for the Director, Children, Young People and Learning and the SCCPAP.

The Formal Warning process

This section should be read in conjunction with Para 60, Part 4 Education and Inspections Act 2006

Grounds for issuing a warning notice.

62. The definition of circumstances when a warning notice can be issued by the LA is given in the Education and Inspection Act, namely:
- a) the standards of performance of pupils at the school are unacceptably low, and are likely to remain so unless the authority exercises their statutory intervention powers;
 - b) there has been a serious breakdown in management or governance which is prejudicing, or likely to prejudice, standards of performance;
 - c) the safety of pupils or staff of the school is threatened (whether by a breakdown of discipline or otherwise).
63. The definition of when ‘standards of performance of pupils are unacceptably low’ ((a) above) is quite broad. They can be low in reference to any one or more of the following:
- the standards that the pupils might reasonably be expected to attain in all the circumstances;
 - where relevant, the standards previously attained by them, or;
 - the standards achieved by pupils at comparable schools.
64. A school where the absolute level of attainment is apparently satisfactory may nonetheless be covered by this definition if pupil performance is persistently below levels expected when pupils’ prior attainment and the school’s context is taken into account. This provision is specifically designed so that the LA can support underperforming schools, as well as those with outright low standards.
65. Any failure to implement the school workforce agreement, or poor management of the workforce, may contribute to falling standards of performance at a school. In such circumstances or other situations where the governance or management is prejudicing standards of performance, the LA may issue a school with a warning notice and take follow up action if necessary to rectify the situation.
66. A warning can be also be triggered if pupil or staff safety is jeopardised ((c) above) – for example when standards of behaviour within the school drop suddenly with little action taken by the school to rectify the situation as quickly as possible.

Defining standards of performance

67. Warning notices and subsequent intervention, will only be used when there is unequivocal evidence of poor performance. The LA will have a range of quantitative data and qualitative information to draw on in coming to their judgement. One or more of the following circumstances could apply, although in most cases there will be a combination of such factors:
- the school’s data set, as agreed by the school, the LA and the SCHOOL ADVISER indicates there are major problems in relation to pupil progress;
 - the school is in the bottom quartile, and probably in the bottom decile, nationally, on one or more key performance indicators. These would focus on contextual value added data which takes into account prior performance, deprivation etc., but could also include, for example, low attainment rates, aggregate point scores and exclusion and truancy data;
 - the school is in its second or subsequent year of such problems, and has declining trends for a number of key indicators;

- there is specific evidence, from close examination of contextual data that the school is persistently and unacceptably letting down sizeable groups of pupils (usually 5% or more of the school population), or it is very weak in core subjects.

Evidence of a breakdown in leadership or management

68. Key sources of information to justify a warning notice under criterion (b) are likely to be the School Adviser's reports, particularly the commentary on the quality of the school's self-evaluation and target-setting, and Ofsted reports.
69. In addition, some data trends may indicate a breakdown in leadership and management, for example:
- declining school popularity, usually revealed through falling rolls;
 - high or increasing absence or truancy rates;
 - high rates of staff turnover, or numbers of staff grievances;
 - significant or increasing numbers of parental complaints.
70. Such data will be treated with caution, as they may also arise for reasons other than poor school leadership. The LA will therefore ensure that such indicators are confirmed by strong intelligence from sources such as LA officers, School Adviser or Ofsted reports before considering a warning notice. Where such reports are unavailable, data trends will be considered only as the first signs of concern which may prompt the LA to investigate further, perhaps through an audit of the school's leadership.
71. Poor management of the school workforce, or a failure to implement the school workforce agreement, may contribute to a school's poor performance, and may therefore be used as the grounds for issuing a warning notice.
72. Even in the circumstances described related to the criteria a warning notice is unlikely to be needed when the school is working positively and constructively with the authority, through the School Adviser, to address underperformance, and there is evidence of progress.
73. The LA will refrain from issuing a warning notice when:
- the authority has notified Ofsted that the inspection of the school should be brought forward;
 - only one year of performance data shows a decline, unless this is particularly marked and directly attributable to poor management;
 - the school acknowledges the problem and is working effectively with the School Adviser and the LA to rectify the position;
 - the school has taken positive steps, and is monitoring these effectively, to rectify issues after an Ofsted inspection which resulted in an Ofsted grade 3 ("Requiring improvement") judgement.

Issuing a warning notice

74. Once the grounds for issuing a warning notice are clear, the LA will set out their concerns in writing to the governing body and allow them time to address the issues satisfactorily.
75. The process is shown in the diagram in Appendix C. The LA will:
- detail the reasons for issuing the warning notice including reference to the quantitative and qualitative data that they have used in coming to their conclusion;
 - outline the action the governing body need to take in order to address the concerns raised;
 - specify the action they are minded to take if the governing body do not comply satisfactorily with the warning notice, including, if appropriate, which intervention

powers they are considering utilising. Such action will be proportionate to the issues faced by the school;

- state when the 15 working day compliance period for the governing body to respond will come to an end;
- remind the governing body that they may make representation to Ofsted within 15 working days if they feel that the grounds for issuing the warning notice is not valid, or that the action proposed if the school does not comply with the warning notice is disproportionate.

76. The LA will send the warning notice to the governing body of the school and copy the notice to the head teacher, the HM Chief Inspector and appropriate appointing authorities for church / foundation / voluntary schools. The authority will also send the notice to the School Adviser

Appealing against the warning notice

77. The governing body of a school that has received a warning notice from the LA can appeal to Ofsted if they feel that the LA has:

- issued the warning notice without sufficient objective evidence, or;
- proposed action that is disproportionate to the scale of the issues facing the school.

78. The appeal must be made as soon as possible in writing (certainly within 15 working days of receipt of the warning notice) and the LA must be informed of the appeal in order to prevent possible premature intervention.

79. The written appeal may contain, as appropriate:

- why the school disagrees with the grounds for the warning notice as set out by the LA;
- why the school considers the action proposed by the authority is disproportionate to the scale of the issues facing the school, or;
- a combination of both the above.

Role of Ofsted

80. As set out above, if the school feels that the warning notice is unfair, either in relation to the reasons for the warning; or if it considers that the proposed Local Authority action is excessive or disproportionate, then the Governing Body may appeal to Ofsted. Ofsted will consider the appeal as quickly as practicable.

81. Ofsted may request additional evidence; if such evidence is requested it has to be supplied within 5 working days. Having considered the evidence, (including the school's Ofsted report, RAISEonline data and the LA's Joint Area Review report) it may accept or reject the appeal, and in coming to its conclusion, it may decide to inspect the school, under Ofsted's general power to inspect at any time.

82. If the school is inspected, Ofsted may possibly determine that the school requires significant improvement or Special Measures.

83. Ofsted will decide either to uphold or reject the appeal, and will communicate this decision in writing to the school and the local authority. If the appeal is upheld, the warning notice will be rescinded. If the appeal is rejected, the warning notice will be reissued to the school. The school must take appropriate action to respond within 15 working days of receiving the reissued warning notice.

84. Ultimately, and irrespective of Ofsted's ratification of a warning notice, a school may appeal to the DfE under section 496 of the Education Act 1996, which allows the

Secretary of State to consider whether in exercising its functions an authority has acted unreasonably.

Expectation of the school in responding to the warning notice

85. If the school does not appeal to Ofsted, or the appeal has been dismissed by them, the school has 15 working days to comply with the warning notice to the LA's satisfaction. This may not involve a full rectification of the specific problem, since it may not be practicable to do so in that timescale, but it will involve positive steps towards the solution.
86. If, for example, the warning notice has been issued as a result of concerns over the relative underperformance of a particular group of pupils within the school, it would be appropriate for the school to develop and amend their school improvement plan to identify what further support this group of pupils requires, how this additional support will be delivered using appropriate partnership arrangements where necessary and how the effect of this additional support will be measured prior to, and including, any formal key stage tests or exams the pupils may sit.
87. The development of the school's improvement plan as a result of the issue of a warning notice should be discussed with the LA to ensure the plans are sufficiently robust. If the authority is content with the action taken, the warning notice may be rescinded and further intervention powers will not be used.⁴

Use of intervention powers

88. The LA's intervention powers are only available if the school has not complied satisfactorily with the warning notice within the 15 working day compliance period following its issue, or following confirmation of the notice by Ofsted. Where the LA has clearly stated on the warning notice which intervention powers they are minded to use should the school not comply with the notice, and the LA intends to exercise these powers, the LA may intervene as soon as one working day after the end of the compliance period – this is the “reasonable notice” period for the purposes of Clause 15 (c) of the 1998 School Standards and Framework Act. In all cases, the LA is required to use its intervention powers within 2 months of the end of the 15 day compliance period. Failure to do so would require the LA to issue a new valid warning notice.

Power of the LA to require governing body to enter into arrangements

89. If at any time a maintained school is eligible for intervention, then the Local Authority may, with a view to improving the performance of the school, give the governing body of the school a notice requiring the governing body:
- to enter into a contract or other arrangement with a specified person (who may be the governing body of another school) for the provision to the governing body of specified services of an advisory nature;
 - to make specified arrangements authorised by section 26 of EA 2002 (collaboration between schools) with the governing body of such other school as may be specified;
 - to make specified arrangements authorised by regulations under section 166 of the 2006 EA&I Act (collaboration arrangements: maintained schools and further education bodies) with a further education body within the meaning of that section; or
 - to take specified steps for the purpose of creating or joining a federation, as defined by section 24(2) of EA 2002.

⁴ Intervention powers as described in Sections 63-66 of the *Education and Inspections Act 2006*

90. Before exercising this power conferred the LA will consult:

- the governing body of the school,
- in the case of a foundation or voluntary school which is a Church of England school or a Roman Catholic Church school, the appropriate diocesan authority, and;
- in the case of any other foundation or voluntary school, the person or persons by whom the foundation governors are appointed.

91. In all cases, the LA will utilise their intervention powers within 2 months from the end of the compliance period. If the LA fails to intervene within this period, a new valid warning notice would need to be issued.

Local Authority Warning Notice System

LA determines there are grounds to issue a warning notice, gathers relevant evidence and considers action school needs to take and potential action LA will take if school does not comply. No legal requirement to issue school with a “minded to warn” notice, but may use a variety of routes, including school advisers, to inform school of possibility.

LA issues a warning notice detailing :

The grounds for issuing the notice (including any relevant data).
 Action the school needs to take to address the problem.
 What action the LA is minded to take if school does not take the required action, including use of intervention powers.

The notice will set out the 15 working day compliance period and the school’s right of appeal. On issuing the notice to the Governing Body, LA copies to Chief Adviser, head teacher, and if appropriate, the diocese or foundation authority responsible for appointing the foundation governors.

Governing Body receives warning notice; considers whether or not to appeal to Ofsted.

Appeal made.

Ofsted considers case, may inspect.

No appeal, compliance period starts on day warning notice received.

Appeal dismissed.

15 working day compliance period for school to respond to Warning Notice.

Upholds appeal.

School addresses issues to satisfaction of LA.

School fails to address issues or fails to respond.

Warning Notice Rescinded

LA Intervention Powers available for use after ‘reasonable’ period – normally one day if use of particular powers stated on original warning notice.

LA can appoint IEB with consent of SoS or a MIB without the consent of the SoS.

LA can suspend delegated budget within 2 months of end of compliance period.

School judged to require special measures or significant improvement.

LA can appoint additional governors within 2 months of end of compliance period.

LA can require a school to collaborate with a school, college or other organisation or join a federation.

A Summary of the Law

1. Many of the provisions in Part 4 of the Education and Inspections Act are re-enactments of existing legislation, but there are some significant new measures to ensure that fewer schools become a cause for concern, and that those which do get in difficulty are supported to recover more quickly.
2. Sections 59-62 define when maintained schools are eligible for intervention by local authorities:
 - when the school has not complied with a valid warning notice (section 60);
 - when the school requires Significant Improvement (section 61);
 - when the school is in Special Measures (section 62).
3. Section 60 also amends the legislation for LA warning notices. It extends the definition of poor school performance to include schools that are badly underperforming in relation to the nature of their pupil intake or the school's general context, in addition to schools at which absolute standards (attainment rates) are unacceptably low. When issuing a warning notice, the local authority must indicate the action it is contemplating if the school does not respond satisfactorily. It must also tell the school that it has the right to appeal to Ofsted. The school must respond to the warning notice, or appeal to Ofsted, within 15 working days.
4. Sections 63-66 set out local authorities' intervention powers in relation to those schools eligible for intervention:
 - Section 63 is a new power to require such a school to work with another school, college, or other named partner for the purpose of school improvement
 - Section 64 is a re-enactment of existing legislation which allows the local authority to appoint additional governors;
 - Section 65 is a re-enactment of existing legislation which empowers the local authority to apply to the Secretary of State to replace the entire governing body with an Interim Executive Board (IEB);
 - Section 66 is a re-enactment of existing legislation which empowers the local authority to take back the school's delegated budget.
 - Sections 67-69 re-enact the Secretary of State's existing powers of intervention:
5. The Secretary of State may appoint additional governors (section 67); The Secretary of State may close a school in Special Measures (section 68). The Secretary of State may put an IEB in place (section 69);
6. Section 70 and Schedule 6 re-enact existing technical provisions about IEBs, creating the rules for governance under an IEB and providing a regulation-making power.
7. Section 71 and Part 1 of Schedule 7 comprise the amendments to existing legislation on schools causing concern. These provisions:
 - require the local authority to consider what action to take immediately after a school is judged to require Special Measures or Significant Improvement, including how to involve parents;

- empower the Secretary of State to require a local authority to re-consider radical action when the “case becomes urgent”.
8. Section 72 indicates that local authorities must have regard to guidance from the Secretary of State when exercising powers in relation to schools causing concern. Section 73 is a technical measure about interpretation.

Statutory intervention powers of other bodies

Secretary of State’s powers

9. Sections 67 – 69 of the Act set out the statutory powers of intervention available to the Secretary of State. However, local authorities are expected to make decisive and effective use of its own intervention powers; the Secretary of State’s powers are reserve powers for exceptional circumstances.

Appointment of additional governors

10. Section 67 of the Education and Inspections Act allows the SoS to appoint additional governors at any time to a maintained school which requires Significant Improvement or Special Measures. An additional governor appointed in this way may be nominated to be the Chair of Governors in place of any person previously elected as Chair.
11. Before using this power, the Secretary of State must consult with the LA, the governing body, and – in the case of a voluntary or foundation school – the appropriate diocesan or other appointing authority.
12. The LA may not suspend the governing body’s right to a delegated budget if the Secretary of State has appointed additional governors. If the LA has already suspended the governing body’s right to a delegated budget, the Secretary of State must reinstate the budget if requested to do so by the governing body.

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

13. Section 69 allows the Secretary of State to appoint an Interim Executive Board at any time if a school requires Significant Improvement or Special Measures. The Secretary of State will normally only use this power if the LA is unable or unwilling to make such arrangements itself, and the action is judged to be absolutely necessary to secure rapid improvements at the school. Before using this power, the Secretary of State must consult with the LA, the governing body that is to be replaced, and – in the case of a voluntary or foundation school – the appropriate diocesan authority or other appointing authority, unless such consultation has already been carried out by the LA in connection with a proposal of its own to appoint interim executive members.

Power to direct the closure of a school.

14. Section 68 allows the Secretary of State to direct the closure of a school in Special Measures. This will usually be done where there is no prospect of the school making sufficient improvements. Prior to making the direction, the Secretary of State must consult with the LA, the governing body that is to be replaced, and – in the case of a voluntary or foundation school – the diocesan or other appointing authority (if the school has a sixth form).
15. If the direction to close a school has been given, the LA 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.

Diocesan or appointing authority powers

Schools which have not complied with a Warning Notice

16. If a voluntary-aided school has failed to comply with a warning notice, and the local authority has appointed additional governors, the diocesan or other appointing authority may appoint additional foundation governors. The number of additional foundation governors may match, but not exceed, the number of additional governors appointed by the local authority. This ensures that the foundation governors can continue to hold the majority of places on the governing body.
17. The additional foundation governors are subject to the same term of office as the additional governors appointed by the local authority (i.e. the same period of appointment applies, and they are only eligible for re-appointment if the local authority's additional governors are re-appointed). It is good practice for the diocesan or other appointing authority to provide the governing body with information about the appointees before the appointment is confirmed, and for it to work with the local authority to ensure that all additional governors share the same objectives.

Schools in Special Measures or requiring Significant Improvement

18. If a voluntary-aided school requires Significant Improvement or is in Special Measures, the diocesan or other appointing authority may appoint an unlimited number of additional foundation governors, regardless of whether the local authority has appointed additional governors. However, it may not appoint additional governors if the Secretary of State has exercised his powers under section 67 to appoint additional governors or section 68 to direct closure of the school.
19. If more than one person or body is responsible for appointing additional governors and they are unable to agree on additional appointments, the Secretary of State may, after consulting those within the appropriate authorities, decide on which individual(s) to appoint as additional governors.
20. It is good practice for the diocesan or other appointing authority to provide the governing body with information about the appointees before the appointment is confirmed. It is also good practice for the appointing body to work with the LA to ensure that all additional governors share the same objectives.

Proposals for closure of school sixth forms

21. Where a school sixth form has been judged to require Significant Improvement in two consecutive Ofsted inspections, or where a maintained school for 16-19 year olds has been judged to require Special Measures in two consecutive Ofsted inspections, the LA may propose closure.

Local Authority Statement of Action

In accordance with DfE Guidance on Schools Causing Concern, the LA statement of action will set out:

- the action the LA has taken so far;
- the additional support the LA will commission to help the school address the areas of weakness identified by Ofsted;
- what arrangements the LA has made to inform parents and carers about the actions planned for the school, and how it will gather and take into account their views, including, if appropriate, the appointment of a Parent Champion⁵.
- what specific steps are needed to build the leadership and management capacity of the school, including at middle management level;
- whether there is scope for partner organisations to be brought in to support the school (including other schools, trusts, colleges, or non-educational organisations), and how this collaboration will be facilitated;
- the scope for the school to be closed or federated, taking into account the number of surplus places in better-performing local schools, and – if such a course of action is appropriate – when this might happen;
- the scope for the school to become Federated or an Academy;
- whether the authority intends to use its intervention powers to appoint additional governors, require the school to enter into arrangements, withdraw delegation of the budget, create a Management Intervention Board (MIB) to work alongside the Governing Body or replace the governing body with an Interim Executive Board (IEB);
- if the school is not to be closed or federated, or the authority's intervention powers will not be used, why none of these actions is considered appropriate;
- a plan of future action, including resource implications, quantified targets to evaluate the effectiveness of external support, target dates for key actions, and progress review points.

⁵ See Appendix F
Policy for C S & I Sept 2013

Involvement of Parents

Overview

1. The LA is required to set out, in its statement of action for a school requiring Special Measures or Significant Improvement, how it will communicate with and ascertain the views of parents and carers at the school. To help us achieve this, the LA can now, if deemed appropriate, appoint a 'Parent Champion'.
2. A Parent Champion is independent of both the LA and the school but will be sufficiently experienced and skilled to act as one link between parents and the LA. The aim is to ensure good communication with parents.

The LA will therefore set out in its statement of action:

- how it will inform parents and carers about the actions planned for the school;
- how it will gather parents' and carers' views on these actions, and how they will take these views into account.

Role of the Parent Champion to support school improvement

3. A Parent Champion is a person appointed to ensure good communication with parents and carers, and ensure that they are able to influence decisions about the future of the school. The Parent Champion will be accountable to parents and carers. A Parent Champion may be appointed by the LA before a school is judged as failing by Ofsted in order to take preventative action. They could also be appointed where the LA is considering radical changes such as making leadership changes, replacing the governing body, appointing a partner or replacing the school.
4. When making the appointment the LA will:
 - act promptly, to ensure that parents' views can be taken into account when decisions are being made about the future of the school;
 - not consider any political affiliation candidates may have;
 - avoid any potential conflict of interest. The LA will satisfy themselves that the appointee is able to represent parents' interests impartially and objectively, so will not normally, for example, appoint anyone who is employed at the school; in most cases this will also exclude a governor who will be party to corporate decisions made by the governing body, or a member of staff from the LA;
 - ensure that the individual has the necessary skills to perform the role effectively and objectively, i.e. without having any particular vested interest in the school - this may mean that only in exceptional circumstances will a parent of a pupil at the school fulfil this role;
 - not attempt to mandate the appointee to take any particular line of argument in his or her engagement with parents.
5. In the case of a school which enters an Ofsted category of concern, the LA will consider appointing a Parent Champion promptly after the oral feedback indicates that Significant Improvement or Special Measures is required. The LA will liaise with him/her over its statement of action for the school.
6. The Parent Champion is a demanding role and the LA will only appoint able people with appropriate skills and experience. In particular, a Parent Champion is likely to need:
 - good communication skills, appropriate to the needs of the parents and carers in the local community;
 - an interest in and understanding of the education system, including a commitment to improved standards and aspirations;

- the necessary skills to access, understand and interpret information relating to the school's improvement, and present this information back to parents in a suitable format;
 - the skills and confidence to collate parents' and carers' views and present them back to the local authority or school leadership team.
7. In the case of foundation or voluntary schools, the LA will provide the diocesan or other appointing authority with information about the proposed Parent Champion before the appointment is confirmed. This will give the appointing authority an opportunity to raise any concerns about the appointment of a particular individual.
 8. The LA will be responsible for setting the Parent Champion's terms and conditions, and for performance management arrangements. The local authority may cover expenses or offer small honorarium payments to the Parent Champion.
 9. When planning how the Parent Champion will work, the LA and the school will consider whether (s)he may need to use any of the school's facilities (e.g. a room in which to meet with parents, computers, the photocopier), and ensure that these requirements will be met.
 10. Following the Parent Champion's appointment, the LA will ensure the details of the appointee, together with a description of their role, are shared with the school (as a minimum, with the Headteacher and the Chair of Governors, the Chair of the Management Intervention Board or Chair of the Interim Executive Board) at the earliest opportunity. The recipients should cascade this information to staff and governors to ensure they are also aware of the appointment. The school or LA may wish to send a letter home to introduce the Parent Champion to parents and carers.
 11. The ways in which the appointed Parent Champion will carry out their role will depend on the individual circumstances of the school, and will be agreed in an early discussion between the appointee, the LA, the governing body, the Management Intervention Board or Interim Executive Board, and the school.
 12. The amount of time the appointee will spend in school or otherwise working in their capacity as Parent Champion will vary according to the circumstances of each school. The Parent Champion should be included in governing body, Management Intervention Board or Interim Executive Board meetings and any meetings of the LA steering group, or should receive reports and minutes from these meetings. All parties should ensure there is clarity about what information from these meetings can be shared with parents. It may also be helpful for the Parent Champion to attend some staff meetings, or receive reports on any issues arising which may affect parents.
 13. The Parent Champion will feed back relevant information from these meetings to parents, perhaps in the form of a 'parents' version' of the minutes, a short report within a newsletter, or a letter home.
 14. The Parent Champion may facilitate meetings with parents, with or without attendees from the school or LA, in order to give information to parents or seek their views.
 15. The Parent Champion will remain in post while the future of the school is being considered or whilst action is being pursued, but not necessarily until the school is removed from the Ofsted category. The LA will determine the appropriate point at which the appointment should be terminated.

Code	Criterion	Explanation and Evidence
1	Teaching and learning a cause for concern (Ofsted grade 4 or major weakness identified by school)	Based on judgements reached by Ofsted / HMI or identified with the school as part of a supported self review.
2	Teaching and learning in the Sixth Form a cause for concern (Ofsted grade 4 or major weakness identified by school)	Based on judgements reached by Ofsted / HMI or identified with the school as part of a supported self review.
3	FSP matched to KS1 VA is significantly weak	Analysis of data by LA
4	VA (KS1 – KS2) or (KS2 – KS3) is significantly weak	Data taken from the RAISEonline
5	VA KS2 – KS4 is significantly weak	Data taken from the RAISEonline
6	VA for English is significantly weak	Data taken from the RAISEonline
7	VA for mathematics is significantly weak	Data taken from the RAISEonline
8	Concerns about Senior Management/Middle Management/Admin	Secure evidence that the leadership of the school, at any level, is unable to implement strategies to support school improvement. Judgement supported by evidence from the School Adviser, visits to schools and concerns raised by parents or the community.
9	Failure to implement actions within agreed time scale	Evidence that the school has failed to implement actions agreed in any action plan jointly produced by the school and LA in response to serious issues of concern.
10	Ofsted have determined that the school has serious weaknesses	Section 5 report or HMI visit
11	School has significant weaknesses and is not responding to Category 3 support	Based on a progress report from the School Adviser or against targets agreed with the school in any action plan.
12	A school has been issued with a formal warning	Formal warning issued by LA
13	HMI/ LA/OFSTED inspection deems the school to be in need of special measure	Section 5 report or HMI visit.
14	Concerns about Inclusion	Secure evidence that the school has not implemented inclusive teaching strategies and policies thus resulting in the underperformance of individual or groups of pupils. Judgement to be supported by VA scores in the RAISEonline.
15	Disruptions to school operations	Major factors that affect the ability of the school to provide appropriate education including a major fire, flood, severe staff shortage, substantial building works or prolonged headteacher absence.

Code	Criterion	Explanation and Evidence
16	School Development Plan or self-evaluation seriously deficient	Weaknesses in the school development plan where key areas are omitted. Weak or inadequate self evaluation.
17	LA receiving complaints about the school	LA has received a severe, substantiated single complaint or several complaints from a range of parents raising concerns about how the school has dealt with an issue or issues.
18	ICT - to reflect curriculum achievement	Pupils' achievements in ICT have been raised as a concern through inspection, review or analysis of school data.
19	Special Needs Audit raises concerns	The annual audit of provision for pupils with special educational needs raised concerns.
20	Exclusion rate is high and/or rising	Data from school and RAISEonline
21	Attendance is considerably lower than for similar schools	Data from school and RAISEonline
22	Effectiveness of governing body is of concern	Issues raised through Ofsted inspection, school reviews, analysis of Governing Body reports, Governing Body failure to comply with legal requirements. Unusually high number of resignations or vacancies.
23	Behaviour a cause for concern	Secure evidence drawn from visits to schools, reviews and Ofsted inspections.
24	High staff absence/turnover or low morale/capability issues/disciplinary issues/vacancies	Data from school re staff absence and turnover, staff exit surveys, data from personnel department, school reviews and visits.
25	School management of financial resources causing concern/audit concerns	Information from internal and external auditors. Data from finance department. School has a licensed deficit.
26	Inadequate access to learning opportunities hinder the learning of pupils with a disability or special educational need	Secure information from visits to schools, disability access surveys.
27	Any additional factor which has an adverse impact on educational standards e.g. bullying, critical incident	Secure information from visits to schools, parents and pupils.
28	Substantial number of racial harassment incidents	Data from returns made by schools.
29	Concerns regarding Health & Safety and Welfare	Information from visits to schools, reports from HSE, internal reports from LA officers, parents and pupils.
30	Achievement and Standards	Use Ofsted grade (1 – 4)
31	Personal development and well-being	Use Ofsted grade (1 – 4)
32	Quality of provision	Use Ofsted grade (1 – 4)
33	Leadership and management	Use Ofsted grade (1 – 4)

Code	Criterion	Explanation and Evidence
34	Enabling pupils to be healthy	Based on published Ofsted judgement, the school's self evaluation and other information available to the LA.
35	Enabling pupils to stay safe	Based on published Ofsted judgement, the school's self evaluation and other information available to the LA.
36	Enabling learners to make a positive contribution, participate in decision-making and supporting the community.	Based on published Ofsted judgement, the school's self evaluation and other information available to the LA.
37	Enabling pupils to achieve economic well-being.	Based on published Ofsted judgement, the school's self evaluation and other information available to the LA.
38	Concerns related to the school's support for minority ethnic pupils.	Analysis of performance of minority ethnic pupils, including VA scores.
39	Concerns related to the school's support for looked after children / travellers / pupils at risk.	Analysis for performance of looked after children / travellers or pupils at risk and through visits to schools.
40	Concerns related to the school's actions to reduce anti-social behaviour by pupils.	Judged through visits to schools and discussions with staff and pupils.

Management Intervention Board: Terms of Reference

A Management Intervention Board (MIB) may be established where a school is deemed to be in need of Special Measures, where the Local Authority (LA) has serious concerns about the leadership and management of the school or where the school has failed to comply with a Warning Notice issued by the LA.

The Board will work alongside and with the Governing Body of the school and the Governors will be requested to consider and heed the advice of the Board on matters related to budget and personnel management. Should this not be possible then the LA will consider the formal removal of delegated budget powers from the Governing Body as detailed in Annex A).

1. The Terms of Reference for a Management Intervention Board (MIB):

- To secure rapid improvement at the school.
- To agree, support and monitor the LA's action plan for improving the performance of the school and in rapidly addressing any issues raised through LA monitoring or inspection.
- To monitor the school's financial and staffing position at a strategic level (and advise on the school's budget including staffing levels if applicable in the timeframe).
- To agree a strategy, milestones and a timetable for the return of full responsibility, including budgetary management, to the governors of the school.
- Setting delegated authority for the school's management team.
- To receive regular reports from the LA staff working with the school in relation to school improvement, leadership and management.
- To advise the Director of any further actions that may be required, including establishing a Interim Executive Board (IEB)
- To meet at regular intervals (minimum monthly in the first instance) and then at such intervals as is deemed necessary by the Director.

2. Detailed responsibilities:

- Overseeing and advising the Governing Body on the school's financial, personnel and health & safety operations including some or all of the following where necessary:
 - Appraising expenditure bids and monitoring of actual income and expenditure against each budget and revised forecast for the year.
 - Awarding contracts by tender up to specified limit.
 - Ensuring financial statements are properly presented and adequately supported.
 - Ensuring accounts are properly finalised at year end/reviewing outturn (if applicable in the timeframe).
 - Providing support to the headteacher and Governing Body for HR policy issues including dismissal procedures and attendance at capability and disciplinary meetings and to scrutinise decisions made.
 - Ensuring that robust performance management systems are in place including setting targets for the head teacher on the advice of the School Adviser.
 - Providing support for Health & Safety issues.
 - Making regular progress reports or referring issues as appropriate to the Director and the Governing Body.

- Working with other external service providers as necessary (e.g. HR or payroll).
- Strengthen the schools capacity through working with the governing body and headteacher by:
 - Attending governor meetings (including sub-committees as required).
 - Arranging additional finance and HR training.
 - Drafting the school's budget and other plans (if applicable in the timeframe).

3. Implications for the Local Authority

3.1 The LA will 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 the overall provision for the school is effectively monitored and that the school is meeting its statutory requirements in respect of the curriculum.

3.2. Responsibilities:

- In community and voluntary controlled schools, the LA will take responsibility for advising the Governing Body on personnel issues (including staffing levels and health & safety) 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.

3.3 Regular visits by LA staff to the school will be maintained throughout the lifespan of the MIB together with attendance at governor meetings, sub-committees and Task Groups.

3.4 The costs relating to the work carried out by the LA staff participating in the MIB will be funded by the school or, where the school is unable to meet the cost, the LA (as shown in the Action Plan).

4. Implications for the School

4.1 During the lifespan of the MIB, the school's management responsibilities in respect of finance, personnel and health & safety will be as follows:

- **Governing Body:**
 - Deploy resources as advised by the MIB and ensure they are used appropriately to target standards.
 - Oversight of the school's progress with the headteacher against the School Action Plan.
 - Evaluating the cost-effectiveness of decisions by weighing the resource inputs against the outcomes and benefits.
- **Governing Body Committees:**
 - Preparing a draft budget.
 - Forecasting rolls and expected income levels.

- Evaluating the effectiveness of financial decisions.
- The administration of the school fund.
- Reviewing reports by Internal Audit as to the effectiveness of controls.

▪ **Headteacher:**

- Managing the day to day running of the school.
- Implementing recruitment decisions made by the MIB as advised by the LA.

4.2. All other areas of governance remain unchanged.

5. CRITERIA FOR REMOVING A MIB

5.1 The MIB will require clear evidence that there is good progress being made in bringing about changes to address the issues detailed in the Action Plan.

5.2 The MIB will also require the Governing Body to demonstrate that the following measures are in place:

- The school fully meets the DfE Financial Management Standard for Schools.
- A properly constituted Finance Committee who have received the appropriate finance and HR training.
- A head teacher who has undertaken the appropriate finance and HR training.
- Suitably experienced and trained staff employed in the school who can deal with finance and HR matters.
- Written policies and procedures are in place to ensure that school finances and staffing levels are correctly controlled and monitored, and the Governing body are able to ensure these are applied in practice.
- Governing Body to produce and submit a balanced budget covering a minimum 3 year period.
- The ability for the school to submit statutory financial and HR information and returns promptly to the LA.
- Governing Body can demonstrate that they are able to follow Best Value principles in their allocation and targeting of resources to best improve standards and promote the aims and values of the school, which is to include the use of Benchmarking data provided by the Government to assist them in this process.

5.2 Verification of progress will be achieved by a full Governance Review, the results of which will be provided to the MIB who will make their recommendation to the Director when they judge that the management of the budget be restored to the Governing Body.

5.3 Arrangements and a time frame for the transition to normal governance arrangements for finance, personnel and health & safety will then be specified in a further notice issued by the LA.

5.4 A full Bracknell Forest audit will take place within 12 months of the budget being returned to the school to confirm that the school's financial and personnel management processes are working effectively.

6 Membership

- 6.1 The membership of the Management Intervention Board shall normally be senior officers from the local authority:
- Chief Adviser
 - Senior Finance Officer
 - Senior Personnel Officer
 - School Improvement
 - Head of Governor Services
 - A consultant Headteacher (as appropriate)
- 6.2 The LA may appoint an independent chair with relevant educational and school improvement experience.
- 6.3 The Headteacher and Chair of Governors will be invited to attend the meeting as part of the process of handing back delegated responsibilities.

7 Reporting arrangements

- 7.1 The Management Intervention Board shall report to the Director. The Director, supported by members of the Departmental Management Team, will consider the progress being made and determine appropriate action.
- 7.2 If progress made is unsatisfactory then the Director will consider whether additional powers are required and whether a structural solution should be considered, including a hard federation with another school or the closure of the school.
- 7.3 The Director shall provide the Executive Member for Education with regular reports on the progress and the further actions that the Department proposes to take.