

Standard Operating Procedure for: Intervention in Schools

Author: Jane Porter
Assistant Director, Early Years, Youth and Education
Services (EYYES)

Date: September 2007

Review Date:

Purpose

1. To provide Directorate staff, headteachers and governing bodies with a clear procedure under which the Directorate will intervene in schools.

Background

2. The Education and Inspections Act 2006 sets out the legal requirement for Local Authority's (LAs) to secure immediate and substantial improvements, acting quickly in schools causing concern. The Act requires decisive action to ensure pupils' life chances are not jeopardised by attending a poorly performing school for an extended period of time. Therefore:

- 2.1 LAs should have a clear approach to intervention, including, as a last result, the use of their formal powers of intervention. These powers enable the Authority to engage directly in making decisions about a school's conduct and operation. The powers are:

- The issue of a formal warning notice requiring the school to take specific action
- To require the school to enter into collaborative arrangements with other education partners to secure improvements
- The appointment of additional governors
- The power to provide an Interim Executive Board for the governing body to consist of interim executive members
- The suspension of delegated budgets
- The closure of the school

- 2.2 The use of these powers should never come as a surprise to the governing body, as the informal dialogue described above will have preceded it other than in very exceptional cases. But when they are invoked, a written explanation, signed by the Director of Children's Services should always be given to the governing body and headteacher. This should detail the Authority's concern, the evidence on which it is based and the powers under which it is taking the action proposed.

2.3 The intervention powers can come into operation when OFSTED has placed a school in special measures or has issued a notice to improve, or where the Authority itself has similar acute concerns about the likely outcome for the school if no outside intervention occurs. Where OFSTED has identified serious concerns, the Authority should work with the school on its action plan to address these concerns and must also provide HMI with a statement of its own action in support of the school. OFSTED will carry out monitoring visits to schools in special measures or subject to a notice to improve.

3. This Standard Operating Procedure sets out the detailed approach that will be adopted by the Directorate when considering or carrying out intervention activities.

Procedure

4. Evidence about concerns will be collated by the Assistant Director, Early Years, Youth and Education Services (EYYES), and a written report made to the Director of Children's Services. This report will set out the concerns and indicate the efforts made to resolve the concerns prior to this Procedure being invoked. A list of possible concerns regarding a school's performance or quality of provision are listed in the LA's School Improvement Policy. These concerns are consistent with conditions laid down in the Education and Inspection Act 2006. They are:

- Standards of pupil performance are unacceptably low
- There is a serious breakdown in management or governance such as to put standards at risk, or failure to manage and operate the school within its delegated budget
- The safety of pupils or staff is threatened

5. The Director of Children's Services will make a judgement about the concerns and the necessary action.

6. Where the Director of Children's Services judges that in order to resolve concerns informal action should continue, a letter from the Director of Children's Services to this effect will be handed to the headteacher by the Assistant Director, EYYES and its contents discussed. This meeting will end this Procedure. The letter will be copied to the chairman of the governing body.

Issuing a Warning Notice

7. Where the Director of Children's Services (DCS) judges that formal intervention is likely to be necessary, the DCS will write to the governing body, Headteacher, HMCI, Diocesan Authority (Faith schools) and foundation governors (Trust schools) to that effect. This notice will set out:

- The concerns and evidence for them
- The action required by the governing body
- The period of the notice (usually 15 days)
- The action the LA is minded to take¹
- The right of the governing body to make representation to the HMCI

The letter will be handed to the Headteacher by the Assistant Director, EYYES and its contents discussed.

8. Where a school complies with the issue of the warning notice, a further meeting will be arranged (within 10 days of this prior discussion) between the Assistant Director, EYYES, the governing body and the Headteacher to discuss the governing body's written response. The DCS will, within 5 days of this meeting:

a) Review:

- The original evidence
- The letter sent to the governing body
- The governing body's response
- Any other additional written reports from the AD, EYYES

b)

- Determine whether the governing body response/actions will effectively address the concerns raised in the warning notice.

9. Where the DCS judges that the governing body's response will effectively address the concerns raised, a letter will be sent to the governing body, headteacher, HMCI, Diocesan Authority and person responsible for appointing foundation governors to that effect. This letter will end the procedure and the school will continue to work with its School Improvement Partner (SIP) to implement the actions leading to raised standards and improved quality of provision.

Appeal to HMCI

10. Where a school exercises its right to appeal to HMCI, the procedure will await the decision from HMCI. If the school's appeal is upheld this will end the procedure. The school will continue to work with its SIP to implement the actions leading to raised standards and improved quality of provision.

11. Where HMCI concurs with the LA notice to improve the governing body will have up to a further 15 working days to respond in writing outlining the actions it intends to take to effect improvements. The procedure will then continue in line with the actions outlined in points 8 and 9.

¹ Details of the possible actions that the LA is minded to take are contained within the LA's School Improvement Policy (revised edition 2007)

Local Authority Intervention

12. Where the DCS judges that formal intervention is necessary, the DCS will write to the chairman of the governing body detailing the concerns, the evidence on which they are based, the efforts already made to resolve the concerns, the powers under which intervention is being made, the actions that are to be taken by whom and when, and the success criteria and proposed timescale for intervention.
13. The intervention will be reviewed by the Director of Children's Services according to the timescale set out in the letter to the chairman of the governing body, and at least termly. Each review will be based on a written report by the Assistant Director, EYYES and a written report by the headteacher on the progress being made. The Director of Children's Services will write to the chairman of the governing body after each review setting out the progress being made and stating whether or not the intervention will continue.
14. Where a school's governing body fails to comply with a warning notice within 15 days following HMCI upholding the LA's decision, then the DCS will deem the school to require formal intervention and the procedure outlined in 13 and 14 above will be enacted.
15. In some instances where a school and its governing body fails to comply with a warning notice within 15 working days following HMI upholding of the decision, then the school may be subject to an OFSTED Inspection and possible direct intervention by the Secretary of State. In these circumstances this procedure will end.
16. A school given a notice to improve by OFSTED is automatically 'eligible' for intervention. It will remain subject to intervention unless or until the original judgement is superseded by an OFSTED report that the school no longer requires significant improvement.
17. A school in special measures remains eligible for intervention until the original judgement is superseded by an OFSTED report that the school is no longer in special measures or in need of significant improvement.

Monitoring

18. The Standard Operating Procedure will be monitored through the reporting of all applications of the Procedure to the Lead Member for Children's Services and to the chairman of the Select Committee for Children's Services.

Evaluation

19. The Standard Operating Procedure will be formally reviewed in line with changes to legislation and in response to feedback from schools. The

monitoring and evaluation information, together with any proposed changes to the Procedure, will be reported to the Headteachers Consultative Forum, the Executive Committee of the Dudley Association of Governing Bodies, and the Select Committee for Children's Services.

Jane Porter
Assistant Director
Early Years, Youth and Education Services