

CABINET MEETING – 29 APRIL 2009
EXECUTIVE SUMMARY SHEET – PART I

Title of Report:

Proposal to establish an Interim Executive Board at Hylton Red House Primary School, Sunderland

Author(s):

Director of Children's Services

Purpose of Report:

To advise Cabinet of a proposal to establish an Interim Executive Board (IEB) at Hylton Red House Primary School in accordance with Sections 62 and 65 of the Education and Inspections Act 2006 and the "Statutory guidance on schools causing concern" published by the Department for Children, Schools and Families (September 2008) and further to seek agreement to the method of appointment of members of the IEB

Description of Decision:

Cabinet is requested

- (1) to authorise the Director of Children's Services, in consultation with the Portfolio Holder,
 - (i) to consider the responses of the governing body of Hylton Red House Primary School to the consultation referred to in the report and, if considered appropriate, to seek the consent of the Secretary of State to the establishment of an IEB at the school; and
 - (ii) subject to obtaining the consent of the Secretary of State, to take all necessary steps to introduce an IEB including the determination of the number of members of the IEB and the making of any arrangements for their remuneration.
- (2) to recommend that Council
 - (i) appoints the first members of the IEB; and
 - (ii) delegates the making of future appointments to the Director of Children's Services.

Is the decision consistent with the Budget/Policy Framework? Yes

If not, Council approval is required to change the Budget/Policy Framework

Suggested reason(s) for Decision:

The governing body is unable to provide sufficient challenge to the Headteacher and the senior leadership team of the school to bring about the necessary improvements quickly enough for the school to be removed from Special Measures within the required period of June – September 2010.

Alternative options to be considered and recommended to be rejected:

The Local Authority does have other powers of intervention as set out at 6.1.

Is this a "Key Decision" as defined in the Constitution?
No

Is it included in the Forward Plan?
No

Relevant Review Committee:

Children's Services

PROPOSAL TO ESTABLISH AN INTERIM EXECUTIVE BOARD AT HYLTON RED HOUSE PRIMARY SCHOOL, SUNDERLAND

REPORT OF THE DIRECTOR OF CHILDREN'S SERVICES

1. Purpose of the Report

To advise Cabinet of a proposal to establish an Interim Executive Board (IEB) at Hylton Red House Primary School in accordance with sections 62 and 65 of the Education and Inspections Act 2006 and the 'Statutory guidance on schools causing concern' published by the Department for Children, Schools and Families (September 2008) and further to seek agreement to the method of appointment of members of the IEB.

2. Description of Decision

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- (1) to authorise the Director of Children's Services, in consultation with the Portfolio Holder,
 - (i) to consider the responses of the governing body of Hylton Red House Primary School to the consultation referred to in the report and, if considered appropriate, to seek the consent of the Secretary of State to the establishment of an IEB at the school and
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- (2) to recommend that Council
 - (i) appoints the first members of the IEB and
 - (ii) delegates the making of future appointments to the Director of Children's Services.

3. Introduction/Background

- 3.1 Hylton Red House Primary School was inspected by Ofsted in June 2008. The school's overall effectiveness was judged to be inadequate and the school required Special Measures. OFSTED would anticipate a re-inspection of the school between June and September 2010 at which point they would expect that the school would come out of special measures.
- 3.2 Despite intensive support from the Local Authority through the School Improvement Service the quality of provision offered to the pupils remains

unacceptably low. Two monitoring visits by Ofsted have judged that the school's progress in making the necessary improvements is inadequate and it is not demonstrating the capacity to secure the necessary improvements within the anticipated timescale.

- 3.3 The school continues to receive a very high level of support from the Local Authority. This includes the secondments of an Early Years support teacher and a National Strategies consultant to focus upon the Early Years Foundation Stage and Key Stage 1. Additionally, in February 2009, the Local Authority seconded a school improvement officer with extensive headteacher experience to act as headteacher of the school. This support has been judged by OFSTED to be well focused and of high quality on both monitoring visits. Despite this intensive level of assistance the school continues to make inadequate progress.
- 3.4 The school's Governing Body carries out a monitoring and challenge function through half-termly post Ofsted Committee Meetings. A schedule of monitoring visits for link subject governors has been established and several of these meetings have taken place. This level of governor involvement remains under developed for the complex context and current position of the school. Insufficient challenge is being provided by the Governing Body to affect the degree and pace of change that is required to bring about the necessary improvements.
- 3.5 Following the monitoring visit in March 2009, a letter was sent to the Headteacher setting out the findings of the Inspector. The overall judgement on progress set out in the letter was that inadequate progress had been made. The letter was copied to the Secretary of State, to Local Authority, the Governing Body of the school, and the School Improvement Partner. The Secretary of State could now choose to inform the local authority that the case of the school has become urgent. Whilst this power is discretionary and the Secretary of State will consider cases on individual merit, the usual trigger point would be a finding of overall inadequate progress at the second monitoring visit. The duty on local authorities, if the case has become urgent, is set out in paragraph 3.6.
- 3.6 If the Secretary of State, taking into account the current situation, does inform the local authority that the case has become urgent, then the local authority is required to produce a revised action plan (within 10 working days of the receipt of the notice), which must include additional, specific references to the evidence of the latest monitoring report. Should this occur, the local authority will, subject to Cabinet approval, include the proposal to replace the Governing Body with an IEB, as outlined in section 4 of this report. The basis of this is outlined in 3.4.

4. Current Position

- 4.1 In the circumstances it is proposed that approval be sought from the Secretary of State to establish an IEB at Hylton Red House Primary School in order to secure, so far as practicable, the provision of a sound basis for future improvement in the conduct of the school through the use of a specially-appointed governing board for a temporary period.

- 4.2 The local authority proposes to use its powers of intervention in establishing an IEB, the members of which will be selected on their ability to bring relevant new expertise to contribute to and provide a catalyst for, the school's drive for improvement.
- 4.3 The proposals to establish an IEB is, therefore, deemed to be in the best interests of Hylton Red House Primary Schools, and is made regardless of whether or not the Secretary of State informs the local authority that the case has become urgent.
- 4.4 An application to establish an IEB is currently being prepared. The Governing Body of Hylton Red House Primary School has been consulted on the proposal and has until 11 May 2009 to respond. The response of the Chair of Governors of Hylton Red House Primary School will form part of the application to the Secretary of State as set out in the guidance. Upon receipt of responses to the consultation, it is proposed that the Director of Children's Services, in consultation with the Portfolio Holder proceed with the application.
- 4.5 If approval in writing is received from the Secretary of State, the local authority will write to the governing body to give them notice that the IEB will be established. This notice of establishment would state when the IEB will commence and could indicate when the IEB will cease to function.
- 4.6 The guidance stipulates that an IEB should be a small, focused group with a minimum of two members appointed for the full period which it is expected to take to turn the school around. The Secretary of State sees merit in having, typically, between three and six members. Members of an IEB should be chosen on a case by case basis to best meet the school's identified needs. Once the IEB has been established, further interim executive members can be appointed at any time. Interim executive members may be removed for incapacity or misbehaviour by the local authority. The local authority should produce a notice of appointment for each member of the IEB and copies of this notice should be sent to all other members of the IEB, the school's governing body and the Secretary of State.
- 4.7 It is proposed that Council appoints the first members of the IEB and that authority to make future appointments is delegated to the Director of Children's Services. This will enable any vacancies arising to be filled as quickly as possible.
- 4.8 The expectation is that the IEB will be responsible for the work of the school until the school has successfully emerged from Special Measures and a new Governing Body is established, under arrangements for transition back to permanent governance.

5. Reasons for the Decision

- 5.1 The governing body is unable to provide sufficient challenge to the Headteacher and the senior leadership team of the school to bring about the necessary

improvements quickly enough for the school to be removed from Special Measures within the required period of June – September 2010.

6. Alternative Options

- 6.1 The Local Authority does have other powers of intervention (as set out in 6.2 – 6.4) but it is considered that these would not bring about the necessary improvements as expeditiously in a similar timescale.
- 6.2 The power to require a school to enter into partnership arrangements. Collaborative arrangements have already been made without invoking this power.
- 6.3 The power to suspend the school's right to a delegated budget. The school's budget deficit for 2009-10 is being managed appropriately. The management of the school's budget is not currently providing a distraction from improvement priorities for governors.
- 6.4 The power to appoint additional Governors. This power has already been used; two additional Governors were appointed when the school entered Special Measures.

7. Relevant Considerations/Consultations

7.1 Financial Implications

The local authority can choose to pay interim executive members, and it is anticipated that it will do so in some instances. The cost of this would be covered through the Concerns Fund, and it is estimated that the cost would not exceed £18,000.

7.2 Risk Analysis

A risk analysis has been conducted with the Senior Risk Management Advisor for Children's Services.

7.3 Employee implications

There are no employee implications.

7.4 Legal implications

7.4.1 The City Solicitor has been consulted throughout the process

7.4.2 Section 62 of the Education and Inspections Act 2006 provides that a maintained school is eligible for intervention by The Local Authority when the school is in Special Measures

7.4.3 Interim Executive Boards are governed by provisions set out in Section 65 (1) and Schedule 6 of the Education and Inspections Act 2006, (re-enactment of the School Standards and Framework Act 1998)

7.5 The Public

Consultation with the governing body of Hylton Red House School is underway in accordance with 'Statutory guidance on schools causing concern' published by the Department for Children, Schools and Families (September 2008). Consultation with parents and carers will also take place in the consultation period.

7.6 Children's Services

This report reflects the principles of the Children Act 2004. There is a clear vision for the children at Hylton Red House Primary School and the approach that is proposed in this report is based upon improving outcomes for these children.

8. **Background Papers**

Statutory Guidance on schools causing concern (2008)
Ofsted Report on Hylton Red House Primary School (2008)
Ofsted Monitoring Reports (2008, 2009)
Risk Assessment

