

Supporting schools that are not making necessary improvements

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If you are answering on behalf of an organisation, please list the name of that organisation.

National Governance Association

To what extent do you agree with the principle of intervening in schools which are rated 'Requires Improvement' (RI) by Ofsted and were rated less than Good at their previous inspection?

Agree

Although NGA generally agree with the principle of intervening in schools, this should be backed by solid, clear evidence that intervention will lead to improved outcomes more than school and board led strategies will.

To what extent do you agree that the proposals should apply to alternative provision (AP) academies and pupil referral units (PRUs), as described above?

Agree

To what extent do you agree that the proposals should apply to maintained special schools and special academies, as described above?

Agree

To what extent do you agree that the proposals should not apply to maintained nursery schools at this stage?

Disagree

Although statistics show that the very weakest schools in the country are not currently nurseries, it is NGAs view that this is not a case for not applying the proposal to maintained nursery schools. If these proposals are set to be applied to all other types of maintained schools, the case should be applied to nurseries too.

To what extent do you agree that the 'schools not making necessary improvements' measure should take account of judgements issued to predecessor schools when assessing whether a school is not making necessary improvements?

Agree

NGA broadly agree with this proposal with inspection histories including judgements made prior to conversion and the school joining a MAT being taken into account.

To what extent do you agree that the intervention power should only be available in relation to schools which have been inspected since May 2021 with the exception of schools that have a long-term history of underperformance (5RI or worse)?

Agree

The proposals reiterate Ofsted's guidance on inspections which states "We recognise the uneven impact on schools and colleges of the COVID-19 pandemic. Ofsted will take account of the COVID-19 context and the disruption it has caused, and may continue to cause, to all education providers when making judgements." However, NGAs findings from a survey conducted on Ofsted found a varied response to whether inspectors were mindful of the impact that COVID-19 has had on the school. 45% of those governing stated that inspectors were mindful of the impact COVID-19 has had on the school and 38% reported inspectors not being mindful of COVID-19. Therefore, it is NGA's view that when considering the intervention power, the context of each school is considered individually and managed with the understanding of the ways that COVID-19 has impacted the school.

To what extent do you agree that RDs should invite representations from the governing bodies of maintained schools and the management committees of PRUs that are not making necessary improvements, as well as consulting the relevant local authority, before deciding whether to make an academy order?

Strongly agree

The governing board is best placed to understand the school's context including strengths and areas of weaknesses. Although the view of the governing board and Local Authority may differ from each other, governing boards should have the right to be consulted on the matter as part of the decision process.

To what extent do you agree that the department should adopt a presumption in favour of making an academy order to a maintained school or PRU that are not making necessary improvements? This means that cases will always be considered on their facts but that RDs will normally expect to issue an academy order compared to other intervention action.

Disagree

Evidence of the multi academy trust system improving underperforming schools as sponsored academies does not warrant presumption in favour of an academy order.

To what extent do you agree that the department should adopt a presumption in favour of issuing a termination warning notice (TWN) to standalone academies that are not making necessary improvements? This means that cases will always be considered on their facts but that RDs will normally expect to issue a TWN compared to other intervention action.

Disagree

To what extent do you agree that the department should issue a TWN where they are not satisfied that a trust has the capacity to improve an academy that is not making necessary improvements?

Agree

NGA agree with this proposal, provided efforts to investigate capacity (including governing capacity) support for the trust to improve have been exhausted and full stakeholder engagement has taken place.

To what extent do you agree that intervention in schools that are not making necessary improvements should initially focus in Education Investment Areas?

Agree

The percentage of state funded schools that are eligible for intervention under the proposed criteria suggests that this focus is warranted. However, intervention should be decided on a case-by case basis irrespective of the area.

[Consultation outcome](#)