

ROLE OF AN INTERIM EXECUTIVE BOARD (IEB)

1.0 General

Schedule 6 of the Education and Inspections Act 2006 (see annexe 6) contains detailed provisions relating to IEBs, including how they are to be set up, their duties and their transition to a normally constituted governing body. IEBs are appointed and are accountable to the Local Authority, Service Director for Schools and Lifelong Learning.

1.1 Reasons for establishing an IEB - Schools Causing Concern

Part 4 of, and Schedule 6 to, the 2006 Act set out that a school causing concern is one which is “eligible for intervention”. This is where a:

- performance standards and safety warning notice has been given (section 60) and the school has failed to comply;
- teachers' pay and conditions warning notice has been given (section 60A)1 and the school has failed to comply;
- a school requires significant improvement (section 61);
- a school requires special measures (section 62).

Performance standards and safety warning notices should be used as an early form of intervention where standards are unacceptably low and other tools and strategies have not secured improvement.

A performance standards and safety warning notice may be given by a local authority in one of three circumstances. Where:

- the standards of performance of pupils at the school are unacceptably low and are likely to remain so unless the authority exercise their powers under Part 4 of the 2006 Act; or
- there has been a serious breakdown in the way the school is managed or governed which is prejudicing, or likely to prejudice, such standards of performance; or
- the safety of pupils or staff at the school is threatened (whether by a breakdown of discipline or otherwise).

The definition of what constitutes low standards of performance is set out in section 60 (3) of the 2006 Act. This is where they are low by reference to any one or more of the following:

- the standards that the pupils might in all the circumstances reasonably be expected to attain;
- where relevant, the standards previously attained by them; or
- the standards attained by pupils at comparable schools.

Schools eligible for intervention by the Local Authority if they have been judged as requiring significant improvement or special measures. If, following an inspection under section 5 of the Education Act 2005, Ofsted considers a school to be inadequate (Grade 4), it will give a judgement that the school requires either ‘significant improvement’ or ‘special measures’. If the school has already been given a warning notice by a local authority, this judgment means the school is eligible for intervention whether or not the

period of compliance in the warning notice has expired or the governing body has made representations or intend to make representations to Ofsted.

1.2 Opting to implement and IEB

The LA can appoint an IEB where it is considered that leadership and governance of a school is proving an obstacle to progress. In using its powers, the LA will set out its reasons for forming an IEB to the Governing Body, and any other bodies concerned, outlining its belief that the schools Governing Body is unable to fulfil its statutory duties.

Prior to applying to the Secretary of State for approval, the LA will produce a statement setting out its reasons for seeking to establish an IEB. The statement will include:

- The reason that the LA is seeking to establish an IEB as opposed to using its other powers of intervention. The statement will explain why the necessary improvements cannot be brought about in a similar timescale through the use of these other powers
- Details of the steps the LA has taken to turn the school around including developing the skills of the members of the governing body.
- Details of the proposed membership of the IEB and the skills and experience they will bring.

1.3 The remit and purpose of the IEB

The IEB is appointed, approved and accountable to the Local Authority and has a duty to conduct the business of the school in such a way as to secure a sound basis for future improvement. It carries out the functions of a governing body of the school for the time that it is in office. The IEB will take on all the responsibilities of a governing body with regard to the conduct of the school but must at all times take the views of the Local Authority into account when decision making is required in key areas, including:

- management of the budget;
- the curriculum and standards;
- staffing;
- safeguarding;
- pay and performance management; and
- the appointment of the Headteacher and deputy Headteacher.

1.4 Composition of the IEB

IEBs may vary in size but should be a small, focused group with at least two members appointed for the full period which it is expected to return the school to autonomy. Members of an IEB should be chosen and approved on an individual basis by the Local Authority and may contain existing individual governors if deemed appropriate. The period of time during which an IEB may be established should be specified in the initial notice of establishment and be reviewable according to the changing circumstances of the school. IEBs will meet fortnightly in the first instance.

1.5 Appointment of the IEB

The initial appointment should commence on the date specified in the notice. Once established, further interim executive members can be appointed at any time by the Local Authority. Existing members of the IEB, the Local Authority and diocesan authorities [where appropriate] will be informed of such appointments. Interim executive members hold office in accordance with their terms of appointment and can be removed for incapacity or misbehaviour. The Local Authority must be involved in related

discussions and the Department of Education informed of any changes to the IEB membership.

1.5 Remuneration of members of the IEB

LAs or the Secretary of State, whoever appointed the IEB, may choose to pay interim executive members whatever amount they decide, and may also nominate a member of the IEB to be chair.

Current arrangements in Wakefield for the remuneration of members of the IEB are that payment rates are standard and are as follows:

- Standard chair's remuneration - £8,000 p.a. plus travel expenses @ 45p (current rate) per mile;
- Standard member's remuneration - £6,000 p.a. plus travel expenses @ 45p (current rate) per mile.

IEB members will submit an invoice on a monthly basis to School Governor Services. All invoices received from IEB members will require authorisation by the Service Director – Schools and Lifelong Learning or named officer.

1.6 Delegated Budget

The IEB has a right to a delegated budget driven by the improvement needs of the School Causing Concern. If the school's budget has been withdrawn under Section 66 of the Education and Inspections Act 2006, then the LA must restore the budget from the date when the IEB commences its work. If a notice has been given to the normally constituted governing body under Schedule 13 to the School Standards and Framework Act 1998, specifying a date when it is proposed to withdraw the right to a delegated budget for financial mismanagement or any other reason, the notice will cease to have effect from the date of commencement of the IEB.

2.0 Duties and functions of the IEB in securing rapid improvement

The IEB will fulfil all functions of a governing body and will conduct the school in a way that secures rapid improvement and promotes high standards of educational achievement for pupils of all abilities and backgrounds. The IEB will work closely with the Local Authority, in particular School Improvement and Learning Transformation Service.

The main function of the IEB will be to secure governance of the school and in so doing provide a sound strategic base for school improvement. The IEB is expected to enable the school to have its Notice to Improve lifted or special measures removed and to enable the development of good capacity for sustained improvement. The IEB will also be required to work to an agreed timeline for cessation of the IEB and securing the transition to a strong Governing Body. The transition will include the formation of a Shadow Governing Body. The benefits of a Shadow Governing Body are given in Annexe 5.

2.1 The duties of the IEB can be summarised as having three key functions:

2.1.1 Be strategic leaders of the school by:

- Setting targets for school improvement

- Overseeing the conduct of the school leadership and management including performance management
- Setting and overseeing the management of the school's delegated budget including setting a policy of spending decisions and limits to decisions that can be made by the Headteacher alone, and those decisions that must be referred to the IEB for approval
- Setting the curriculum offered
- Setting staffing structures and arrangements
- Agreeing pay and performance management arrangements
- Agreeing policies and plans drafted by the Headteacher and setting an appropriate policy framework within which the school must operate
- Appointing senior managers and other key staff as determined by the IEB.

2.1.2 Act as critical friend to the school's senior leadership team by:

- Monitoring the quality of provision and standards of achievement within the school
- Monitoring performance against targets set by the IEB
- Monitoring the implementation of the planning and policy framework set by the IEB and its impact on standards of achievement
- Identifying strengths, weaknesses and priorities for development with the senior leadership team (SLT)
- Signing of the SEF and ensuring it is regularly updated
- Ensuring the school complies with statutory requirements
- Providing challenge and support to the Headteacher and SLT

2.1.3 Hold the Headteacher/Principal and SLT to account, and be accountable to any interested party for the school's performance by:

- Receiving regular information from the Headteacher and SLT on the performance of all aspects of the school
- Agreeing a performance management policy and monitoring its implementation
- Conducting the performance management of the Headteacher and monitoring progress towards agreed targets
- Ensuring that the School Profile is updated annually
- Ensuring that the annual school prospectus meets statutory requirements
- Agreeing a complaints policy and monitoring its implementation
- Receiving appeals on issues relating to staff grievance, capability, complaints and exclusions.

2.2 The Role of the Chair of the IEB

The Chair of the IEB will:

Ensure regular and continuous communication with the Local Authority regarding progress and development of the school in order to secure rapid and sustainable improvement

Organise the business of the Interim Executive Board and set agendas for meetings in consultation with the headteacher and the clerk.

Meet with the headteacher regularly to monitor progress and to identify issues which may need to be addressed by the IEB.

Chair IEB meetings ensuring that actions are agreed with clear responsibilities and timescales and that actions are carried out.

Represent the IEB at meetings with the local authority, other partners and the school community. (To arrange for a substitute as necessary)

Take urgent action on behalf of the IEB as required and to report back at the next meeting on any action taken.

Lead on securing effective and sustainable governance and lead the transition from an IEB to a Governing Body.

2.3 The Role of the Headteacher

The Headteacher will be responsible for the internal organisation, management and control of the school, and for advising on the implementation of the IEB's strategic framework. It is expected that the Head and SLT will co-operate fully with the IEB and work in partnership to secure effective governance of the school.

The Headteacher must provide the IEB with regular information on the performance of all aspects of the school and must comply with any reasonable request from the IEB for information. It is for the IEB to determine the range, content and regularity of the Headteacher's reports. The IEB may request any member of the SLT to attend its meetings to provide information on the performance of any aspect of the school for which they are responsible.

Where the IEB delegates any function to the Headteacher the IEB has the power to give the Head reasonable directions in relation to that function, and oblige the Head to comply with those directions.

2.4 The Role of the Local Authority

The LA will maintain its role in challenging the school and IEB to ensure high standards of achievement and monitor the quality of provision provided by the school. The LA will provide support to the IEB and SLT to ensure there is effective governance of the school. A representative of the IEB, usually the Chair, will be expected to attend LA Performance Review and Co-ordination (PRC) meetings and meet regularly with the School Improvement Adviser or other designated officer along with the Senior Leadership Team of the school to monitor and review progress

2.5 Conduct of the IEB and its Members [see Annexes 1 & 2]

The IEB will conduct its business in an open and transparent way and in accordance with the principles of standards in public life. Members will adhere to the Code of Conduct (Annexe 1) and Seven Principles of Public Life (Annexe 2).

The IEB is a corporate body and consequently no individual has the power to act alone,

unless delegated to do so by the IEB. Where functions have been delegated to an individual, or a group, they must report back to the full IEB on actions taken under delegation at the earliest possible opportunity. The IEB remains responsible for any action undertaken on its behalf under delegation.

Individual members of the IEB must respect confidentiality. It is for the IEB to determine which parts of meetings, and the associated minutes, should remain confidential. Serious breaches of confidentiality may result in the LA removing an individual member from the IEB.

The LA will appoint a clerk (paid from the school's budget) who will act as clerk to the IEB.

3.0 Transition Arrangements

At least six months prior to the planned disbandment of the IEB, the LA will establish a Shadow Governing Body in accordance with The School Governance (Transition from an Interim Executive Board) (England) Regulations 2010. The date for the disbandment of the IEB will be given in a further Notice by the LA served under Schedule 1A of the School Standards and Framework Act 1998.

The shadow governing body will work alongside the IEB for at least six months, but may take over some of the IEB functions prior to that date. The IEB will remain in place until the Notice to Improve or Special Measures or a Warning Notice has been lifted. Once the IEB is disbanded the shadow governing body will be expected to act alone as the governing body of the school for up to thirteen months. During the transition from IEB to shadow governing body, members of the shadow governing body will be able to attend IEB meetings as observers.

The School Governance (Constitution) (England) Regulations 2003 do not apply to shadow governing bodies and it is for the LA to determine the size and constitution of the shadow governing body. This will be between 9 and 20 people and will comprise representatives of parents, staff, the LA, the community and students.

In finalising the membership of the Shadow Governing Body:

- (a) all appointments will be confirmed made by the Service Director – Schools and Lifelong Learning, with a view to creating a SGB that is likely to be as effective as possible;
- (b) there may be discussions with the IEB for the school about the size of the governing body and potential members of the SGB;
- (c) there should be continuity of membership between the IEB and the SGB and between the SGB and the permanent governing body that succeeds it, so far as possible; and
- (d) election of nominees to serve as representatives of staff and parents on the SGB will be considered, after consultation with the IEB for the school.

The size and constitution of the shadow governing body will be set out in an arrangement made by the LA. The arrangement will also state the planned date on which the shadow governing body will vacate office and be replaced by a normally

constituted governing body. This is known as the constitution date and must be no later than thirteen months after the IEB ceases to exist.

3.1 Process for Transition to Normal Governance Arrangements

The process for transition to normal governance arrangements is illustrated in the diagram below (also available as Annexe 4).

1.

The LA determines that the governance arrangements at a school are satisfactory. The LA issues a notice to the school and any other bodies that received the original notice, setting a date when a normally constituted GB will take over responsibility for the school and the planned date for the dissolution of the IEB.

2,

The LA makes an arrangement to establish a shadow governing body (SGB). The arrangement will set out the constitution of the SGB, this should match as closely as possible the constitution of the normal GB once established, the date upon which shadow governors will take office and the date when the SGB will vacate office (the constitution date). The LA will make all appointments to the SGB. The process for appointing to each category of governor will be set out in the arrangement. The SGB will work along side the IEB for at least 6 months prior to the dissolution date.

3.

Following the dissolution of the IEB the SGB takes full responsibility for the conduct of the school. Prior to the constitution date (this must be no later than 13 months after the dissolution date) the SGB agrees a draft instrument of government for approval by the LA.

4.

Following approval of the draft instrument the school arranges staff and parent governor elections, the LA appoints LEA governors, where applicable other bodies appoint governors e.g. the diocese and the GB, once formed, appoints community governors. The normal GB takes responsibility for the conduct of the school from the constitution date.

Annexe 1

CODE OF CONDUCT FOR GOVERNORS

Many governing bodies have drawn up codes of conduct to clarify what they expect of governors.

It is best if codes of conduct are drawn up by the individual governing body as the process of doing this helps to make the document - and the expectations - clearer.

However, governing bodies may appreciate a starting-off point for their discussion and this is the aim of this document. It is modelled on the Code of Conduct for Local Authority Governors.

Governors should abide by the following key principles:

- to act with integrity, objectivity and honesty, in the best interests of the school;
- to work as a member of a team - the governing body - at all times and be loyal to collective decisions made by the governing body;
- to recognise that all governors have the same rights and responsibilities unless particular responsibilities are conferred on them by the full governing body.

To do this, all governors are expected to:

- attend meetings promptly, regularly, and for the full time;
- prepare for meetings by reading papers beforehand;
- listen to and respect the views of others;
- express their own views clearly and succinctly;
- take their fair share of work/positions of responsibility;
- attend training and take responsibility for their own learning and development as a governor;
- know, understand and work within legal requirements.

All governors must:

- respect confidentiality;
- support decisions of the governing body in public;
- report any evidence of fraud, corruption or misconduct to an appropriate person or authority;

- consent to a confidential criminal record check to ensure that they are not disqualified and to meet child protection requirements.

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Annexe 2

THE SEVEN PRINCIPLES OF PUBLIC LIFE

(Nolan Committee, 1996)

Selflessness

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other materials benefits for themselves, their family or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands this.

Honesty

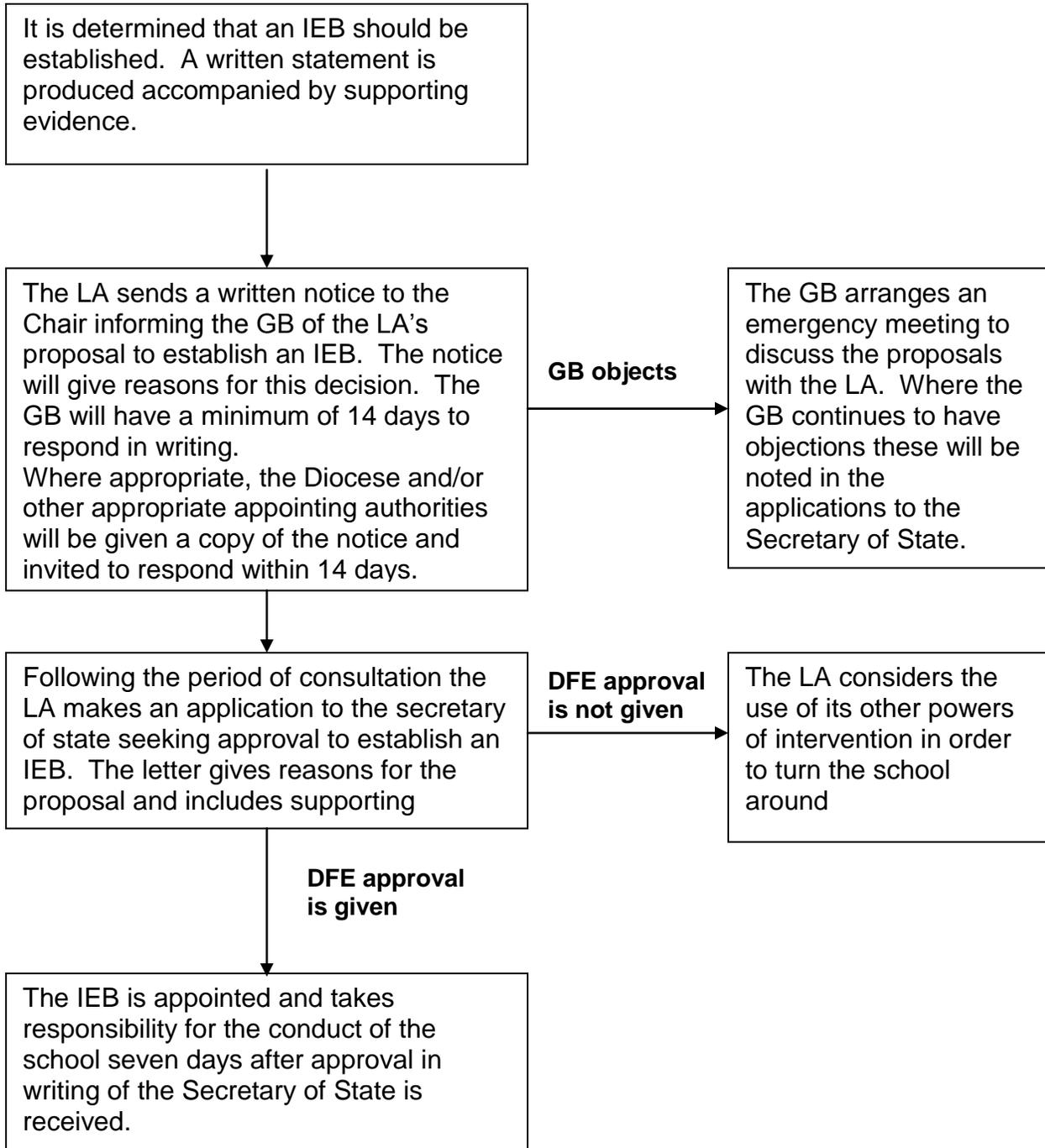
Holders of public office have a duty to declare any public interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

Holders of public office should promote and support these principles by leadership and example.

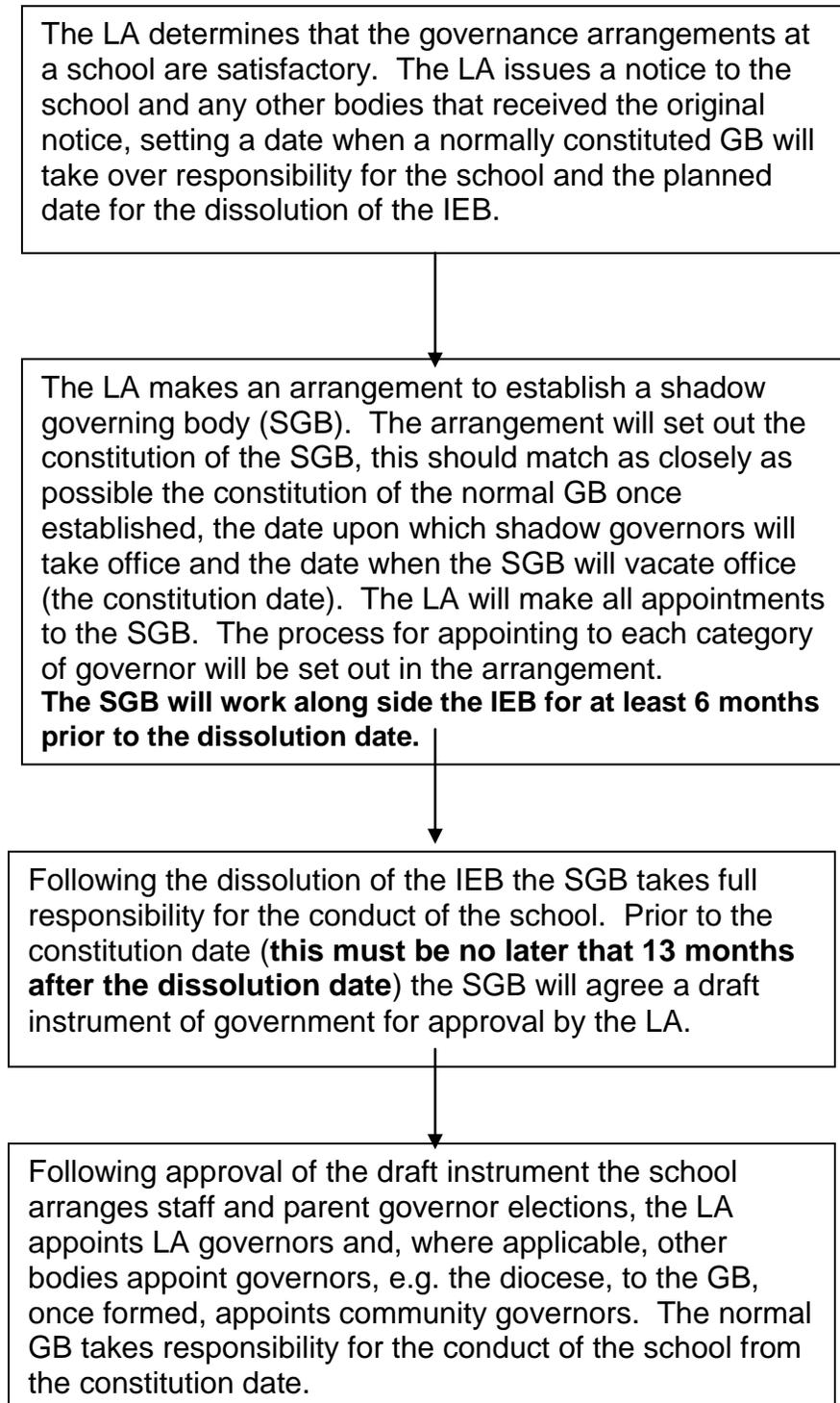
Annexe 3

Process for Establishing the IEB



Annexe 4

Process for Transition to Normal Governance Arrangements



Annexe 5

The Benefits of Forming a Shadow Governing Body

- The shadow governing body can progressively take over responsibility from the IEB after special measures is lifted, allowing for a much smoother transition from one body to the other.
- The shadow governing body can work with the IEB to familiarise itself with the current practices/policies and procedures in place.
- Those Governors appointed to the shadow governing body will have time to settle into their roles.
- Members of the IEB will be able to mentor/coach any newly appointed governors, to help them develop their roles and adopt good working practices.
- Potential problems can be identified and ironed out before a permanent governing body is established.
- Governor roles and GB Leadership: the identification of candidates suitable for positions such as Chair, Vice-Chair and Training Link Governor can be considered over a more lengthy timescale.
- A shadow governing body will have time to undertake a self-evaluation of its members, in order to identify each governors strengths and where training is required – and implement this before the permanent governing body is established.
- More time can be devoted to finding the right calibre of governor appointment.
- The timescales and pace of change will not be as pressured as moving directly from an IEB to a permanent governing body.
- There is increased flexibility over when change has to be made – i.e. a shadow governing body can work alongside an IEB for a period of 6 months, as well as be in place for up to 13 months after the dissolution of the IEB, but can be replaced by the permanent governing body before this time.

Annexe 6

References

Schedule 6 of Education and Inspections Act 2006:
<http://www.legislation.gov.uk/ukpga/2006/40/schedule/6>