



Completing an interim executive board application form: guidance notes

Question 5 – ‘Background and reasons for application’

The background and reasons for the application should outline:

- The brief history of the improvement issues facing the school and the key steps taken by local authorities over last 3 years to tackle them
- The local authorities’ view of the governing body’s commitment and capacity to tackle issues and take advice, for example, identifying whether it is a block to school improvement (and if this is intentional), and why the LA feels the governing body should be replaced.
- Local authorities may also provide a view on where the governing body has failed to respond to the IEB consultation and, where relevant, link that to the reasons for the application.

Questions 3 and 6 – ‘Date of the consultation with the governing body’ and ‘Governing body representations’

In answering these questions, the local authority should set out what steps it has taken to inform the governing body of its intention to replace it with an IEB.

It should record the reaction of governing body to the IEB proposal, including the nature and extent of formal consultation (this should include evidence that the LA has informed each member of the governing body of their intention to establish an IEB and allowed reasonable time for the governing body to respond).

The initial consultation letter to the school should be addressed to all governors and not just the Chair of governors. Discussions, where possible, should seek to include all governors. Local authorities should be cautious in assuming that the views of one governor (e.g. the Chair of governors) are automatically the views of all governors. It is good practice to offer a meeting with the full governing body at an early stage so that the local authority can set out its reasons for the application and invite the governing body to respond.

Where a warning notice has been given then the local authority should, where appropriate, give the governing body reasonable notice in writing that the local authority propose to exercise their

intervention powers, including their powers under Section 65 of the Education and Inspections Act 2006 before a school is eligible for intervention. A school must be eligible for intervention before an IEB can be appointed.

If there is no formal response from the governing body, the local authority must seek, where possible, to include a response from the Chair of governors to the effect that consultation has been offered. If the Chair of Governors does not respond to this second request, the local authority must state explicitly why they are not able to provide evidence of consultation, for example, that the governing body is refusing to discuss the issue or has declined to respond to the consultation.

Question 7 – List of proposed IEB members

The answer to this question should give the reasons why the proposed membership has sufficient capacity to allow Ministers to feel confident that the school will make the necessary progress in a timely manner. The proposed membership should reflect a range of expertise and represent different stakeholders' interests. The local authority should give reasons for the choice of the IEB Chair; ideally this should be someone independent from the school and local authority.

Question 8 – Planned life of IEB and plans for the exit strategy

In the majority of cases an IEB is applied for where a school is failing to provide a good standard of education, as evidenced by Ofsted judgements, school results or other indicators. Sponsored Academies are the Department's preferred response to underperformance and therefore we expect them to be seriously considered where a school underperforms.

Further advice

Local authorities should note that applications cannot be processed unless the necessary statutory processes have been followed correctly, which includes the processes for issuing a warning notice (where relevant), and undertaking consultation before applying for an IEB. In addition, the following should be noted:

1. Applications should be succinct, based on the completed IEB application form.
2. The application should include a cover sheet listing and numbering all attached documents and appendices in date sequence. (e.g. representation documents from the governing body, local authority correspondence with the governing body and other relevant documents)
3. In order to seek the views of relevant bodies, the local authority is not required to share the completed Part A of the application form with the governing body or voluntary foundation.
4. The local authority should be able to demonstrate:
 - that recovery / improvement is more likely as a result of the IEB being established
 - proper and timely steps have been taken to support the school to address its improvement needs
 - proper and timely consultation has occurred with the governing body and other relevant authorities e.g. the Diocese in the case of a foundation or voluntary school which is a

Church of England or Roman Catholic Church school or the person/body who appoints the foundation governors in the case of other foundation or voluntary schools.

5. Where the local authority sees the establishment of an IEB as a means of successfully establishing a collaborative arrangement to improve the school, it will be expected that the local authority has fully outlined the advantages of the collaborative arrangement to the governing body, and it is clear that governors are not prepared to take the steps necessary to implement this solution.