

New guidance for intervention in schools

13 November 2024

The Department for Education (DfE) has now released new guidance relating to the support and intervention for schools, following the scrapping of single-word judgements.

The start of the academic year saw the announcement of several significant developments in the area of school inspection and intervention which have paved the way for a significant reworking of the current framework and policy for school intervention. For further information on these developments, [please see this briefing](#) on the key areas of change.

On 1 November 2024, the Department for Education (DfE) published updated statutory guidance on intervention in schools, which fills in many of the gaps and provides further clarity on the implications of these developments for intervention.

Support and intervention for schools

Formerly titled 'Schools causing concern', the revised statutory guidance has now been renamed 'Support and intervention in schools', reflecting a shift away from the previous presumption of structural intervention and management change through academisation and re-brokerage, and towards a greater focus on providing support to schools to drive improvement.

This briefing looks at the changes made in the updated guidance, and what these might mean for our trust and school clients.

Schools judged to be requiring 'significant improvement' or 'special measures'

The removal of single headline Ofsted grades means that schools will no longer be judged to be 'inadequate' overall. However, it remains the case that Ofsted is required by the Education Act 2005 to report on schools it judges to require 'significant improvement' or 'special measures'. These categories then form the legal basis for many of the Secretary of State's and local authorities' intervention powers.

Ofsted's revised [school inspection handbook](#) confirms that for inspections carried out in the 2024/2025 academic year, where a school is judged inadequate in any judgement area and/or safeguarding is judged to be ineffective, the school will be placed in a category of concern.

For this academic year at least, whilst a school won't be graded inadequate overall, an inadequate judgement in any judgement area will give rise to the same intervention implications.

Issuing an academy order

The Secretary of State's powers include the issuing of an academy order, and it remains the case that the Secretary of State is under a duty (under the Academies Act 2010) to issue an academy order to a maintained school placed into a formal category of concern. Local authorities' powers also remain unchanged, and these include the power to implement an interim executive board for a school placed into a category.

For academies, the updated statutory guidance on support and intervention in schools is clear that where an academy has been placed in a category of concern, there continues to be a policy presumption in favour of issuing the academy trust with a Termination Warning Notice ('TWN').

The guidance does confirm however, that improvement measures other than compelling the transfer of the academy to another trust may be implemented, giving the specific example of where such a transfer would prevent “the consolidation of improvements”.

Coasting schools

Perhaps the biggest change in the updated guidance on support and intervention is the effective withdrawal of the Secretary of State’s intervention powers for schools that meet the statutory definition of ‘coasting’. Also known as ‘2RI+’ schools, these are schools which are eligible for intervention as a result of having been judged as less than “good” in more than one consecutive inspection.

The previous process applicable to schools which met the coasting definition has been removed in its entirety from the updated guidance. For maintained schools, the guidance now clearly states that *“following the ending of single headline Ofsted grades, [Regions Group] will no longer issue an academy order to a ‘2RI+’ school and has revoked academy orders issued to schools where conversion was scheduled after 1 January 2025.”*

What this means for academies

For academies, the guidance states that *“[Regions Group] will no longer issue TWNs in relation to ‘2RI+’ academies”*. Unlike the position for academy orders, the guidance does not expressly address the question of what this means for academy trusts which have already been issued with a TWN (or indeed a Termination Notice) on coasting grounds, and which are subject to outstanding conditions (referred to in the TWN as ‘specified actions’).

However, we are aware of some trusts now receiving letters to confirm that their existing TWN is withdrawn and that the trust is not required to continue to meet the relevant conditions.

It is important to note that change of approach is one of policy and not law, and that the legislation around coasting schools remains in force: schools that meet the definition of ‘coasting’ as described above remain ‘eligible for intervention’ under the relevant sections of the Education and Inspections Act 2006 and the Academies Act 2010.

It would therefore be open to the DfE to reintroduce policy to target struggling schools, although in light of single headline Ofsted grades being scrapped a new definition of ‘coasting’ will be needed. We anticipate that the DfE will wish to retain the existing legislation to enable them to revisit this power in future if desired.

Revocation of academy orders

The Secretary of State has a discretionary power to revoke an academy order made as a result of a school being eligible for intervention, and it remains the case that this power will be used only in “exceptional circumstances”.

The updated guidance on support and intervention gives examples of what might be considered “exceptional circumstances”, and these examples have been updated to reflect the scrapping of single headline grades and other changes in Ofsted’s processes for the academic year 2024/2025.

Whilst the previous version of the guidance included the example of a school being re-inspected and judged ‘good’ or better, the updated guidance requires that the re-inspected school is no longer in a category of concern, and has achieved ‘good’ or better judgements in the ‘Leadership and Management’ and ‘Quality of Education’ judgement areas.

A new report card system

In practice, the position for this academic year effectively remains the same as under the previous guidance. This example will however likely need to change again once Ofsted move to introduce the proposed ‘school report card’ system of inspection from September 2025, and we can expect further updates to the guidance in the course of the coming year.

Interestingly, the updated guidance widens the Secretary of State’s policy regarding when it will revoke an academy order, now allowing the Secretary of State to revoke an order on their own volition, in circumstances other to those described above.

As an example, the guidance states that this may take place where it is not practicable to convert the school because no suitable academy trust is available. Under the previous guidance, the Secretary of State would ordinarily only consider revocation on application from the Governing Body of the school.

Before exercising this revocation power, the Secretary of State must be satisfied that alternative arrangements are in place to secure improvements in the school. How often this power will be used remains to be seen, but it may offer some comfort to a small number of schools who otherwise face lengthy periods of uncertainty due to the difficulties of finding an appropriate sponsor.

The extended policy around revocations was also perhaps considered necessary to expressly allow the Secretary of State to revoke those academy orders issued to coasting schools not due to convert until after 1 January 2025, as mentioned above. In these cases, the schools involved are now able to access the DfE's new 'interim support offer' (see below).

The introduction of interim support

The updated guidance introduces a new support offer available to maintained schools and academies, entailing up to 10 days support from a 'system leader', normally the CEO of a "high-quality MAT" or a national leader of education. The eligibility criteria are listed in full at pages 21 and 35 of the guidance.

This support offer reflects the shift away from structural intervention in favour of greater improvement support for schools and is clearly intended to some extent to plug the gap for schools which would previously have been subject to coasting intervention. Eligible schools will receive notification of the offer, but schools are not required to accept the support.

The DfE has confirmed that, from 2025, new Regional Improvement for Standards and Excellence (RISE) Teams will start supporting schools and trusts, under a new framework which will be "strongly informed" by Ofsted's new school report cards. There are still a number of questions to be answered about the way this arrangement will work in practice, and further guidance is awaited.

Development of trust-level intervention

The guidance on support and intervention refers to the DfE's trust-level intervention powers, and in particular the power to issue a Notice to Improve ('Ntl') in cases where there are concerns about financial management and/or governance in an academy trust.

These powers are set out in the Academy Trust Handbook ('ATH'), the terms of which trusts are bound by through their funding agreements. Over time, the DfE have gradually broadened the circumstances in which they will consider issuing an Ntl and seem to be paving the way for wider and more robust trust-level powers: something that has been a topic of discussion for some time.

Both the previous (2023) guidance and the updated guidance state that: *"the department will engage with the sector in developing its approach to trust-level intervention, including the process to be followed by the [Regions Group] and the evidence that they will rely on to determine the strength of trustees' oversight of educational performance"*. An equivalent footnote appears in the relevant part of the ATH.

Alongside this, we know of course that Ofsted has committed to working with the Government on new legislation to establish a statutory framework for the inspection of "groups", including multi-academy trusts. Future consultation will hopefully join up those new inspection powers with appropriate accountability to the regulator. Given the scope of those changes, we would of course encourage academy trusts take the opportunity to provide their comments and views in any future consultation or engagement carried out by the DfE in this area.

Final thoughts

Whilst there has not (yet) been any change to the law in terms of the Secretary of State's powers to intervene, the updated guidance on support and intervention represents an acute policy move away from forced academisation in the case of coasting schools, and a more gentle step away from structural intervention generally.

This shift, along with the recently announced withdrawal of the academy conversion support grant from 1 January 2025, may discourage some schools from voluntarily pursuing academy conversion, and could have implications for the number of willing academy trust sponsors too, potentially leading to a marked change to the number of conversions going forwards.

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