

Updated guidance on coasting school intervention process

In this article we set out the criteria, expectations and support schools should consider if notified they fall within this new category.

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The DfE has published updated guidance on [Schools Causing Concern](#). The revised guidance is intended to “give greater clarity on the operational process the department will follow in relation to the schools not making necessary improvements measure”.

This new intervention measure, also referred to as the “coasting schools” measure, took effect in September and Regional Directors (RDs) have just started to issue notifications to schools and academies meeting the criteria.

Relevant criteria

The relevant criteria are, in simple terms, two or more below Good judgements from Ofsted. There is also various policy that fleshes out the core legal definition. For example, we know that RDs are prioritising action for schools and academies in the identified Education Investment Areas (EIAs) initially, and also that RDs will not usually intervene in academies that have not yet received a graded inspection since joining a trust.

Where schools or academies are not in an EIA, the RD's initial letter will purely be a notification with further correspondence to follow. In contrast, where the school or academy is in an EIA, they will receive a second letter straightaway inviting representations from the school or trust.

“Schools should be part of a strong multi-academy trust”

The DfE believes that all schools should be part of a strong multi-academy trust (MAT). Therefore, for coasting maintained schools, there is a presumption that an academy order will be issued, unless there are exceptional circumstances. Similarly, for coasting academies who are part of a single academy trust, there is a presumption that a Termination Warning Notice (TWN) will be issued with a view to that academy joining a MAT. In both cases, the presumption is rebuttable with the guidance promising that “the best course of action will always be informed by an assessment of the particular circumstances of the school and the needs of its pupils”.

For academies which are already part of the MAT, it will be a matter of convincing the RD that the MAT is a strong one, with capacity to “achieve rapid and sustained improvements”. If the RD decides intervention is appropriate, it will issue a TWN – but that could, at least initially, require certain improvement steps to be taken rather than necessarily requiring re-brokerage to another trust. Trusts have the opportunity to make further representations if a TWN is issued.

Types of evidence

Importantly, the coasting school intervention powers are discretionary, and it is up to the relevant RD to assess each school on a case-by-case basis. The updated guidance refers to the type of evidence that the RSC will refer to when considering the case. When making representations, schools and trusts will therefore need to familiarise themselves with the relevant sections of the guidance, as well as the separate guidance on [Regional Directors decision making](#), and carefully formulate their response.

In the face of a presumption of an academy order or re-brokerage, maintained schools and single academy trusts will have an uphill battle to convince the RD that intervention is not required and will need to put together a robust case to avoid those next steps. However, notwithstanding the presumptions, the range of scenarios caught in this net will be broad and the RD is required to apply their discretion

fairly and reasonably. Please contact us if you would like further advice and support with preparing your representations or any wider legal advice relating to the coasting school measure.

[Find out more about the available support for school interventions.](#)

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