



**Lord Nash**

Parliamentary Under Secretary of State for Schools

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Mr Chris Cook  
Chairman of the Governors  
Discovery New School  
Broadfield House, Broadfield Park  
Brighton Road  
Crawley, West Sussex  
RH11 9RZ

22 November 2013

*Dear Mr Cook,*

**Special Measures Termination Event and Financial Notice to Improve**

Discovery New School ("the Academy") was inspected by Ofsted on 1-2 May 2013 and a Special Measures Notice was given to the Academy on 11 June 2013. On 12 September Ofsted judged that your statement of action was not fit for purpose. Given the concerns that had been raised over the inadequate provision being provided by the school on 16 October the Secretary of State asked Ofsted to carry out a further inspection at the earliest opportunity.

On 12 November 2013 Ofsted undertook a subsequent inspection of the Academy in accordance with the Education Act 2005 and reported that the Academy has not made enough progress towards removal from Special Measures. This determination was reported to you in a letter from Ofsted dated 22 November 2013.

Clause 89 of the Funding Agreement for the Academy states that a "Special Measures Termination Event" occurs when:-

- (a) *the Chief Inspector has given a notice to the Academy Trust in accordance with section 13(3) of the Education Act 2005 (the "Special Measures Notice") stating that in his opinion special measures are required to be taken in relation to the Academy; and*
- (b) *the Chief Inspector has carried out a subsequent inspection of the Academy in accordance with the Education Act 2005 and has made a report in accordance with the Education Act 2005 stating that the Academy has made inadequate progress since the date of the Special Measures Notice; and*
- (c) *the Secretary of State has requested the Academy Trust to deliver within 10 Business Days a written statement (a "Further Action Statement") of the action the Academy Trust proposes to take, and the period within which it proposes to take such action, or, if it does not propose to take any action, the reasons for not doing so; and*
- (d) *the Secretary of State, having considered the Further Action Statement, is not satisfied that any action proposed to be taken by the Academy Trust is sufficient in all the circumstances, or, if no Further Action Statement shall have been given to the Secretary of State within the requested timeframe or otherwise."*

Clause 90 of the Funding Agreement provides that if a Special Measures Termination Event occurs, the Secretary of State may by notice in writing to the Academy Trust terminate this Agreement forthwith.

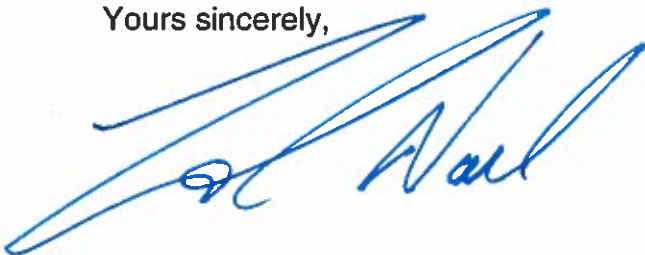
As Ofsted report that very little progress has been made since the school was placed in special measures I remain extremely concerned about the quality of education children are receiving. I therefore request from you a Further Action Statement in accordance with clause 89(c). Please would you respond to me, copied to Claire Burton, Deputy Director of Academies Performance and Brokerage Division, within 10 Business Days (as defined in the Funding Agreement) from the date of this letter with a Further Action Statement for my consideration.

You will no doubt wish to inform staff and parents with pupils at the school of this step. I should reassure you that in the event of a decision to terminate a funding agreement of an Academy or Free School, we would work closely with the trustees of the school and the local authority in the interests of the children's wellbeing and education, which is our priority. The local authority has a duty under s.14 of the Education Act 1996 to secure the availability of sufficient schools for children in their area. The latest data for primary schools in the Crawley District within a three mile radius of the school shows an 8.1% surplus of places as a percentage of total school capacity.

In addition, as you know, the Education Funding Agency (EFA) identified a range of issues related to a lack of basic financial monitoring and controls in their Financial and Governance Review visit on 16-17 October 2013. They wrote to you on 5 November 2013 enclosing their report which highlighted 14 areas where the school must take action to meet the mandatory requirements of the Academies Financial Handbook (AFH) 2013. The EFA explained that due to the range of issues identified that they were minded to issue a Financial Notice to Improve (FNtI), subject to receipt of a management response addressing the review findings by 21 November 2013.

We have now received your management response and completed an initial assessment. The responses and actions taken demonstrate some progress, but there remain key gaps. Due to the on-going concern regarding the financial management and governance at the academy including the lack of a formally agreed budget forecast, we will consider the next steps in the FNtI process. This will follow receipt of your Further Action Statement and wider decisions on the future of the school. In the meantime, the EFA report and your financial management and governance action plan have been published in parallel with this letter.

Yours sincerely,



JOHN NASH