



Lord Nash

Parliamentary Under Secretary of State for Schools

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Mr Chris Cook
Chairman of the Governors
Discovery New School
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13 December 2013

Dear Mr Cook

Termination following Special Measures Termination Event

Discovery New School

I write concerning the Funding Agreement (“the Agreement”) for Discovery New School (“DNS”) dated 24 August 2011. On 22 November 2013 I wrote to you expressing my grave concerns about the standards of education at DNS and requesting a Further Action Statement. I received your response on 6 December and have now considered the contents of your Statement.

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 terminate this Agreement forthwith by notice in

writing to the Discovery New School Academy Trust (“the Academy Trust”), or may provide up to 12 months’ notice in writing to terminate this Agreement.

Having now considered this statement carefully, the Secretary of State is not satisfied that the action the Academy Trust proposes to take is sufficient in all the circumstances. Consequently, in accordance with clause 90, please accept this letter as written notice from the Secretary of State to terminate the Agreement. In order to ensure an orderly closure of the school, the Secretary of State requires the school to close on 4 April 2014.

Reasons for termination

Following its inspection of DNS in May 2013 Ofsted judged overall effectiveness, leadership and management, the quality of teaching and the achievement of pupils to be inadequate and stated that in its opinion special measures are required to be taken in relation to DNS. Ofsted carried out a monitoring inspection at the school on 11 September 2013 and judged the Academy Trust’s Statement of Action not fit for purpose.

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. Ofsted found that no progress in the quality of teaching and learning had been made since the original special measures judgement in May. None of the school’s teachers were delivering good lessons and all were still consistently inadequate or required improvement.

The Academy Trust’s Further Action Statement (“FAS”) received on 6 December details actions to be taken by the Academy Trust with 58 milestones to be reached by February 2014.

The FAS does not include any analysis of how the school has reached its current position. Without such an analysis it is unclear whether the Academy Trust has identified the right improvements to bring about sufficient change and have prioritised their activities effectively. We know from inspection evidence that teaching and learning is inadequate in DNS, and that there has been little or no improvement since Ofsted’s judgement that the school required special measures in May. The number and nature of the actions and milestones to be achieved demonstrates that the staff are currently unable to deliver teaching and learning even at the most basic level with the consequence for the pupils of continued inadequate teaching for an unacceptable length of time. Further, the training implication for staff is enormous. It is difficult to see how they would be able to attend all the training listed and at the same time provide adequate teaching for the pupils. There is no prioritisation of the actions. I do not therefore consider that the FAS offers sufficient evidence that the Academy Trust will be in a position to provide good or better teaching and learning to its pupils within a reasonable timeframe.

There are no concrete plans or strategy to recruit new staff, save for mention of one new senior staff member with no details about how that recruitment will be achieved. This means that improving the staff and the school is in practice wholly dependent on the interim Head and external consultants. The plan ignores the implications of the interim Head being in post only until April. Further, the plans to improve the capacity and capability of the governing body by bringing in new governors are insufficiently well

developed. Overall, I am not satisfied from the FAS that the Academy Trust has the capacity to make adequate progress and I have no confidence that the Academy Trust plans will enable it to recruit and retain the high-quality permanent staff and senior leadership that it needs in order to improve at a rapid pace.

In reaching the decision to terminate the FA I have taken into account my duty under section 149 of the Equality Act 2010 to give due regard to the need to meet the 3 equality objectives at section 149(1) a – c. I have also given careful thought to the effect on pupils of having to move to another school. I have sought to keep any disruption to a minimum by liaising with West Sussex County Council (“WSCC”) regarding provision of alternative school places and setting the date for termination at the end of the spring term, giving time for parents to express any preferences to WSCC and for WSCC to offer alternative places. I recognise that my decision to terminate the FA is likely to be disappointing for pupils, parents and all those involved with the school, but I will not allow a failing school to continue with no clear, workable plan to improve rapidly. It is not in the best interests of pupils to remain in an inadequate school.

My officials will be in touch shortly regarding transfer of capital assets funded by the Department and to discuss any budget implications. I have also asked my officials to work closely with WSCC to ensure that the transition period is managed with as little disruption as possible to the children of DNS. WSCC will be in a position to provide advice and support to parents in arranging alternative places for pupils and I would urge you to make contact with WSCC as soon as possible.

Yours sincerely



LORD NASH