



Education  
Funding  
Agency

# **Review of Oldknow Academy Trust**

**May 2014**

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## EXECUTIVE SUMMARY AND CONCLUSIONS

1. This report sets out the conclusions of the work completed by the Education Funding Agency (EFA) and the Department for Education. A team led by the EFA visited the Oldknow Academy (“the Trust”) on 10 and 11 April 2014. The visit identified many weaknesses across the Trust.
2. The governance arrangements for the Trust lack coherence and there is a breakdown in governance and leadership at the academy. The Trust has breached the terms of its funding agreement in appointing governors and does not make decisions in accordance with its Articles of Association. There is a lack of clarity over roles and responsibilities within the governance structure.
3. There is some evidence that the Trust is promoting community cohesion as required by the funding agreement and meeting the Independent School Standards on the spiritual, moral, social and cultural development of pupils. However the way the academy is trying to meet the needs of Muslim pupils means that the academy is taking on the practices of an Islamic faith school and in this regard is not promoting community cohesion. Some activities, enjoyed by children and parents, that previously took place have been reduced or stopped in the last year.
4. Despite not being designated as having a religious character the academy is increasingly Islamic in its vision, ethos and day-to-day operation. For the last three years the academy has arranged a school trip to Saudi Arabia, marketed as a modern foreign languages (MFL) trip but evidence shows this is also a faith trip and is exclusively for Muslim staff and pupils.
5. The Trust’s financial controls and management are inadequate and do not comply with the Academies Financial Handbook. The Trust does not have controls in place to identify related party transactions. The annual trip to Saudi Arabia does not represent value for money.
6. The Trust is failing to comply with its safeguarding obligations. Visitor safeguarding reception checks were not conducted consistently. The single central record (SCR) did not comply with requirements regarding the screening of governors.
7. The academy does not offer a balanced and broadly-based curriculum. Recent changes to the curriculum mean that subjects other than English, maths, RE and Arabic have become marginalised. The former enrichment programme which provided a range of activities and clubs has been reduced, removing subjects such as art. The opportunities for extra-curricular activities for parents and children, such as plays and celebrations, have been reduced.
8. Leadership and governance of the academy is inadequate. The Trust does not have the capacity and capability to operate the academy in a satisfactory manner. There have been a number of staff changes in the senior leadership team. Over the last year

there has been no coherent recruitment plan and there are examples of poor recruitment practice at the academy.

## **BACKGROUND**

9. A team led by the EFA visited Oldknow Academy, a junior school in Birmingham with places for 600 children aged 7-11. The team interviewed the Chair of the Trust, governors, members of the senior leadership team, teachers and support staff. They met off site with the Principal, who is on sick leave, and two former senior leaders, who have recently taken up posts in other local primary schools. The team observed lessons and scrutinised children's books. It considered the single central record, staff personnel files, governors' minutes, schemes of work and reviewed the policies and procedures established at the academy, to seek assurance that these met the requirements of the funding agreement, the Academies Financial Handbook, the Independent School Standards, and other legislation applicable to academies.

## **SCOPE**

10. As set out in a letter to the Chair of the Oldknow Academy Trust, dated 9 April 2014, the scope of the review was to satisfy the Secretary of State that:

- Systems, processes and policies are in place and being adhered to that ensure children are kept safe, well-educated, that they are supported with a broad and balanced curriculum, and that their spiritual, moral, social and cultural development meets the required standards.
- There is effective oversight from the governing body to ensure compliance with the funding agreement and that systems and processes in place are applied.
- There is a clear and transparent system of good governance and financial management within the academy.

## **FINDINGS**

### **Governance and Leadership**

#### **Appointment of Governors**

11. Governors are not appointed in accordance with the Articles of Association and there is no evidence that governors have been chosen based on their skills and experience. The minutes of governing body meetings show there are more parent governors than the Articles allow for and there is no evidence in the minutes that voting has taken place (or was not required) for the latest parent governor appointment. There are two co-opted members of the governing body but the Articles do not allow for this kind of appointment. In interview the Chair told us that he chose governors and that he

had recently chosen one governor for his “white face and Christian faith.” The minutes of the governing body meeting held on 14 March, 2014 also identified this person as the Interim Acting Principal’s Education Adviser.

12. The membership of the governing body is not clear. The list of governors provided by the academy on our visit does not correspond with the minutes of meetings. For example, one governor is listed as a parent governor in the minutes from 26 March, 2014, but he was appointed as a staff governor at the AGM in May 2013. Another individual is listed as a parent governor in the same meeting minutes, but is not on the list of governors provided by the academy. There are two different versions of the list of governors on the academy’s website, both of which, we were informed, are out of date.

### **Decision-making and Structure**

13. The Chair of the Trust has an inappropriate role in the day-to-day running of the academy. In separate interviews we were told the Chair is in the academy on Friday afternoons; he also visits the academy unannounced throughout the week; he does not sign in or make his presence on site known. He has his own security fob to open the car park gate. We were told, in an interview, that members of staff have visited the Chair at home to discuss academy matters.

14. Lines of responsibility are blurred and there is a lack of understanding of roles and responsibilities. We noted that one governor was appointed to a staff role (ICT Manager) within the academy in April 2012. This individual resigned as a member of the company and as Vice Chair of the governing body at the AGM in May 2013 but remained on the governing body as a staff governor. When we interviewed the Chair he referred to this individual as “my deputy”. The Chair explained that he had asked this individual to speak to the Principal about her resignation and the option of gardening leave in January 2014. This was inappropriate as the individual was a member of staff reporting to the Principal at the time of that conversation.

15. In interview, a staff governor told us he had been reluctant to join the governing body. He said that he perceived two tiers of governor and that staff governors’ role in decision-making is “superficial”. He said he felt staff governors could not be seen to be too critical of the leadership. However, he went on to say that in sub-committee meetings there is healthy discussion and objections can be aired easily. Another staff governor told us his role on the governing body was to provide information. He felt the governors were “a very passionate bunch” and provided suitable challenge to staff.

16. Since March 2014 the academy has updated 24 policies. This exercise was led by the Interim Acting Principal. 19 of the new policies were ratified at a governing body meeting held on 26 March 2014. On review, a number of these new policies, including the Whistleblowing Policy, Equality Information and Objectives Policy, and the Appraisal Policy make reference to the local authority as if Oldknow was a maintained school, which is incorrect. The Asset Disposal Policy is not in line with the requirements of the Academies Financial Handbook.

17. The Academies Financial Handbook states that a trust must have a committee which fulfils the role of an audit committee. There has been a finance committee but it was proposed by the Chair at a governing body meeting on 14 March 2014 that the Trust would disband the finance and curriculum committees and conduct all business through the main governing body meeting. This poses a risk that financial matters may not be adequately covered.

18. We would expect the academy to have a documented scheme of delegation in place as set out in paragraph 2.1.5 of the Academies Financial Handbook. We saw no evidence that such a scheme exists.

### **Staff, Recruitment and Training**

19. The Principal of Oldknow Academy handed in her resignation at the end of January 2014 and has been on sick leave since then. The Vice Principal has been named by governors as the Interim Acting Principal and Interim Accounting Officer. There is currently no one acting up to the Vice Principal role.

20. The position in respect of the Principal's resignation is unclear. No formal HR process has been initiated to confirm her resignation, which the Chair told us he had received on 24 January 2014. The resignation letter is not in the Principal's personnel file. The Chair stated he had accepted the Principal's resignation [REDACTED]. The minutes of the governing body meeting on 14 March 2014 note that the Principal [REDACTED]

21. Governors reported that they are offered training. We were told by a staff governor that it was governors' own discretion whether or not they took up any training on offer. The Governor's Handbook recommends training for governors, but it is not compulsory. There had recently been a training session on safeguarding delivered at the governing body meeting on 26 March 2014, which eight governors attended.

### **Conflicts of Interest**

22. As is good practice, there is a standing item on the agenda of each governing body meeting giving governors an opportunity to declare any interests. However the Trust has not ensured that there are measures in place to manage conflicts of interest. Although the Trust has a register of business interests which each governor must complete, we have identified directorships that have not been declared.

23. We note from financial records that one of the members of the Trust attended an interview relating to Oldknow Academy's free school application in London on 6 November 2013. A company, which he and another individual living at the same address are the only members of, was paid a contractor's fee of £350 plus expenses and VAT for

both. The record of the interview shows him as attending in his capacity as trustee. This is a breach of the funding agreement, Articles and Academies Financial Handbook.

24. The Trust does not have sufficient controls in place to identify related party transactions and would not know if such transactions had taken place. The Trust did not identify the above payment to a member as a related party transaction. The Trust has subsequently not declared any related party transactions in the 2012/13 financial statements as required in the Academies Financial Handbook and the accounts direction.

## Community Cohesion

25. There is some evidence that the Trust is promoting community cohesion as required by the funding agreement and the Independent School Standards on the spiritual, moral, social and cultural development of pupils. The way that the academy is trying to meet the needs of Muslim pupils – who make up 99 per cent of pupils at the academy – with Islamic assemblies, the possible introduction of Islamic Studies and an annual trip to Saudi Arabia, means that the academy is taking on the practices of an Islamic faith school and in this regard is not promoting community cohesion.

26. Staff told us in interviews that the academy has changed and that it has become increasingly Islamic over the past year. Staff and children told us that a number of activities that had previously taken place, including elements of the summer fair (due to some stalls having an element of gambling, which is contrary to the Islamic faith), elements of the Year 3 2013 summer pantomime, the Year 4 Diwali production, Christmas card design competition, Christmas parties and Christmas tree had been stopped in the last year. Children stated that they were upset about these activities being cancelled and staff reported that parents, who had supported and enjoyed these activities, had asked why they had been cancelled. We saw no evidence of formal complaints being made to the academy.

27. The Chair told us the decision to cancel a number of activities was taken because children had not made sufficient progress in their education last year. Minutes of the Curriculum Committee meeting held on 26 April 2013 state:

“It was agreed that performances would not be run by school for Christmas, Diwali or Easter, in order to have more time to focus on teaching and learning. Outside providers were brought in to discuss these events and present to children. ██████████ said that it was a general agreement that plays and performances would give way to focusing on standards.”

Based on the evidence we saw, all summer 2013 Eid celebrations took place; (the Principal’s Report to Governors 2013 refers to Eid celebrations including a dinner, Eid assembly, non-uniform day and parties). We also saw evidence that there was a Christmas lunch for pupils in 2013.

28. We saw evidence that the academy has established good relationships with other local schools and organisations. Holy Family Catholic Primary School is next door and

uses the academy facilities for its sports day. We were told in interviews that children from Holy Family visit Oldknow Academy to learn about the Islamic faith and usually children from Oldknow visit Holy Family. The Principal advised us that this year only non-Muslim children made the return visit to Holy Family and that this was a decision made by governors.

29. Staff told us in interviews that the academy used to organise trips to churches, gurdwaras, and synagogues, but that these have been largely phased out over the last year. We saw evidence that the academy had recently arranged a visit to the synagogue coinciding with a module on Judaism and children's RE workbooks did show that other religions are studied as part of the RE syllabus.

30. A number of staff told us about their concerns around incidents involving the Arabic and maths teacher. Staff stated he covered his ears all the way through a music lesson which he was observing (a stricter interpretation of Quran / Hadith is that listening to musical instruments is not allowed), leaving pupils confused. This teacher has also been reported to have made statements during a Christmastime assembly including: "Jesus wasn't born in Bethlehem, was he?" and "We don't celebrate Christmas do we?" to which the children were expected to reply "No". He denied this when interviewed. He was also reported to have told a Muslim member of staff that she was not sufficiently covered up. His was the only classroom (a year 6 maths class) we observed where every girl had her head covered and where girls sat at the back of the class.

31. During our visit we interviewed the Arabic and maths teacher. At the start of the interview our education advisor approached him and extended her hand in greeting. He took a step back and turned away from her. He told her that he would not shake hands with women for religious reasons and that he was surprised that she did not know that. He shook the hand of her male colleague greeting him in Arabic. The adviser felt threatened by the teacher's behaviour towards her. Based on the views that he expressed to us, we concluded that it would be difficult for this individual to keep those views separate from his teaching. Children are at risk of receiving a particular interpretation of Islam (e.g. men should not shake hands with women outside the family; women should be covered up), which would be inappropriate for a non-faith state school. His outward behaviour, some of his statements and alleged activities (as reported in paragraph 30) suggest that he is not preparing young people for life in a multi-cultural, multi-faith Britain. Allowing this to take place, and continue, is a further breach of the Independent School Standards.

32. Minutes of the Finance and Personnel Committee meeting held on 8 February 2013 indicate that a governor had raised concerns about bank interest received by the academy as it is unlawful for Muslims to receive interest.

"██████████ was concerned about the interest payment on the bank account as for Muslims, taking interest payments was unlawful. ██████████ asked if the interest could be donated to a charity instead of being used for the education of the Muslim pupils within school".

Minutes show that governors

“agreed that as long as [the interest was cancelled out by bank charges], there was no problem, yet if the interest was more, the difference should be given to charity”

This demonstrates that the governors are running the academy according to Islamic principles and suggests they are not making the best use of any bank interest to benefit the education of pupils as detailed in the Academies Financial Handbook.

33. We noted from the minutes of their meeting on 28 June 2013 that the governing body has discussed introducing an Islamic Studies curriculum at the academy. The minutes show that governors agreed that Islamic Studies would be taught at Oldknow Academy, using the GSCE Islamic Studies curriculum and three other schemes of work provided by the Interim Acting Principal as a starting point.

## **Determination & Designation**

### **Collective Worship**

34. From January 2008 until January 2013 the school was not subject to the requirement that acts of collective worship should be of a mainly or broadly Christian character. This was as a result of a determination made by the Secretary of State that expired in January 2013 and has not been renewed. There is collective Islamic worship at Oldknow Academy every Friday. Up until Spring Term 2014 the academy held two Islamic assemblies a week, on Thursdays and Fridays. When we attended the Thursday assembly on 10 April 2014 it had an Easter theme. Children told us that assemblies covering other faiths also took place in addition to Islamic assemblies.

35. We were told by teachers that non-Muslim staff are no longer allowed to take Friday assemblies, which only Muslim teachers can lead. In separate interviews staff told us that during Friday assembly occasionally words have been used such as “white prostitute” which they felt were inappropriate for young children.

### **Acting as a Faith School**

36. We saw evidence that Oldknow Academy is acting as a faith school and is not making active efforts to make the academy attractive to all faith denominations including pupils of no faith. For the last three years the academy has led a trip to Saudi Arabia which has been presented as a modern foreign languages trip with what the Chair called a “double benefit” of giving pupils the opportunity to perform Umrah as the itinerary included visits to the cities of Makkah and Medina. The trip was described as the ‘Umrah’ trip in a letter to parents and in governing body minutes (28 June 2013). Terms and conditions of the tour operator used state travellers must be Muslim. The academy paid for gifts of dates and Zamzam water, which have religious significance for Muslims which were brought back from Saudi Arabia for staff and pupils. The academy does arrange other trips (Kingswood trip and a trip to Barcelona planned for 2014) which are all-inclusive.

37. Staff told us that they had been instructed to add Christianity to learning because of our visit. We entered a room to observe the timetabled literacy lesson. When we entered the classroom an RE lesson about Christian forgiveness was being taught although RE was not on the timetable for that session. We saw an assembly for Y5 and 6 on the meaning of Easter for Christians that used a commercial slide show 'The Story of Jesus'. Pupils told us that they had learned about Christianity lower down the academy in RE. We were told by two staff members that the assembly had also been put on especially for our benefit.

## **Financial Regulations**

38. The Trust has not fully complied with the requirements of the Academies Financial Handbook and is in breach of a number of its Articles of Association and funding agreement.

39. The Trust is in a strong financial position. As at 31 August 2013, the Trust had just over £636,000 surplus revenue reserves and cash of £721,000.

40. The Trust has submitted two sets of audited financial statements since incorporation (to 31 August 2012 and 31 August 2013). The external auditors provided an unqualified audit opinion on the financial statements and nothing came to their attention regarding the regularity of income and expenditure for both years.

## **Compliance with Financial Regulations and Procedures**

41. The financial regulations/procedures manual for the Trust is based upon the 2006 version of the Academies Financial Handbook with some amendments to tailor to Oldknow Academy's specific requirements. The document is out of date and refers to posts that are not currently in place in the academy. It does not detail the following requirements introduced in the 2012 and 2013 handbooks:

- Not for profit policy
- Novel and contentious transactions
- Borrowing or leasing requirements
- Delegated limits within the Academies Financial Handbook
- Fraud or theft notification requirements

42. The Trust does not employ a Principal Finance Officer (PFO). The finance function is contracted out to [REDACTED] who deliver a total of 12 hours per week (to cover processing invoices, payroll and providing financial oversight). The Trust is completely reliant on the contractors for all financial recording, transaction processing, budgeting and financial management and reporting. Staff in the Trust do not have the necessary skills to utilise the finance system and therefore financial operations such as invoice processing, clearing of queries, running of financial reports etc. are only available

at certain times during the week. For example the review team had to wait several hours until [REDACTED] were on site to start our financial review and testing.

43. Testing found inconsistencies and non-compliance with the Trust's own financial procedures. In relation to procurement and contracting we found instances of contracts which had been in place for a number of years without being reviewed or re-tendered. The contract with [REDACTED] to supply financial services has been in place for over 10 years and was rolled forward when the academy converted in 2012. This contract has never been subjected to market tested or reviewed.

44. The Trust has undertaken a number of annual trips to Saudi Arabia. The value of the trips (approximately £50,000 before any parental contributions) should have gone through a formal tender process. There is no evidence in the governing body or financial committee minutes that this process was followed and no supporting documentation was made available to us during the visit.

45. We were provided with documents for the tender process to procure a new CCTV system which showed that a due process had been followed in inviting tenders and using a weighted benefit analysis to assess the tenders. This shows that the Trust is applying the tendering policy inconsistently and in an ad-hoc manner.

46. We also identified a number of instances of non-compliance with the Trust's purchasing procedures. Staff are required to raise a purchase order for any goods they wish to purchase which is approved by the Principal. We identified instances where this control had been circumvented in that ICT items had been purchased personally by a member of staff who then claimed reimbursement of the amount via a staff expenses claim. We identified one expense claim for £1,464 and 8 claims over £100 purchasing items for the academy in this way.

47. The Trust made a compromise payment to an employee in the 2012/13 financial year for £2,133. Although this is below Her Majesty's Treasury threshold, there is no evidence in the financial statements of this transaction.

### **Related Party Transactions**

48. The annual register of declarations of interest has not been completed in line with the Trust's financial regulations. While the majority of staff had completed a declaration, testing identified that there were no disclosures registered. The Trust's financial regulations require the disclosure of all directorships. Validation with Companies House records identified that 2 of the 3 trustees held directorships which had not been declared. It was noted that there is a standing item on each committee meeting agenda which asks for any declarations.

49. During testing of staff and governor expenses we noted that a payment had been made to a governor for consultancy services in relation to the proposed free school. This was paid to a company, of which the governor was a director and member, as noted on Companies House. This was not disclosed on the pecuniary interests form. This was also not disclosed in the 2012/13 financial accounts.

## Annual Trip to Saudi Arabia

50. The Trust has undertaken an annual trip to Saudi Arabia for the last two years and is planning a further visit in May 2014. This does not represent value for money based on the following definition in the Academies Financial Handbook:

*“this is about achieving the best possible educational and wider societal outcomes through the economic, efficient and effective use of all the resources in the Trust’s charge, the avoidance of waste and extravagance, and prudent and economical administration. A key objective is to achieve value for money not only for the Academy Trust but for taxpayers more generally”*

51. As previously mentioned this trip has been presented as a modern foreign languages trip with the “double benefit” of giving pupils the opportunity to perform Umrah as they visit the cities of Makkah and Medina. The trip is only available to Muslim children and teachers and the Trust placed emphasis on Umrah as the trip’s purpose. This does not accord with providing the best education and wider societal outcomes and we consider that the Trust did not demonstrate value for money in arranging the trip. The substantive Principal told us in interview that she had suggested arranging the trip to another Arabic speaking country like Morocco or Tunisia, which would have been less expensive, but was “slapped down” by governors. The arrangements exhibit an extravagance in the use of public funds which does not align with the key objective of making best use of public funds. The hotels booked for the trip were all 5\* and a considerable amount of the cash float allocated to tipping. The package costs for the trip in 2013 were £47,200 and in 2014 £49,850. In addition to this are coach costs, cash floats, additional expenses and sundry associated costs. Staff and children told us that the cost per pupil was £1000. Parents are required to contribute £600 per pupil towards the trip.

52. We tested the expenditure for the 2013 trip and identified that a cash float of £4,630 for use during the trip had been provided. Included in the cost breakdown for the cash float was £800 to be used for tips. There was a disclaimer signed by the trip organiser that they would keep a receipt and expense logbook. We requested sight of the logbook to verify the actual expenditure but neither the [REDACTED] financial consultant, the academy office staff or the trip organiser were able to locate it. We were supplied with a spreadsheet giving broad totals of what was spent but there was no corroborating evidence to back it up. There was an additional expense claim made for this trip for £455 but this claim was un-receipted and without breakdown of what was being claimed.

53. We also identified from governing body minutes of 6 December 2011 that all governors were invited to attend the 2012 trip. One governor expressed an interest in attending and it was minuted that all governors agreed that he should go. Evidence shows the academy paid for the governor to attend. This is a breach of the Articles, which state that governors cannot have expenses paid relating to foreign travel. The only contributions to the cost of the trip were parental payments for children attending.

## Safeguarding

### Record Keeping

54. The single central record at Oldknow Academy was incomplete and so does not comply with guidance issued by the Secretary of State or with the Independent School Standards or the funding agreement. For example, identity checks for the Chair of Governors had not been recorded. Checks on other governors were also missing. We were told by academy staff that the Chair walks into the academy without signing in and does not make staff aware he is on the premises.

55. Reception checks of DBS documentation did not take place for all members of the team on the first morning of our visit. We were allowed to walk around the academy unaccompanied, which does not comply with guidance issued by the Secretary of State.

### Child Protection

56. A Year 5 teacher told us that she witnessed the Arabic and maths teacher rebuking boys for showing their thighs when changing for PE. She said he brought the boys into her classroom and made them go into the store cupboard so they could change out of sight. The Year 5 teacher challenged him on this and she let the boys out of the cupboard. This is a child-protection issue. We saw no evidence that this alleged incident had been recorded or acted on by the academy.

57. The trips to Saudi Arabia also raise safeguarding concerns. The brother of the governor on the trip, who resides in Saudi Arabia, visited him during the 2012 visit and stayed for two nights with the group at their hotel. There is no evidence to show that the Trust had checked whether the governor's brother had DBS checks.

58. We noted that the Child Protection Policy we reviewed from the academy's website was different from the one given to the team at the academy. The website version does not contain topics such as forced marriage, female genital mutilation, homophobic bullying and the Prevent Strategy. We were concerned that parents were not provided with accurate information regarding academy procedures and also regarding national guidelines on Child Protection. The Acting Interim Principal admitted there were gaps that were being addressed by recently revised policies.

59. We note from the governing body minutes that eight governors undertook Child Protection and Safeguarding training in March 2014 which was provided by Health Education Services.

## Education and Curriculum

60. Curriculum provision in all year groups is not broad and balanced. Children study English and maths for the majority of the week. All year groups and classes study Arabic. The timetables and schemes of work show that the range of subjects covered by Years 5 and 6 is narrower than those for Years 3 and 4. The majority of the Year 6 week (more

than 17 hours) is given to English and maths with 3.5 hours given to Arabic, science and PE.

61. PSHE is not currently taught nor is regard given to Sex and Relationships Education (SRE). The new scheme Cornerstones is intended to be introduced (it is in the timetable for some classes) providing access to some areas in these subjects. However the coordinator stated that despite the introduction of this scheme its content would not provide sufficient coverage to satisfy the guidance on teaching of SRE. Although boys may be taught that there will be changes to their bodies at puberty such as the development of spots and a deeper voice they will not be taught details of sexual reproduction; similarly with girls.

62. Fewer enrichment and extra-curricular activities are available now than there were a year ago. There are some sports enrichment activities and English and maths intervention offered after school. One child stated that there used to be an after school art club, but this had been stopped. Some Y3 classes, all Y4 classes and one Y5 class have music lessons on the timetable for 30 minutes a week. We did not see timetables which included other study of the arts and humanities, aside from what is offered as part of the Cornerstones programme. Staff preparing the 2013 academy summer play told us they were challenged by the Arabic and maths teacher because of their use of musical instruments and they said Children were encouraged by other staff not to take part. We were told this by three teachers in separate interviews. The play took place but the singing was unaccompanied.

63. There was gender segregation in some classes at Oldknow Academy. We observed boys sitting at the front of the class and girls at the back in the Year 6 maths class, taught by the Arabic and maths teacher. We also observed lessons where boys and girls were mixed.

64. PE is not taught in mixed gender classes but we observed that boys and girls receive broadly the same content in the lessons. The PE teacher told us that when she joined the school in 2005 there was a low take up by girls. The girls told her that they were intimidated to do PE with boys and would seek notes from parents not to do PE. She got agreement to separate the sexes and take up has soared. She said that parents like segregated PE and swimming, but it was an educational decision.

65. The quality of teaching we observed during our visit in general was good. The exception to this was seen in the Arabic class where we observed children were allowed to wander around the room without challenge from the teacher leading to a lack of focus. Others sat on the floor repeating by rote and there was little progress being made. Scrutiny of exercise books showed that there was little or no written work or marking over time.

## Recruitment and Staffing

### Staffing Structure

66. There is little evidence of a strategic direction for the staffing structure at Oldknow Academy. The Principal resigned in January 2014 and has been signed off by her doctor. The Chair told us she had been offered gardening leave for the next six months. Staff have not been told officially that she has resigned. The Vice Principal has been named by governors as Interim Acting Principal.

67. There have been a number of staff changes in the senior leadership team in the last year. We noted from personnel files and interviews with staff that three of the six Assistant Principals previously employed at the academy left in December 2013. These posts have not been replaced and there is no evidence of a clear plan for the structure going forward.

68. Since Principal has resigned, the Interim Acting Principal has appointed five staff to acting head of year roles. These are new posts. There are two for Year 3, two for Year 5 and one for Year 6. In interview, one of the senior leadership team told us they were unaware of the process for selecting these appointments. In interview the Interim Acting Principal said he had invited these staff to submit applications for permanent head of year posts but could not confirm how many appointments he intended to make.

### Recruitment

69. There is evidence of poor recruitment practices in place at the academy. We were told in separate interviews that in 2013 there were plans for two Vice Principal posts at the academy. In February 2013 there were no permanent appointments to these posts. A recruitment exercise took place for one Vice Principal post. There were three applicants but two candidates withdrew before being interviewed. The post was filled by the only applicant to be interviewed (the current Acting Interim Principal). We were told by senior staff that they had not applied for the post because they believed they would not be successful as they were not Muslim.

70. Between April 2013 and December 2013 one of the permanent Assistant Principals was acting up as a second Vice Principal. Evidence on personnel files show that this individual applied for the second permanent Vice Principal post when it was advertised in July 2013. This recruitment exercise was cancelled at the last minute. The applicant was not given a reason for this cancellation. She remained in post as acting Vice Principal. The permanent post was re-advertised in November 2013 but again withdrawn.

71. There are currently three Assistant Principals, one of which is the brother of the Interim Acting Principal. He was recruited in May 2013 as part of a recruitment exercise seeking a number of class teachers and NQTs. He was interviewed by the Principal, Vice Principal (his brother) and Acting Vice Principal. References were obtained for his suitability as a class teacher but he was offered an Assistant Principal role on the same

day as the interview. We had differing accounts of who made the decision to offer this individual a more senior post than that for which he applied.

### **Staff Performance**

72. Minutes of the Curriculum Committee meeting on 15 November 2013 record a discussion of the Principal's performance targets. The Principal left the room for the discussion, although the Vice-Principal and an Assistant Principal (the Vice Principal's brother) stayed for the discussion. One governor said he felt her performance target "*regarding children making very significant APS in a year*" was unrealistic and unfair. There is an action in the minutes for governors to reconsider the Principal and senior leadership team's performance targets, but there is no evidence this was done.

[REDACTED]

[REDACTED].

73. We were told in interviews that it is unacceptable for members of the senior leadership team to be anything less than outstanding. The academy has an Appraisal Policy which makes provision for an annual appraisal for all staff. Where teachers' performance is below acceptable standards there will be further meetings with SLT or the Principal to discuss concerns and look at what needs to improve. The policy states that capability should be addressed through a separate policy, but we saw no evidence that the academy has a staff capability policy in place.

74. Three Assistant Principals left the academy to take up posts at other schools between September and December 2013. The Principal's 2012-13 performance review document (for the review conducted December 2013) indicates observation outcomes were 'good' for two of these individuals and 'outstanding for one. However, two of them had not met the governors' requirement that all SLT should be outstanding teachers. We found no evidence on their files that any kind of formal capability procedures had been implemented. Two of these former staff members told us in interview that they felt pressured to leave. One stated that the former senior leadership team felt there was a witch hunt. One stated that the Chair of Governors had said to them, "This is a Muslim school and therefore all of our senior leadership team must be Muslim".

75. We were told that staff in the academy are divided into two groups: pro- and anti-the Interim Acting Principal. The Interim Acting Principal showed us a petition, signed by more than 80 per cent of staff members, expressing their support for him. We were also approached by several members of staff who expressed their concern at the current leadership and that staff are "dropping like flies".

76. A number of staff told us they are undertaking courses which are funded by the academy. For example the staff governor and academy site manager is undertaking a Degree in Facilities and Management at Sheffield Hallam University, the Arabic and maths teacher is being fully funded to take a Post ITT Subject Knowledge Enhancement (SKE+) in Chemistry and the maths AST is training to be an Ofsted inspector. The Chair of Governors is also doing a Leadership course. We did not see evidence of a policy that covers staff training and development, including how staff are selected to attend training

courses, or a policy for funding these courses. There is no training needs analysis linked to the targets of the school improvement plan. Minutes and papers for the Finance and Personnel Committee meeting on 29 November 2013 indicate the decision to fund the ITTSKE+ course for the Arabic and maths teacher was taken at this meeting, but there is no record of a discussion about cost or value for money or the educational rationale.

## **Compliance and Other Issues**

77. The complaints policy is compliant but the implementation of it is not, because it is poorly administered in that there is no log of complaints in place and correspondence supporting the implementation of the policy is not always included in the file. This is a breach of the Independent School Standards. There were three complaints in the file which were dated since the school converted to academy status in April 2012. It was unclear whether all the complaints received by the academy were included in the file.

78. There was insufficient evidence to confirm if the academy follows its complaints policy due to the low number of complaints on file and the nature of those we saw. However, when relevant members of staff were asked about specific complaints they were able to talk us through the process that had been followed. In interviews staff mentioned complaints that did not appear to have been recorded. There is no record, for example, of complaints from parents about Birmingham City Mission, or about the cancellation of activities, although we had been told in interviews with staff that parents had raised these issues with the academy.

79. There is no log of whistleblowing complaints. The whistleblowing policy was adequate but we were unable to test this policy as there is no record of any such complaints being received.

80. Grievance policies and Disciplinary policies were reviewed and tested. There was no log of grievance and disciplinary cases and the paperwork was not administered well. The records of grievances are on individual staff files but they were found to be chaotic and it is difficult to verify whether published procedures are being followed.

## **RECOMMENDATIONS**

81. The Trust must undertake a review of the governance structures in place to ensure that there is accountability between the Chair of the Trust and the Principal. There should be transparency, clarity and compliance with the Articles in governance practises.

82. The academy must provide a broad and balanced curriculum which meets the needs of all of its pupils. It must ensure that enrichment activities extend the range of learning experiences for all and those extra-curricular activities, including residential trips, are accessible to all children.

83. A review of the application of Safeguarding Policies must be implemented. The single central record must be completed to ensure that it is up to date and records accurately all the required information for checks on staff. The Trust must have regard to

current published statutory guidance issued by the Secretary of State including “Keeping Children Safe in Education – Statutory Guidance for Schools.”

84. If the Trust wishes its collective worship to be Islamic rather than wholly or mainly of a broadly Christian character it must apply to the Secretary of State for consent.

85. The Trust must ensure that any inappropriate gender segregation is eliminated.

86. The Trust must ensure that it abides by the requirements of the Academies Financial Handbook. In particular:

a) The Board should approve a written scheme of delegation of financial powers. [AFH ref 2.1.5]

b) The Board must appoint a principal finance officer who is the Trust’s finance director or business manager or equivalent to lead the finance department. [AFH ref 2.1.7]

c) The Trust should reconsider its proposal to disband the finance committee. It is best practice for the board to delegate the detailed scrutiny of the Trust’s finances to a separate finance committee to ensure adequate consideration of financial matters. [AFH ref 2.1.10]

d) The Trust must assess the risks arising from its operations. The Trust should maintain a register of risks showing how they are being managed or mitigated, and review this regularly. [AFH ref 2.3.6]

e) The Trust must establish either a dedicated audit committee, or include the remit of an audit committee within the terms of an established committee such as the finance committee.[AFH ref 3.5.3]

f) The Trust must ensure that all trustee/governors have completed the register of business interests and that all business interests are declared. Trust must ensure that the register of business interests for all trustees (directors) has been completed. We would recommend this includes all senior staff, all budget holders, finance staff and the governing body governors. The register of business interest forms must be fully completed to include all interests in any outside entity in order to be able to identify related party transactions for declaring in the financial statements [AFH ref 2.5.2]

g) The Trust must ensure that no trustee/governor, employee or related party gains from their position by receiving payments under preferential terms. [AFH ref 2.5.2]

h) The Trust must ensure that a competitive tendering policy is in place and consistently applied in all appropriate cases.[AFH ref 2.5.2]

87. The Trust must assess and record the skills of all directors and governors on the local governing bodies to ensure the skills, knowledge and experience are in place to run the respective academy. [AFH ref 2.1]

88. The Trust must update their financial regulations manual to ensure compliance with all areas in the current AFH. [AFH ref 2.3]

89. The Trust is required to meet all Independent School Standards (“Standards”) and in particular must take steps to ensure that it meets the following standards:

- a) 5a (v) – assist pupils to acquire an appreciation of and respect for their own and other cultures in a way that promotes tolerance and harmony between different cultural traditions
- b) 5a (vi) – encourage pupils to respect the fundamental British values of democracy, the rule of law, individual liberty and mutual respect and tolerance of those with different faiths and beliefs
- c) 5b – precludes the promotion of partisan political views in the teaching of any subject in the school
- d) 7a – Arrangements are made to safeguard and promote the welfare of pupils at the school
- e) 7b – Such arrangements have regard to any guidance issued by the Secretary of State
- f) 22 – maintaining a register of vetting checks
- g) 25j – keeping a written record of all complaints

## Schedule 1: Breaches of the Funding Agreement and/or legislation applicable to Academies

FA Clause No. / ISS Section No.	Subject / Text of Clause	Evidence of Breach
<p>Clause 12a</p> <p>ISS Section 5</p>	<p>Promote community cohesion</p> <p>Appreciation of and respect for their own and other cultures in a way that promotes tolerance and harmony</p>	<p>The children and staff had been rehearsing for the annual end of year play before breaking up for summer 2013, The Wizard of Oz. Late into rehearsals, the children told their teachers that they were not allowed to sing because it was Ramadan. The teachers stated that the children had been put under pressure because they had always used music in the past. After much persuasion they sang the songs without accompaniment.</p> <p>Shortly before Christmas 2013, the Arabic and maths teacher allegedly led 2 assemblies one for years 3 and 4, the other for years 5 and 6. During the assemblies he made statements such as “Jesus wasn’t born in Bethlehem, was he?” To which the children were expected to reply “No”. “We don’t celebrate Christmas do we?” Again to which they replied “No”. Staff in attendance stated that the children were looking around at each other nervously as they did not really know what to do. Staff walked out of both assemblies in disgust. When we challenged them they stated that they were too scared to stop the assemblies.</p> <p>We were told that children from Holy Family visit Oldknow to learn about the Islamic faith and usually children from Oldknow visit Holy Family. This year only non-Muslim children made the return visit to Holy Family which the Principal told us was a decision made by governors.</p> <p>We were also told by another member of staff that the Arabic and maths teacher had covered his ears all the way through a music lesson, leaving pupils confused (a stricter interpretation of Quran / Hadith is that listening to musical instruments is not allowed). Staff also reported that he told a Muslim member of staff that she</p>

FA Clause No. / ISS Section No.	Subject / Text of Clause	Evidence of Breach
		wasn't sufficiently covered up.
Clause 15b	<p>Compliance with Statute Law</p> <p>Equality Act 2010 – breach of S.13 direct discrimination provision</p>	<p><b>Saudi Arabia Trip</b></p> <p>The annual trip to Saudi Arabia ('Umrah Trip') excludes non-Muslims (pupils and staff) because they are not allowed to visit the Holy Cities. 18<sup>th</sup> – 27<sup>th</sup> May 2014 will be the third such trip. We observed:</p> <ul style="list-style-type: none"> <li>• Documents from the travel agents that state in the terms and conditions that this is a trip for Muslims only and the visit provides opportunity for Hajj – refers to students as pilgrims. “If anyone has a non-Muslim name he or she should submit a certificate from as Islamic Centre confirming that the applicant is Muslim with the Visa Application. Also must have a Hajj visa”</li> <li>• We also have a letter from the academy stating that the trip will provide opportunity for pupils to perform ‘Umrah’ as the itinerary includes visits to the cities of Makkah and Medina.</li> <li>• Chair stated in interview that there were “double benefits” to this being a MFL trip and a faith trip and governing body minutes (28 June 2013 Full GB) refer to the trip as ‘Umrah’ trip. Interim Acting Principal also called it the Umrah trip when we interviewed him.</li> <li>• A wall display of the previous two visits to Saudi Arabia largely featured sites of religious significance. The Arabic and maths teacher was pictured on the 2013 trip sitting on the floor of a mosque with boys around him. The picture caption stated he was giving the boys instruction on obeying their parents.</li> </ul>

FA Clause No. / ISS Section No.	Subject / Text of Clause	Evidence of Breach
		<ul style="list-style-type: none"> <li>The teacher who leads these trips stated there were criteria for eligibility to attend around performance and behaviour. Parents pay 60% and the academy pays 40% per child towards the cost of the trip.</li> <li>We observed in almost all classes children sat on mixed work tables. The only class, other than PE, which was segregated with all boys sitting at the front and all girls sitting at the back, was a Year 6 maths lesson being taught the Arabic and maths teacher.</li> </ul>
<p>Clause 16 ISS Section 7a &amp; b</p>	<p>Safeguarding – Meeting the Independent School Standards (7)</p> <p>Arrangements are made to safeguard the welfare of pupils</p> <p>Such arrangements have regard to any guidance issued by the Secretary of State</p>	<p>On Single Central Register identity checks for the Chair of Governors had not been completed (his identity has not been verified as required under clause 84 and b.) of Regulated Activity p.17 – Keeping Children Safe in Education statutory guidance). Staff told us he walks into the academy without signing in and without making staff aware he is on the premises. He and academy staff confirmed he is regularly in the academy on Friday afternoons (as he has no dental appointments Friday pm). We were told he has his own security fob for the car park gate.</p> <p>Some members of the team weren't asked for DBS information on their arrival. These team members were invited to walk around the academy unaccompanied.</p> <p>Saudi Trip: The brother of the governor on the trip, who lives in Saudi Arabia, visited him during the 2012 visit and stayed for two nights with the group at their hotel. He did not have a DBS check. The governor did not travel home with the group, which meant the child-to-adult ratio was not as set out in the risk assessment for the trip.</p>
<p>Clause 22</p>	<p>Curriculum content is broad and balanced</p>	<p>Curriculum provision in all year groups is not broad and balanced. Children study English and maths for the majority of the week (upwards of 17 hours for pupils in</p>

FA Clause No. / ISS Section No.	Subject / Text of Clause	Evidence of Breach
		<p>year 6). All year groups / classes study Arabic, science and PE.</p> <p>Pupils in Year 6 do not have RE on their timetable.</p> <p>Based on the timetables we were given by the academy:</p> <ul style="list-style-type: none"> <li>• Y3 &amp; 4 – RE: 30 or 45 minutes a week (one stream in each year group does not have RE on the timetable). Cornerstones (history, geography and humanities): 2 hours a week. Science: 1 hour a week. PE: 2 hours a week. Arabic and ICT classes are 30 minutes a week. Some classes have 30 minutes timetabled for music.</li> <li>• Y5 – Cornerstones 1 hour 30 minutes, Science 1 hour, ICT 1 hour; Arabic 30 minutes and PE 2 hours per week. One class has music/spelling timetabled for 30 minutes a week.</li> <li>• Y6 – Science 1 hour, Arabic 30 minutes, PE two hours per week. There ICT and Cornerstones share a 30 minute slot per week for one of the Y6 classes only. There is no RE or music on the Y6 timetable.</li> <li>• The remainder of classroom time is spent on English, Maths, Reading and SPAG.</li> </ul>
Clause 26	Collective worship and designation (determination expired January 2013) School Standards and Framework Act 1998 Schedule 20 3. (2)Subject to paragraph 4: “the required	<p>Collective Islamic worship is offered at the academy although the academy does not have an active determination in place to lift the requirement set out in the funding agreement that acts of collective worship should be of a broadly Christian character.</p> <p>Only Muslim teachers lead the Islamic assembly on a Friday. Teachers stated that children are preached at in Friday assembly and that some of the language</p>

FA Clause No. / ISS Section No.	Subject / Text of Clause	Evidence of Breach
	collective worship shall be wholly or mainly of a broadly Christian character”.	used (example given: “White prostitute”) they feel is inappropriate for young children.
Art 6.6	No governor may sell any goods, services, or any interest in land to the Academy Trust.	One member, acting in his capacity as trustee (at the free school interview on 6 November 2013) was also paid as a contractor £350 (plus expenses and VAT) for his involvement.
Art. 46	<p>The Trust shall have the following Governors:</p> <ul style="list-style-type: none"> <li>• Up to 8 Governors under Art. 50</li> <li>• 3 staff Governors, if appointed under Art 50A</li> <li>• A minimum of 2 and a max. of 5 Parent Governors Appointed under Articles 53-58</li> </ul>	<p>Art 46.c. Minutes of governing body meetings show there are anywhere between 6 and 9 parent governors on the governing body.</p> <ul style="list-style-type: none"> <li>• 28/06/13 – Minutes listed 4 parent governors present, 1 apology and 2 absent = 7 Parent governors.</li> <li>• 06/12/13 – Minutes listed 8 parent governors present, 1 absent. = 9 parent governors.</li> <li>• 14/03/14 – Minutes listed 4 parent governors present, 1 apology, 1 absent = 6 parent governors</li> <li>• 26/03/14 – Minutes listed 3 parent governors present, 1 apology = 4 parent governors.</li> </ul>
Art 53-58	<p>Appointment of Parent Governors</p> <p>Must be parent of pupil, elected by parents, all to have opportunity to vote</p>	<p>28/06/13 – governing body minutes state: “[a named parent governor] <i>has resigned a vacancy will be advertised for a new parent governor</i>”.</p> <p>06/12/13 – Governing body minutes state: “[a named parent governor was] welcomed to GB. [He] has already attended induction training and is a teacher himself. He was appointed as a parents governor”.</p>

FA Clause No. / ISS Section No.	Subject / Text of Clause	Evidence of Breach
		<p>The minutes do not explicitly state that the new parent governor is the parent of a child at Oldknow, as required under Art 53. Arts 54-56 set out the requirements for the election of parent governors, including, where possible, an election at which all parents of pupils at the academy are entitled to stand and vote. The minutes state this governor was 'appointed' but do not make it clear whether this was because the number of parents standing for election was less than the number of parent vacancies on the governing body, as specified under Art 57. There is no evidence in the minutes of the meeting on 6 December 2013, or the previous meeting on 28 June 2013, that governors had voted on this appointment, as required under Articles 57 and 116.</p>
Art 59	Co-opted Governors – NOT USED	<p>Governing body minutes on 6 December 2013 state: “[a named governor] had previously been a governor at Oldknow. He was appointed as a Co-opted governor. [Another named governor] was also appointed, in his absence, as a co-opted governor” (this individual has not attended a governing body meeting at Oldknow since he was appointed).</p> <p>There is no provision in the Articles for appointing co-opted governors so these appointments represent a breach of the Articles.</p>
ISS Section 25	Provide a written record of all complaints	<p>There is no central log of complaints. It is unclear from the files what stage complaints reached and whether they have been resolved. In interviews a number of complaints were mentioned, of which there appears to be no written record.</p>

## Schedule 1: Breaches of the Academies Financial Handbook

AFH Ref	AFH Text (extract)	Summary EFA Findings
2.1.5	The board should approve a written scheme of delegation of financial powers so that it is clear who is responsible for what.	No evidence of a written scheme of delegation in place.
2.1.7	All Academy Trusts must have a PFO appointed by the Trust Board who is the Trust's business manager or equivalent to lead the finance department.	No PFO or business manager in place at the academy, all finance functions are contracted out to third party. No employees of the academy have any understanding of the finance system and no access to financial records on site at the academy without liaising with the contractor (██████████).
2.1.8	The PFO should play both a technical and leadership role in the Trust.	Trust pays ██████████ for 12 hours per week to include financial oversight and reporting, processing invoices, and payroll.  This arrangement has limited scope e.g. Consultant does not have leadership or management role in the Trust.
2.3.6	The Trust must assess the risks arising from its operations, this should include the likelihood of and materiality of each risk [risk register].	There is no evidence the academy keeps a risk register. This has also been highlighted in the Responsible Office report (██████████ is RO).  The Acting Interim Principal indicated in interview that he intended to cancel the contract with ██████████ and appoint an in-house finance manager.
2.5	Academy Trusts must be able to show that public funds have been used as intended by Parliament.	The trips to Saudi Arabia trip demonstrate an extravagant use of public funds. Teaching and Learning money is being spent on a trip that is exclusively for Muslim students (travel company terms and conditions state 'Muslims only')  (28 June minutes 2013 – 5* hotels.)

AFH Ref	AFH Text (extract)	Summary EFA Findings
		<p>Finance committee minutes, 8 Feb 2013: £26,321 on the trip (total cost c. £45,000, balance paid by parents, 40% from GAG). Funding earmarked every year from the budget (surplus of £190,000) with £26,000-£27,000 spent on the school trip.</p> <p>Additionally un-receipted expenses of £455 plus £4,430 float (not evidenced) recorded for 2013 trip. Total cost borne by academy c. £32,000. (Each year).</p> <p>Minutes refer to the 'Zamzam wrap' – payment for gifts brought back for pupils at the academy to take home (Zamzam water and dates)</p> <p>Finance Committee minutes, 8 Feb 2013: “The account summary was given. Mr Ahmed was concerned about the interest payment on the bank account as for Muslims, taking interest payments was unlawful” suggests governors are running the academy as a Muslim business. Parliament would expect academies to use interest for the benefit of students at the academy.</p>
2.5.2	The AT should ensure all Trustees complete a register of interests.	<p>Although all registers have been completed and Trustees / Governors have not declared any interests, Companies House checks show there are interests not disclosed.</p> <p>One Member is a director of [REDACTED] The company invoiced Oldknow Academy £564.12 for consultancy plus travel expenses (in relation to Free School bid). This interest has not been declared.</p> <p>One Member has three current directorships which he has not declared</p> <p>A number of governors have closed directorships which it appears have never been disclosed.</p>
2.5.2	The Academy Trust must ensure that a competitive tendering policy	The finance manual has a detailed process of the circumstances in which tenders should be sought and how to manage the process. There have been instances when

AFH Ref	AFH Text (extract)	Summary EFA Findings
	is in place and applied.	this has been followed but this has been inconsistently applied. There has been a contract for ██████████ which has been rolled over for nearly 10 years – this has never been market tested, renegotiated or reviewed. The trips to Saudi Arabia due to their value should have been tendered via a formal tender – this did not happen and a teacher arranged the trip.
3.53 and 2.10	<p>The Trust should have a committee which fulfils the function of an audit committee.</p> <p>The Trust should have a separate finance committee to which it may delegate the scrutiny of the Trust's finances.</p>	There is no audit committee or committee which currently fulfils this role. It was proposed by Dr Da Costa (GB minutes: 14 March 2014) that they will disband the finance committee and curriculum committee in favour of having a single governing body meeting.



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