



Lord Nash

Parliamentary Under Secretary of State for Schools

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Mr Tahir Alam
Chair
Park View Educational Trust
Golden Hillock School
Naseby Road
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9 June 2014

Dear Mr Alam

Golden Hillock School

I am writing to you in your capacity as the chair of Park View Educational Trust (“the Trust”) setting out the scale of my concerns about Golden Hillock School (the “Academy”).

On 2 and 3 April 2014, Ofsted carried out a section 8 and section 5 inspection of the Academy. In its report, a copy of which was sent to you on 20 May, Ofsted concluded that the Academy requires special measures because the Academy is failing to give its pupils an acceptable standard of education and without any demonstration that those responsible for leading, managing or governing the Academy have the capacity to secure the necessary improvement needed in the Academy. Further, an investigation into the Trust, of which the Academy is a member, by the Education Funding Agency (EFA) found evidence of numerous and serious breaches of the funding agreement and the Independent Schools Standards.

Both reports are published today and they cause me grave concern.

Clause 5.2 of the Supplementary Funding Agreement (SFA), which you entered into on 25 September 2013, gives the Secretary of State powers to issue a written notice of his intention to terminate this Agreement. This letter gives the Trust formal notice, under Clause 5.2, of his intention to terminate your SFA unless the matters set out below are addressed promptly, in full and to his satisfaction.

Summary

The Trust has breached its funding agreement because it is failing to govern properly; failing to keep children safe; failing to deliver a high quality education; and failing to adhere to statutory requirements and other duties required by government for all academies including the Independent School Standards.

The specific breaches of the funding agreement are:

Governance and leadership

Clause 5.2(d) of the SFA –there has been a serious breakdown in the way the Academy is managed or governed.

Clause 14 of the Master Funding Agreement (MFA) requires that the Governing Body (GB) shall have regard to (but for the avoidance of doubt shall not be bound by) any guidance as to the governance of academies that the Secretary of State shall publish.

Clause 16(b) of the MFA requires that the Academy shall be conducted in accordance with all provision by or under statute which confer rights or impose obligation on Academies including, without limitation, the Independent Schools Standards prescribed under section 157 of the Education Act 2002 to the extent they apply to the Academy.

The Ofsted report states that there are “*fundamental weaknesses in the leadership and management, including governance, which have an adverse impact on students' well-being, their progress and on the quality of provision in the school*”.

The Ofsted and EFA evidence demonstrates clearly that the Academy is not being led or governed effectively. There is clear evidence from the EFA that the Trust, of which Golden Hillock is a part, is in breach of the funding agreement and Academies Financial Handbook. The Trust has failed to establish appropriate financial management and governance arrangements including but not limited to: registering business interests for all trustees (directors); establishing an audit committee; and establishing and applying competitive tendering policies. The Trust has also failed to request collective determination for Golden Hillock in relation to its collective Islamic worship.

The EFA found evidence that some staff recruitment and promotion at the Academy, as with other academies in the Trust, is opaque. The Ofsted reports states “*Some staff, including senior leaders, are concerned about a perceived unfairness and lack of transparency in the recruitment process.*” The EFA investigation also found that ill-suited individuals have been advanced with little obvious rationale for their appointments. There was evidence of a post being filled by persons with close personal connections to members of the Trust without a transparent process.

Ofsted inspectors were told that the Governing Body refused to speak to a senior member of staff or adopt her proposals simply because she was female. Ofsted evidence also reports that some female members of staff complained of feeling intimidated by the way in which some male members of the Academy community speak to them.

The Trust is moving staff across the three Trust academies to provide flexibility but Ofsted report that the result fails to deliver the best outcomes for children.

When interviewed, you confirmed to Ofsted that the governing body had not carried out any skills audit to be satisfied that the governing body had the skills, experience and, where appropriate, the qualifications to govern the Academy effectively. The Ofsted report states “*Governance is inadequate. The governing body has met infrequently since it was constituted at the time of formation of the academy*”.

Ofsted has rated your equalities policy as “*not fit for purpose*”. Ofsted inspectors saw a pupil unable to join in with a lesson which was covering a class trip. The student was left

out because the Academy had not taken him on the trip on the grounds of the pupil's disability.

Staff report that assemblies are Islamic in nature, carried out in Arabic, thus precluding non-Arabic or Islamic students. In the absence of a valid determination from the Secretary of State, you must conduct a broadly Christian Act of Collective Worship. It is clear you are failing to do so.

Safeguarding

Clause 5.2(e) of the SFA the safety of pupil or staff is threatened (whether by breakdown of discipline or otherwise).

Clause 16(b) of the MFA requires that the Academy shall be conducted in accordance with all provision by or under statute which confer rights or impose obligation on Academies including, without limitation, the Independent School Standards prescribed under section 157 of the Education Act 2002 to the extent they apply to the Academy.

Clause 17 of the MFA requires that the Academy shall comply with the requirements of paragraph 4 of the Schedule to the Education (Independent School Standards)(England) Regulations 2003 (as amended) in relation to carrying out enhanced criminal records checks, obtaining enhanced criminal records certificates and making any further checks, as required and appropriate for members of staff, supply staff, individual Governors and the Chair of the Governing Body

The Ofsted report states that "*The academy's work to keep students safe is inadequate*".

Ofsted inspectors discovered that a serious allegation of an assault by a member of staff on a pupil had not been dealt with in a full and timely matter. When questioned by inspectors, Academy staff confirmed the issue had been resolved, when in fact it had only just been reported to the local authority on the day of the inspection, five months after the incident.

The Ofsted report states that the "*too little is done to keep students safe from the risks associated with extremist views*". Leaders and governors are not doing enough to mitigate against cultural isolation. This may leave students vulnerable to the risk of marginalisation from wider British society and the associated risks which could include radicalisation. The Academy has not done enough to encourage the fundamental British values that it is required to as an independent school. The Academy has been slow to engage with local and national initiatives such as the 'Prevent' programme. The Academy has only recently engaged with the Prevent Strategy and contacted the Birmingham and West Midlands police liaison officer, who had not been invited until recently to meet the pupils at the Academy.

Ofsted inspectors observed pupils in the Academy and concluded that the children were not supervised in a manner that ensured they were kept safe. Year 10 children reported to Ofsted that they did not feel safe due to recent allegations of mobile phones being used to access pornography. They reported they had had no education on how to keep safe online, despite raising concerns. Pupils told the Ofsted inspectors that some staff had called the children names that the children judged to be "not friendly".

Standards of Education

Clause 5.2(c) of the SFA the standards of performance of pupils at the Academy are unacceptably low.

Clause 12 of the MFA requires that the Academy meet the requirements set down in section 1A of the Academies Act:

“1A Academy schools

- (1) An educational institution meets the requirements of this section if—
 - (a) it is an independent school,
 - (b) it has a curriculum satisfying the requirements of section 78 of EA 2002 (balanced and broadly based curriculum),
 - (c) it provides education for pupils of different abilities,
 - (d) it provides education for pupils who are wholly or mainly drawn from the area in which it is situated.”

Clause 16(b) of the MFA requires that the Academy shall be conducted in accordance with all provision by or under statute which confer rights or impose obligation on Academies including, without limitation, the Independent Schools Standards prescribed under section 157 of the Education Act 2002 to the extent they apply to the Academy.

Clause 27 of the MFA requires that where the Academy has not been designated with a religious character in accordance with section 124B of the School Standards and Framework Act 1998 or further to section 6(8) of the Academies Act 2010:

- a. Subject to clause 28, the Academy trust shall ensure that provision shall be made for religious education to be given to all pupils at the Academy in accordance with the requirements for agreed syllabuses in section 375(3) of the education act 1996 and paragraph 2(5) of schedule 19 to the School Standards and Framework Act 1998;

Ofsted has rated the quality of teaching and the achievement of pupils as inadequate. The Ofsted and the EFA evidence demonstrate the Academy is failing to deliver the high standard of education that all children deserve. Ofsted found that students make too little progress in Years 7, 8, 9; the senior and middle leaders do not adequately monitor the progress of specific groups of students in each year group to inform their planning and actions; and that teaching is inadequate not least because teacher turnover is too high and they make too little use of assessment information to plan lessons. Too often students are unclear about what they are supposed to be learning. They lose concentration and their pace of learning is slow.

Ofsted has found the curriculum offered by the Academy has weaknesses. For example, sex and relationships education has not been delivered through a carefully planned curriculum; it does not offer sufficient opportunities for students to develop and apply their literacy and numeracy skills across all subjects; and the focus is, at the expense of students' personal and social development, on examination success at Year 11.

Ofsted report that *“The academy has not tackled the weaknesses in reading, writing, speaking and listening which hinder many students progress, including those for who speak English as an additional language”*.

You do not have an effective programme of personal, social, health, economic and citizenship education. The EFA investigation found that the governing body had banned discussions with pupils on any matters regarding sexual orientation and intimacy.

Ofsted found that the Trust does not routinely monitor the progress of particular groups of students. For example, Ofsted found that Pakistani boys were the lowest achieving group, yet your Board has not monitored nor acted on this information to correct the situation. The EFA found Non-Muslim children are clearly disadvantaged, for example through receiving limited tuition to support their RE GCSEs studies in comparison to their classmates who take the Islam modules of the exam syllabus.

Action to be taken by the Trust to address breaches of the funding agreement

Pursuant to clause 5.3(b) and (c) of the SFA, I require the following actions to be taken before 4 July 2014.

1. To provide me with copies of Safeguarding Policies to demonstrate how the Trust has had regard to current published statutory guidance issued by the Secretary of State. Specifically those policies that ensure that safeguarding concerns are thoroughly investigated and procedures followed rigorously (see Ofsted requirement page 3 of 11) (clause 5.2(e) and clause 16(b) of the MFA)
2. Immediately cease all and any practices and procedures that have as their reason, cause or effect that non-Muslim persons are treated less favourably than Muslims. Provide us with evidence by the due date to demonstrate how they have complied with this requirement. (clause 5.2(d), clause 5.2(e), and clause 16b of the MFA)
3. The Trust must satisfy me that its recruitment arrangements are operated in a fair and transparent manner that improves the standards of education for children and keeps them safe at all times. (clause 5.2(d) and clause 16(b) of the MFA)
4. Provide me with a clear plan to keep children safe by:
 - o strengthening the provision for personal, social health, economic and citizenship education;
 - o provide effective sex and relationships education; and
 - o making sure students and staff develop their understanding of risks associated with extremist views. (clause 5.2(e) of the SFA and clause 16(b) of the MFA)
5. To provide a clear and detailed plan as to how the Trust will strengthen the curriculum and its delivery to ensure that all students;
 - o have an understanding of the risks associated with extremist views;
 - o are educated about tolerance and harmony between different cultures and

- traditions; and
 - benefit from an effective programme of PSHE and citizenship education. (clause 5.2(c) of the SFA and clause 12 and 16(b) of the MFA).
6. To provide a clear statement and action plan to show how the Trust has satisfied itself that the governors, senior leadership and staff have the skills, experience and qualifications to deliver the action plan. (clause 5.2(d) of the SFA and clause 14 and 16(b) of the MFA)
7. Satisfy me that the Trust delivers religious education in accordance with the agreed syllabus adopted by the Local Authority and which must reflect the fact that the religious traditions in Great Britain are in the main Christian, whilst taking account of the teaching and practices of other principal religions represented in Great Britain. (clause 27 of the MFA)
8. Urgently put in place a curriculum that is broad and balanced and provide the department:
- the Academy's schedule of learning for both boys and girls; and
 - Schemes of work for all subjects and all year groups. (clause 5.2(c) of the SFA and clause 12 and 16(b) of the MFA)
9. To urgently respond to Ofsted findings and improve student's achievements in English and mathematics. Amongst other things, these strategies will ensure;
- all teachers have sufficiently high expectations for students' attainment and progress;
 - progress of all students, including by different groups, is tracked and monitored rigorously by subject, year and class;
 - specific programmes of support and intervention for disabled students and those with special educational needs are thoroughly monitored and evaluated to check on their success and to inform the planning of further support activities;
 - monitoring and evaluation systems are in place to ensure that additional funding, including the pupil premium funding, is being spent effectively to improve students' progress; and
 - weaknesses in reading, writing, speaking and listening are tackled. (clause 5.2c of the SFA and clause 12 and 16(b) of the MFA).
10. To urgently implement and provide evidence of the necessary strategies required to improve the quality of teaching. Amongst other things, these strategies will ensure;
- teachers have access to, and use, better information about what students already know to set work at the right level;
 - students' work is more regularly marked and feedback provided; and
 - all inadequate teaching has been, or is moving to rapidly towards being eradicated. (clause 5.2(c) and 5.2(d) of the SFA and clause 12 and 16(b) of the MFA)

11. To provide a clear plan setting out how the Trust will carry out an external review of governance and how and when this will be implemented. This must include a clear terms of reference that will satisfy me that the governance issues identified will be rectified. (clause 5.2(d) of the SFA and clause 14 of the MFA)

12. Provide me with a clear and detailed statement of the Trust's Equalities policies, including (but not exhaustive) teaching and learning, staffing and recruitment and safeguarding, including behaviour and attendance. This must include a clear statement of how the Trust has implemented and is monitoring these policies to satisfy itself it is meeting its Equalities duties. The Trust must provide copies of all relevant policies. (clause 5.2(d) of the SFA and clauses 14 and 16(b) of the MFA)

13. The Trust must satisfy me that there are transparent and compliant governance arrangements in place. This will include a clear accountability statement that sets out the respective roles and responsibilities of the Trust, its Chair, the local governing body, and senior leadership team. This must also set out the relationship to the Trust's Executive Principal. (5.2(d) of the SFA and clauses 14 and 16(b) of the MFA)

14. Provide me with a clear plan with specific actions and timescales to:
 - o satisfy me there is a clear management structure that will make sure there is effective high quality teaching (clause 5.2(d) and clauses 14 and 16b of the MFA); and
 - o satisfy me there are systems, processes and policies in place to make sure children are kept safe, well-educated and supported with a broad and balanced curriculum. (clause 5.2(c) of the SFA and clause 12 of the MFA).

Independent School Standards

It is a requirement of the Academy being listed on the Register of Independent Schools, and therefore of entitlement to run an independent school, that you should comply with the Independent School Standards.

This letter also gives notice under section 165(3) of the Education Act 2002 identifying the following standards which you are failing to meet and requiring you to submit an action plan in accordance with section 165(4) before 4 July 2014.

Part 2 of Schedule 1 – Spiritual, Moral, Social and Cultural Development of Pupils.

(5) The standard about the spiritual, moral, social and cultural development of pupils at the school is met if the proprietor—

- (a) ensures that principles are promoted which—
 - (iv) provide pupils with a broad general knowledge of public institutions and services in England;
 - (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;

- (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.

The breaches of the funding agreement and the supporting evidence of those breaches as set out in this letter above also provide the evidence that you have failed to meet this standard.

Part 3 of Schedule 1 - Welfare, Health and Safety of Pupils

(7) The standard in this paragraph is met if the proprietor ensures that—

- (a) arrangements are made to safeguard and promote the welfare of pupils at the school; and
- (b) such arrangements have regard to any guidance issued by the Secretary of State.

The breaches of the funding agreement and the supporting evidence of those breaches as set out in this letter above also provide the evidence that you have failed to meet this standard. In addition the Ofsted report says that the Academy's own systems are not used properly to keep pupils safe.

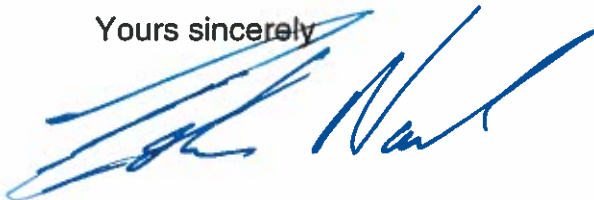
You should note that I reserve the right to impose further conditions on the Trust should other matters come to my attention.

I am deeply mindful of the need to eliminate discrimination, advance equality of opportunity and foster good relations between those sharing protected characteristics and those who do not share such characteristics (Equality Act 2010, section 149). Ensuring that the Trust meets the requirements and conditions set out in the funding agreement, as well as the standards for independent schools, positively promotes these aims.

Response

Your responses should be in writing, addressed to me, and a copy emailed to Colin Diamond at the Department for Education (colin.diamond@education.gsi.gov.uk) before 4 July 2014.

Yours sincerely



LORD NASH