

14 July 2015

**Sir Michael Wilshaw**  
Her Majesty's Chief Inspector

Rt Hon. Nicky Morgan MP  
Secretary of State for Education  
Department for Education  
Sanctuary Buildings  
20 Great Smith Street  
London  
SW1P 3BT

Dear Secretary of State

**Advice letter from Sir Michael Wilshaw, Her Majesty's Chief Inspector, on the latest position with schools in Birmingham and Tower Hamlets**

It is 12 months since I first wrote to your predecessor and a little over six months since I wrote to you to share the findings of inspections of schools in Birmingham and the London Borough of Tower Hamlets, respectively.

As you know, I made a commitment that Ofsted would stay with these schools to closely monitor their progress. The annexes that accompany this latest letter provide an up-to-date assessment of progress in all 21 Birmingham schools and seven Tower Hamlets schools, based on the latest inspection findings and outcomes.

Before I summarise these findings, I would like to draw your attention to a serious safeguarding issue that has come to light as a result of our ongoing monitoring of schools in Birmingham and Tower Hamlets. It is an issue which I believe has wider implications for schools and local authorities across the country.

Her Majesty's Inspectors (HMI) have become aware of potentially high numbers of pupils whose names are being deleted from school admissions registers without either the schools or the local authorities having an accurate understanding of where those pupils have gone.

I therefore commissioned HMI to carry out unannounced inspections of a number of state schools in both these areas and to meet with local authority officials.<sup>1</sup> The purpose of this exercise was to assess whether the systems for recording and tracking the onward destination of pupils who leave school at points other than the usual transition date are sufficiently robust.

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<sup>1</sup> Between 8 and 17 June, HMI visited seven schools in Birmingham and six schools and one provider of alternative education in the London Borough of Tower Hamlets. For the most part, these schools were not the same as the original 21 Birmingham schools or seven Tower Hamlets schools inspected in 2014. Senior HMI also met with the Director of Children's Services in Tower Hamlets and the Interim Director of Education at Birmingham City Council as well as other local authority officials.

While schools and local authorities were, in the main, complying with their statutory duties, HMI found:

- inconsistent practices for recording and reporting cases where children are removed from the school<sup>2</sup>
- poor communication and coordination between schools and local authorities on individual cases
- inadequate systems for identifying and tracking pupils who leave independent schools.

More worryingly, HMI noted that the current regulations place no legal duty on schools to establish and record the onward destination of pupils who are deleted from an admissions register nor, in the majority of cases, do they require local authorities to check the whereabouts of these children.<sup>3</sup>

As a result, HMI found that schools often did not record a destination for pupils. In many cases, schools only noted very generic reasons for a pupil being removed from the register. Examples of this included 'gone to live with grandparents', 'moved to Manchester', 'gone back to Libya' or, in a number of cases, simply 'moved abroad'.

This makes it very difficult, if not impossible, for schools and local authorities to distinguish the minority of children who may be at risk from the majority who will be safe and receiving a suitable education in mainstream schools, registered independent schools or in their home. It is equally hard to see how local authorities can be certain they are fully meeting their legal duties to safeguard and promote the welfare of all children in their area and to ensure that those children are receiving suitable education.<sup>4</sup>

We cannot be sure that some of the children whose destinations are unknown are not being exposed to harm, exploitation or the influence of extremist ideologies. We do not know whether these children are ending up in unregistered provision. As you are aware, Ofsted has visited a number of unregistered schools in Birmingham, Tower Hamlets and elsewhere in recent months. The outcomes of these visits have been shared with the Department and I know that HMI and your officials are working together to address these concerns.

I believe that the regulations relating to in-year transfer, which date back to 2006, need to be urgently reviewed and considerably strengthened. They should take

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<sup>2</sup> A school's duty to keep records of pupils and to make returns to the local authority when making deletions from the admissions register is contained in the [Education \(Pupil Registration\) Regulations 2006](#) (particularly Regulations 8 and 12).

<sup>3</sup> Local authorities' duty to check with other local authorities the whereabouts of children moving from their area: 'Children Missing Education – statutory guidance for local authorities', January 2015, Department for Education. Guidance recommends local authorities have local contacts with other agencies including the UK Border Agency.

<sup>4</sup> Section 175(1), Education Act 2002 and Section 436A, Education Act 1996.

account of our heightened awareness of the risks that some young people face, such as female genital mutilation, forced marriage, child sexual exploitation and falling prey to radicalisation.

It is vital that we have a much more accurate understanding of the whereabouts of children after they are deleted from an admissions register. There should be a requirement for headteachers to collect and record more detail about onward destinations. There should also be a clear requirement for schools to send these details to the local authority on a regular basis and to highlight any cases where they have been unable to obtain the necessary information. The regulations also need to be much more explicit about the action that local authorities should take if the onward destination data is uncertain.

I recognise that these are complex and challenging issues. However, I am sure you will agree that we need to do everything we can to reassure ourselves that all children in these circumstances are safe and receiving a suitable education, whether in this country or abroad.

I now turn to the progress of those schools we inspected last year in Birmingham and Tower Hamlets.

In Birmingham, the picture is improving slowly, although six of the 21 schools remain in special measures. This is mainly due to problems around the stability of leadership and the recruitment and retention of teaching staff. It is pleasing that there have been improvements to the curriculum across nearly all of the schools in question and that appropriate steps are being taken to prepare children for life in modern Britain.

I recently visited two of the schools that were placed in special measures a year ago, Saltley and Park View Academy, to see for myself the changes taking place and to talk to governors, leaders, teachers, pupils and parents about some of the problems that remain. Your Commissioner, Sir Mike Tomlinson, accompanied me on these visits.

At Saltley, the trustees and the executive headteacher of the Washwood Heath Academy Trust are working hard to repair the morale of a deeply fractured staffing establishment. As a result, the academy is making good progress under an experienced senior leader from the trust.

At Park View Academy, a new and enthusiastic principal has been appointed for September. I was pleased to see students singing with the academy orchestra and engaged in a theatre workshop – and with no sign of gender segregation. I also observed some good modern foreign language teaching, as well as other lessons being taught well. The executive principal assures me that a multi-faith approach is being taken to religious education.

Nevertheless, the overall quality of teaching at Park View is suffering because of the high levels of staff absence and temporary cover arrangements. The academy has been unable to make permanent appointments to some key posts because of the time it is taking to investigate allegations made against a number of teaching staff

who are currently suspended or assigned to supervised duties. These cases need to be brought to a swift conclusion so that the academy can secure a stable and permanent staffing establishment.

There is also evidence that the schools in Tower Hamlets, including the Sir John Cass Foundation School, which was put into special measures last November, are acting on the findings of our original inspections. The most recent monitoring inspection of the school found that leaders were working effectively with the Metropolitan Police and local authority officers on preventing extremism.

My previous letter to you also focused on serious educational and safeguarding failings in a number of independent schools in Tower Hamlets. Our recent monitoring inspections showed that three of these schools were now meeting the expected standards for students' spiritual, moral, social and cultural education, including for the active promotion of British values. However, in all six schools, a number of the independent school standards remain unmet.

More generally, while progress is being made in both local authorities, I remain concerned that the malign elements that conspired to destabilise several schools may seek to exploit any perceived weaknesses in leadership or governance. As one school leader in Birmingham said to me, 'parents of the children in my academy are good people but were sometimes "got at" by outsiders to put undue pressure on the school to change its policies.'

Ofsted will continue to monitor schools in Birmingham and Tower Hamlets and will, of course, keep you updated on developments in these two local authorities and others where similar issues occur.

Yours sincerely

A handwritten signature in black ink that reads "Michael Wilshaw". The signature is fluid and cursive, with a long horizontal stroke at the end.

**Sir Michael Wilshaw**