



Department
for Education

Office of the Regional Schools
Commissioner for the West Midlands
Department for Education
Cheyslemore House
Quinton Road
Coventry
CV1 2WT

The Members and Trustees
Learning Link Multi Academy Trust
Trent Lodge
Stroud Road
Cirencester
Gloucestershire
GL7 6JN

23 July 2020

Dear Member/Trustee

Termination Warning Notice to the Members and Trustees of the Learning Link Multi Academy Trust in relation to Netherbrook Primary School

In accordance with clause 5.B (C) of the Supplemental Funding Agreement for Netherbrook Primary School (the Academy), the Secretary of State may issue a Termination Warning Notice where he considers that there has been a serious breakdown in the way that the Academy is managed or governed.

For the reasons set out below, it is my opinion that there has been a serious breakdown in the way the academy is being managed and governed.

- There has been a complete breakdown of trust and confidence between Members/Local Governing Bodies and Trustees. I received a vote of no confidence in the Trustees and acting CEO from the LGB of Netherbrook Primary School on 9th July 2020. On 10 July 2020, I also received a letter from the members of the Trust, stating that they have no confidence in the Trustees and the acting CEO in respect of their collective approach to the strategic direction of the organisation. The relationship between the Trustees and LGBs/members of an Academy Trust is vital to ensure the Trust is operating effectively and in the best interests of children. Where a breakdown of this nature and extent has occurred, I cannot be satisfied that the Trust is capable of operating effectively.

- The collapse of the senior leadership team (SLT) due to ongoing concerns over governance and malpractice. This includes the resignation of the Chair of Trustees, the absence of the permanent CEO for whom temporary cover has been provided but for which you have not provided a longer-term plan to resolve this. Stability at SLT level is key at any time but becomes increasingly important when a Trust is facing the challenges currently faced by your Trust for example, rebuilding the financial position of the Trust from the cumulative deficit at the end of the 2018/19 year – which is not yet confirmed due to the outstanding financial statements – and improving the financial reporting, as the Trust’s monthly management accounts do not meet the expected standard of the Financial Notice to Improve or the Academies Financial handbook.
- ESFA are concerned that you are in breach of various requirements of the Academies Financial Handbook and the FNtI, but I am aware that discussions are ongoing regarding the evidence associated with the FNtI conditions. In particular, the 2018/19 financial accounts and management letter have not been submitted and ESFA have not received minutes from any Trustee or committee meetings. In addition, the governance arrangements of the Trust remain unclear to both the ESFA and those responsible for governance within the Trust. Information recorded on Get Information About Schools (GIAS) and Companies House are not consistent. This discrepancy is a breach of the current FNtI and of the Academies Financial Handbook generally (2.51 to 2.55). Without clear allocation of responsibilities, I cannot be satisfied that the Trust is able to address the significant challenges it is facing.

In view of the above, I cannot therefore have confidence that Trustees and Trust leaders are operating in accordance with the Academies Handbook, the Governance Handbook and Funding Agreement or that the Trust is able to adequately address the significant challenges it faces. As such, there is a significant risk that public monies are not being used in a regular and proper way and we cannot be assured of value for money for the taxpayer or that the Trust is operating in a way which is in the best interests of the children.

As the Regional Schools Commissioner acting on behalf of the Secretary of State, I must be satisfied that the Trust can achieve rapid improvement in the governance and management arrangements. If I am not satisfied that this can be achieved, I will consider terminating the Academy Funding Agreement.

The following actions (the Remedial Actions) must be taken by the stated timescales or the Secretary of State will issue a notice terminating the Funding Agreement pursuant to clause 5 (E) of the Supplemental Funding Agreement:

- Members must appoint additional Trustees from the list of academy ambassadors and/or other turnaround consultants to make up the total number to either 7 or 9 (in principle and subject to the necessary checks) in line with the articles and best practice by **20th August 2020** and provide evidence to demonstrate that this meets the necessary skills need of the board via a skills audit .

- Members must appoint 3 additional members (in principle and subject to the necessary checks) to satisfy the Department's preference for 5 members. Confirmation of members names and official records (GIAS, Companies House and Trust website) must be updated by **20th August 2020**. The Trust must update, share, and publish their scheme of delegation and provide the necessary assurances that this is fit for purpose by **6th August 2020**.
- The Trust must set out their plans and timeline for confirming the permanent leadership of the trust at CEO and CFO level by **6th August 2020**.
- All LGBs and members must hold a vote of confidence in the Trustees by **20th August 2020** and the Trust must communicate the outcome of those votes to the Department no later than **24th August 2020**.

If you fail to meet any of the above Remedial Actions or indicate in your response to this Termination Warning Notice that you do not intend to meet them, I will consider serving notice terminating the Academy Funding Agreement forthwith.

As an alternative to termination of the Academy's Funding Agreement, I am prepared to accept the following actions to achieve a voluntary transfer of the Academy:

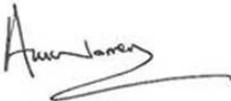
- The Trust must confirm its commitment to implement its voluntary resolution of 19th March 2020 to transfer the schools from the Trust by **29th July 2020**. The schools must transfer as soon as possible and no later than **1 January 2021**.
- The Trust must confirm its commitment to implement its voluntary resolution of 19 March 2020 to work closely with the DfE and its agencies to ensure a smooth transition for the schools to another Multi Academy Trust and to instruct the officers of the MAT to do likewise. Confirmation must be received by **29th July 2020**.

Pursuant to clause 5 (D) of the Supplemental Funding Agreement, in making the decision on whether to terminate the Funding Agreement I will consider any written representations you wish to make. I will also consider any additional or updated information which comes to light between now and the issuing of a termination notice.

Please provide me with any representations including confirmation as to whether you agree to carry out the above Remedial Actions or the actions to achieve a voluntary transfer of the Academy by **3 August 2020**.

I am copying this letter to the National Schools Commissioner, Dominic Herrington, Marco Longhi (MP for Dudley North), Suzanne Webb (MP for Stourbridge), [REDACTED] - Interim Director of children's services for Dudley, and [REDACTED] Acting CEO for Learning Link Multi Academy Trust. A copy of this letter will also be published on GOV.UK.

Yours sincerely,



Andrew Warren

Regional Schools Commissioner for West Midlands