



Education & Skills
Funding Agency

Investigation report:

East London Science School Trust

November 2020

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Glossary

Title	Name of individual
Chair (of the board of trustees – the board): October 2018 to date	Adam Atashzai MBE
Chair (of the board of trustees – the board): October 2017 to October 2018	Beth Davies
Chair (of the board of trustees – the board): January 2015 to October 2017	Dennis Hayes
Accounting officer (AO) (AFH term) / Principal	David Perks
Chair of finance committee (FC): July 2017 to date	Kevin Hinde
Chair of finance committee (FC): June 2013 to June 2017	Norman Lewis
School business manager (SBM and chief financial officer): October 2019 to date	Lucy Wheatley
Former school business manager (SBM): September 2013 to May 2019	Peter Sircar
Vice principal 1	Paul Cornish
Vice principal 2	Mark Taylor
Vice principal 3	Peter Phebey

Executive summary

1. In October 2019 the Education and Skills Funding Agency (ESFA) received allegations relating to financial management, regularity and personnel issues at the East London Science School Trust (the trust). The allegations centred around salary levels for senior leaders, unfair recruitment processes, inappropriate expenditure and the funding of overseas trips. Consequently, ESFA commissioned a preliminary visit between 9 and 11 January 2020 to determine the legitimacy of those concerns. Owing to findings a further visit was conducted between 3 and 5 March 2020. The work focussed on the specific allegations received and linked governance concerns.

2. The investigation identified a lack of oversight and challenge by the board of trustees regarding the level of control exercised by the principal, particularly relating to staff performance management and recruitment, with associated conflicts of interest. Governance and financial management concerns also breached the Academies Financial Handbook (AFH) and the trust's own regulations. Key findings include:

3. **Performance management and pay increases** - there was inadequate evidence to support performance management and pay increases for trust senior staff, totalling a minimum of £31,135.

4. **Recruitment** - breaches of the AFH were identified around improper recruitment and setting of salaries for new appointees, especially where appointees had a prior connection to the principal. One staff member was appointed to a teaching role where he failed to meet the essential criteria and was placed incorrectly on a higher leadership pay scale. Another staff member was appointed to a teaching position and then given a higher leadership role. Both appointees were known to the principal previously.

5. No evidence was available to show connections and conflicts were managed. Expenditure of £156,747 was considered contentious, with a small amount considered irregular. The ESFA has also concluded that, in one instance the trust intentionally altered a document, which had already been obtained by the ESFA, and sent the altered document to the ESFA as part of an evidence bundle, challenging a finding. The trust has agreed the evidence was amended and consequently, the alterations were not accepted by the ESFA as part of its fact checking process. The provision of altered documents is considered a serious breach of the AFH.

6. **Governance and procurement** - a number of failures in governance arrangements were identified, including:

- board oversight and internal scrutiny over certain key areas was poor
- safeguards over the trust debit card and related bank accounts need strengthening
- trust policies and procedures covering key elements of finance and governance were inadequate and greater separation is required between members and trustees
- the trust and principal have failed to manage conflicts of interest

In total, this investigation identified a minimum of £230,093 of expenditure that had been administered in a contentious manner, with a small amount considered irregular.

Background

7. The East London Science School Trust (company no 07962059) was incorporated on 23 February 2012 and opened in September 2013. It is a 4 form entry free school, single academy trust based in East London. The school has a capacity of 1000 students however the number of pupils on record at October 2020 is 568. The trust is currently operating from 3 leasehold sites, Clock Tower, Lock Keeper and East Lea Community School. The trust are due to move to purpose built premises in 2023.

8. The trust 2018/19 financial statements show annual revenue income is £5,493,000 of which £3,976,000 is general annual grant (GAG) funding received from the ESFA. The cumulative revenue surplus was £181,988 and the in-year deficit was (£40,693) as at 31 August 2019. There is a pre-16 pupil number adjustment repayment schedule totalling £272,000 to be repaid to the ESFA over the next 5 years. In addition, a similar post 16 pupil number adjustment repayment exercise is currently being discussed with the trust. The trust had a School Resource Management Adviser (SRMA) visit in January 2020 which highlighted potential cost savings in the region of £2,877,000.

9. The trust central functions are managed by a principal, 3 vice principals, a school business manager, and an estates manager.

10. In October 2019, the ESFA received whistleblowing allegations concerning governance and financial issues. After appropriate triage, the ESFA wrote to the chair of trustees in December 2019 to confirm the ESFA's intention to conduct a visit. In January 2020 ESFA undertook a preliminary 2 day visit. A further 3 day visit was undertaken at the start of March 2020.

Objectives and scope

11. The objective of this investigation was to establish whether the concerns received by the ESFA were evidence based and in doing so, identify whether any non-compliance or irregularity had occurred with regard to the use of public funds.

12. The scope of the investigation work included the following areas:

- review of relevant documentation, including governing body minutes and supporting policies in relation to the allegations received
- resting of financial management information in relation to the allegations received
- interviews with key staff and trustees

13. In accordance with ESFA investigation publishing policy (September 2020) the relevant contents of the report have been cleared for factual accuracy and representations with the East London Science School Trust.

Findings are based primarily on evidence available during site visits and gained through enquiries, prior to collation of draft report.

Findings

Performance management and pay increases

14. The ESFA received concerns regarding salary increases for certain senior leaders, awarded by the principal. Review of the available information identified a number of pay awards to the vice principals as detailed below:

Staff Member	Date	Salary & Scale	Analysis
Vice-principal 1	April 2018	From: £78,315 - L19 To: £85,329 - L22 Backdated to January 2018	<ul style="list-style-type: none">• £7,014 (9%) increase• 3 point scale rise
Vice-principal 2	April 2018	From: £80,587 - L20 To: £87,803 - L23 Backdated to January 2018	<ul style="list-style-type: none">• £7,216 (9%) increase• 3 point scale rise
Vice-principal 3	January 2019	From: £69,854 – L15 To: £72,597 – L16	<ul style="list-style-type: none">• £2,743 (4%) increase• 1 point scale increase• On appointment to VP

Table 1 – Pay increases for senior staff

15. Additionally, enquiries showed the former school business manager (SBM) and member of the senior leadership team had received increases which took his salary from £55,000 in 2013 to £69,162 in 2016, an increase of £14,162 (26%).

16. During the investigation, the trust was unable to provide specific documentation and performance management records relating to the above pay awards / increases for the vice-principals and former SBM, to demonstrate rationale and value for money in the use of public funds. In addition, the trust did not have clear up to date policies in place covering these areas (latest pay policy with pay scales was 2015). The 2015 pay policy does allow for some discretionary payments however its general principles and pay award principles include:

- employees are treated fairly and pay decisions are free from discrimination
- progression must be dependent upon evidence of an appropriate review
- need for a fair and effective mechanism for determining pay

It was also noted the trust also did not have regular pay committee.

17. During interview the principal described a process where he and the chair based judgement of performance and subsequent salary awards for senior staff on undocumented conversations. He also explained that he had created the additional vice-principal 3 post for the current incumbent, as a retention tool, as the board were keen to retain his services. Again, this post was not formally approved in advance by the board (per minutes) for this purpose.

18. Both the chair of trustees and the chair of finance accepted, when interviewed, that historically the performance management of senior staff and the award of pay increases had not been adequately managed. They stressed that measures, including the creation of a new pay committee, were already being implemented to improve processes. They stated the board had not authorised the creation of a third vice-principal post but did support the appointment of the incumbent when informed.

19. In relation to executive pay the AFH 2017 confirms the board must ensure robust governance, hold executive leaders to account and ensure their decisions about executive pay follow a robust evidence based process. The AFH 2018 expands on this, confirming its approach to pay is transparent, proportionate and justifiable. The factors determining pay should be clear and set out in a procedure agreed in advance by the board, with comprehensive records of rationale and value for money evaluation. The principal and board failed to comply with these AFH requirements. Additionally, the school pay policy, which was drafted in 2016 and did not have evidence of board approval, was found to be weak and in need of strengthening. Nonetheless, there was non-compliance with this policy by the principal who was required to submit pay recommendations and evidence of staff performance. The findings in this section breach the AFH 2017 s2.1.3 and 2018 s2.2.1, 2.4.3 & 2.4.4 around oversight, internal control principles and spending. These findings also breach AO and trustee responsibilities under the AFH 2017 s1.5.12, 1.5.20 and 2018 s1.5, 1.3.4 & 1.5.5.

20. Based on the conclusions above, the salary increases identified, totalling £31,135 are also deemed contentious (non-compliant with frameworks).

Recruitment

21. Information received by the ESFA indicated there had been a number of staff appointments made, where the appointee had connections with the principal, and conflicts of interest (actual or perceived) were not managed. Furthermore, it was claimed that several of those appointed were paid incorrectly at an inflated level. The investigation team focussed on the specific allegations and identified a number of issues, detailed below.

22. It was established that there was a general absence of interview and recruitment documentation retained on file for 4 recent appointments since April 2019. It was not possible to ascertain the precise details of the recruitment campaigns, including whether an open and competitive recruitment exercise had been conducted and whether

alternative candidates were interviewed. The trust stated that some adverts were placed on a well-known recruiting website, however this could not be evidenced. In addition, there was inadequate evidence of board oversight and approval over these recruited posts, particularly where the role and salary was regraded from teacher to leadership pay scales by the principal.

23. The recruitment and selection policy was dated 2014 and did not include any significant detail regarding managing conflicts and trust staff were initially unaware of its existence when requested by the investigation team. In addition, there was no evidence of senior staff managing actual or perceived conflicts of interest through the process, breaching the AFH 2016/ 2017 s3.1, and AFH 2018 s3.10, 2019 s5.37.

24. Aside from the more general issues mentioned above for these roles, the following specific issues were also identified regarding these roles.

25. The careers lead was appointed in 2016 after being interviewed by the principal and vice-principal 2 on a salary of £27,810 (0.6 FTE). Documentation gained during the investigation highlights a lack of clarity regarding the role being recruited for. Interview notes dated 10 March 2016, made by both interviewers confirm the position being applied for was computer science. The candidate application form states the role being applied for as “computer science & careers lead”. However, the candidate’s application form did not include any prior work experience in computer science or as a careers adviser.

26. The trust was issued with a draft report for fact checking and the trust chair provided a detailed trust response in July 2020, alongside a number of documents as evidence. These documents included a copy of David Perks’ interview notes for the careers lead interview. The investigation team identified that the interview notes included two alterations from the original document copy they had obtained previously.

27. These alterations were not disclosed by the trust. One of the alterations appeared to specifically have been made to contradict the investigation finding that the role interviewed for was “computer science,” with the amended document now reading “computer science / careers lead.” The second alteration was the addition of the letters PTO on the document.

28. Trustees conducted an internal investigation and the chair confirmed, in September 2020, it was David Perks who made the “PTO” alteration and that no staff member could recall making the second more serious alteration. The chair of trustees and chair of finance both confirmed this alteration was not considered acceptable. The ESFA did not accept this altered evidence during its factual accuracy check.

29. Just prior to the planned publication of this report in October 2020 the chair contacted the ESFA and confirmed David Perks now recalled making the second alteration. Submission of intentionally altered documentation to an ESFA investigation constitutes a serious breach of responsibilities under the AFH 2019 s1.12 and s1.29, for

the chair, trustees and the AO to apply the highest standards of conduct, ensuring robust governance and high standards of probity in the management of public funds.

30. On appointment the post changed to careers lead and the appointee was placed on the leadership scale despite this post not occupying a leadership position. During the course of our enquiries it was established that the careers lead was linked to an external education debating group / forum of which the principal and other school senior leaders were also involved.

31. During interview the principal confirmed he knew the careers lead previously and he had been placed on the leadership scale erroneously. However, minutes of the finance committee meeting in December 2019, at which contracts and pay were on the agenda, clearly detail the career lead's salary and leadership scale. It was unclear how the incorrect payment of his salary and associated leadership status could persist since 2016. This also demonstrates a significant failure of the trusts internal control framework and oversight by the board.

32. During the investigation, it was confirmed the trust advertised the position of chemistry specialist a-level in April 2018. It was established the appointed individual knew the principal previously and was formerly a trustee at East London Science School Trust. No evidence was available to confirm how this perceived/ actual conflict of interest and connection was adequately managed. The job description specified having a first class degree as essential. The application documents confirm the appointee did not meet the essential criteria as they only had a 2:2 degree and also did not have recent teaching experience.

33. Whilst the post was essentially for a science teacher the appointee was subsequently shown as being head of science and curriculum lead science and on the leadership pay scale (salary £64,112 per annum). There was no documented rationale, approval or explanation for the change in role and associated uplift in grade and pay. The principal confirmed he had known the appointee previously and the appointee was no longer employed at the school. The chair of trustees and chair of finance both confirmed that roles and pay structures should be agreed by the board and a clear procedure followed. The absence of rationale, evaluation and planning are breaches of the AFH.

34. The investigation team identified another individual who was friends with the principal and was employed at the school between April and June 2019. There was no personnel file or other records of his employment except for payroll entries that showed he had received £4,800 gross salary. Whilst it was not possible to establish any further details from school records, enquiries did reveal that the person concerned had co-authored a statement for the same educational forum with, amongst others, the principal and vice-principal 2 of the trust. During interview, the principal stated he wanted to explore the potential of employing this person as head of sixth form. Prior to any formal recruitment process, the principal wanted to assess his suitability and therefore gave him a trial period. The principal decided this individual was unsuitable and the post of head of

sixth form was not advertised. There was no evidence again that conflicts of interest were managed by the principal and the trust.

35. The trust appointed a head of sports (at £60,025 per annum) in July 2019. Trust staffing structures show this post was not on the senior leadership team and the role was advertised on teaching pay scales. However, the salary for this individual was again on the leadership pay scale. During the investigation no documentation was located on personnel files to confirm interviews and assessment of the appointee (including evidence of salary discussions) and also whether there were any interests or conflicts. In addition, there was no formal board approval for the regrade in role / salary. The 2015 pay policy confirms the principal can apply discretion when placing teaching or non-teaching staff on trust pay scales, however this would need pay and performance committee approval (the trust did not have a regular committee reviewing pay). The 2015 pay policy makes no reference to the process of determining leadership staff scales.

36. The issues noted above around record keeping, management of interests / conflicts, evidencing value for money and lack of formal board oversight / approvals / poor policy setting, breach multiple aspects of the AFH and related frameworks. The AFH across multiple annual versions confirms the board of trustees is responsible for the proper stewardship of trust funds, including regularity, propriety and value for money (AFH 2016 / 2017 s1.5, 2018 s1.3 and 2019 s1.8-23). In addition, the AFH states the principles of value for money and using public money properly, including managing conflicts of interest, still apply to contracts of employment (AFH 2016 / 2017 s3.2 and 2018 s3.10).

37. The significant issues with recruitment of some staff at the school, were compounded by inadequate evidence around budgeting and financial planning in relation to cost implications of appointments.

38. The findings breach the AFH with regards to trustee responsibilities and oversight. As the accounting officer, the principal also specifically breached his responsibilities under the AFH and as a company director and charity trustee, as he was specifically involved and failed to manage direct conflicts of interest.

39. Based on the conclusions above, the linked salaries totalling £156,747 are also deemed contentious (non-compliant with frameworks).

40. The additional leadership salary uplift paid in error to the careers lead is deemed irregular. The trusts oversight and management was inadequate and this uplift is also considered misuse of funds.

Procurement

41. It was alleged that a number of purchases had been made which were contentious or irregular and did not demonstrate probity or value for money.

42. The investigation established the existence of 6 mobile phones via a contract with a provider. During the investigation, the trust was unable to provide a copy of the contract and a policy for acceptable usage.

43. The investigation identified, between June 2016 and January 2017, the use of an individual on an off payroll consultancy basis through a limited company. This individual was formerly a member of the trust administration team. The limited records available during the investigation show the company, SBM-support.me, was paid £20,080 in 8 payments. The corresponding invoices referenced only "consultancy for project". It was not possible to ascertain, during the investigation, what specific service was provided or the process by which this work was awarded, due to the lack of records (including no contract). This also breaches the trusts own financial procedures manual around procurement. In addition, there was no evidence to show the perceived conflict of interest and connection to the former staff member, had been assessed or managed. This breaches the AFH 2016 across multiple areas including s3.1.2 and 3.1.12. The principal confirmed the former employee had been paid as a consultant to assist with HR matters.

44. In June 2019, the school purchased a photography drone for £1,630.75. Whilst there is supporting procurement documentation it does not contain any justification, value for money assessment or cost comparisons (applying VFM considerations is a requirement of the trust's own financial regulations). The principal explained that the drone was required for marketing photographs of the sites and events for the prospectus. The drone was not accounted for as an asset on the trusts asset register spreadsheet. The chair of finance confirmed the board had no knowledge of the purchase at the time. Considering the school's weak financial situation, the evidence of approval, budgeting and demonstrating the components of value for money, was insufficient. This is a breach of AFH 2018 s2.2.1 & s2.4.1.

45. In March 2019 the principal authorised the payment of £500 to vice principal 1, for the purchase of his second hand digital camera and ancillaries. The investigation found limited supporting documentation (during the investigation) to suggest rudimentary consideration of value for money and an expense claim form signed by the principal. There was no other documentation to show the authorisation process or justification for the expense. The chair of finance confirmed the board were unaware at the time. The principal stated he believed the camera to represent value for money in comparison to similar second hand models. He said the camera was required for marketing purposes despite the school already owning 11 digital cameras. Considering the school's weak financial situation and the vendor's status, the justification / authorisation for such expenditure and documented consideration of value for money was deemed poor. This is a breach of AFH 2018 s2.2.1 & s2.4.1.

46. On 26 September 2018 the principal authorised payment of £600 to the partner of one of the vice-principals. There was no supporting documentation detailing the arrangement other than a remittance slip. During interview the vice-principal explained he proposed to the principal that they commission his partner to support with his proof

reading of the school handbook. The principal corroborated the explanation but believed it had only cost £300. The principal authorised the work as per his authorising initials on the remittance advice. He explained that as the internal school handbook provided guidance and direction to staff it needed to be accurate. When challenged by the investigation team he confirmed the proof reading was only for grammar and presentation and not technical accuracy. This is a breach of AFH 2018 s1.3.3 regarding not applying adequate standards of governance. The investigation team were unable to locate any declaration of the vice principal's interest, partly as the trust did not maintain a register of interests for senior staff, but also separately in trust board minutes. This is a breach of AFH 2018 s3.10.1. The payment may also constitute as a related party transaction – the trust were unable to demonstrate any consideration of this aspect of the AFH.

47. The findings in this section breach the trusts own regulations, demonstrate poor governance and breach the AFH and related frameworks. £22,811 of expenditure was deemed contentious (non-compliant with frameworks) in relation to procurement.

Overseas trips

48. It was alleged that members of the SLT had personally benefitted by accruing travel points as a result of personally booking flights for overseas school trips. The investigation established that the school arranges a significant number of overseas trips for pupils, in line with their ethos. The investigation team looked at several specific trips ranging from April 2017 to October 2019. Trips are arranged by the enrichment team once the location and justification has been submitted by the relevant staff members. There was no evidence for these specific trips, to substantiate the allegations that staff members gained personally from booking flights themselves although there were more general governance issues which are noted in the next section.

Governance

49. During the course of the investigation the ESFA identified a number of issues that need to be addressed by the board and principal.

50. Issues around segregation of duties and conflicts were noted, including:

- the principal approved invoices from suppliers where there was an actual or perceived connection and / or conflict with trust senior staff. There was no record of any robust performance checks on these supplier invoices or confirmation regarding how any potential conflicts had been managed
- the trust has incurred transactions via debit card or bacs payments. There was no evidence of a regular independent authorisation or budgetary checks on these transactions. In addition, there was insufficient evidence to confirm adequate segregation of duties when processing these transactions, due to the limited documentation available

- the principal is a member, trustee and AO. During the 2016/17 financial year, trust financial statements also confirm that the principal and his partner made up 2 out of 3 trust members. Although trust articles permit the principal to be a member and employee, the AFH does advise on maintaining significant separation between members and trustees. A review of board minutes and the trust finance policy and procedures manual did not highlight any board consideration of the risks posed here or how the conflict of interest with the principal's partner should be managed (the partner resigned as a member in August 2020). The trust should formally review the risks here and ensure a robust policy and procedure are in place to address these risks, including any conflicts. The trust should also ensure it has an overarching policy and procedure on managing connections and conflicts of interest (actual or perceived) across all business areas

51. A number of failures are noted throughout this report regarding a lack of declaration of interests and no evidence of management of conflicts, particularly at a trustee and senior management level. In addition, the trust financial policy and procedures manual requires all staff with financial or spending powers to declare interests. The business manager confirmed there was no current register of staff interests. This represents a failure of the trustees and accounting officer to ensure robust governance and high standards of probity (multiple breaches of AFH 2019 including 1.11, 1.28 and 5.44 - 48).

52. The investigation team identified the trust primarily maintained a spreadsheet asset register whilst also paying for separate asset management software. The cost of this asset management software since 2017 was approximately £5,000. This represents poor financial management and weak control measures (breach of AFH 2019 2.7).

53. The investigation team established that the principal retains his school debit card on his person, including when off site and at home. This debit card allows cash withdrawals directly from the main trust bank account. During interview, he was unable to recall what spending limit is on his card and believed his card to be secure if retained on his person. This also led to trust staff on occasion having to make high value purchases on personal credit cards as the trust debit card held by the principal was not easily accessible for use. The trust must produce and implement a robust policy to control and safeguard bank accounts and associated debit cards, to comply with the AFH requirement to reduce the risk of fraud and theft. This finding represents a breach of the trustees responsibility to ensure the highest standards of governance (AFH 2019 s1.11) and also the personal responsibility of the AO (principal) to ensure high standards of probity (AFH 2019 s1.28). This finding breaches multiple other aspects of the AFH including the need to ensure an adequate control framework that reduced the risk of fraud and theft (AFH 2019 s2.7).

54. The schools record keeping has been poor, breaching the AFH e.g. 2019 s1.3. Of particular concern is the incomplete receipts for transactions conducted on the debit card. A review should be conducted by the school of all transactions and missing receipts

identified and investigated. It was noted in conversation with the chair of trustees and chair of finance that measures have already commenced to review and improve procedures.

55. The trust has a number of connections with another charity “Battle of Ideas,” including senior management links and a large single purchase transaction (£14,400) from a linked company (Academy of Ideas Ltd). The investigation team were unable to locate any formal trust documents confirming the nature of the relationships. The trust must ensure it produces a comprehensive policy covering relationships with key connected entities and ensure this captures any individual connections, value for money considerations and management of conflicts.

56. The invoice for £14,400 from Academy of Ideas Ltd was paid in advance on 20 September 2019 for an event in November but there was no evidence to show how the connections, and potential conflict, were managed. In addition, there was no evidence to show trust consideration regarding whether this transaction classed as a related party transaction. This breaches the AFH requirements around managing conflicts.

57. Discussion with the chair of the finance committee highlighted skills gaps at the trust board level, particularly the lack of trustees with significant financial experience / qualifications. Trustees are currently engaging with academy ambassadors to rectify this position. The trust must also ensure it conducts a regular skills audit of trustees and senior management to identify and fill any gaps.

58. The trust utilises a high volume of trips for students. The trust must ensure it has a robust policy covering the use of trips, which specifically covers advance board and budgetary approval process, value for money considerations, risk appetite for delayed parental payments and bad debts.

59. £19,400 of expenditure arising from poor governance and oversight was deemed contentious (non-compliant with frameworks).

Conclusion

60. Our work on site and the evidence considered has upheld the allegations raised with the ESFA, identifying a number of significant weaknesses within the trust's internal control and governance arrangements. Our findings highlight a number of areas requiring immediate action, including:

- trustee and AO governance, oversight and internal scrutiny arrangements
- trustee and senior management team skillsets (based on the findings identified)
- recruitment
- procurement and contracting arrangements
- management of conflicts of interest
- improving trust policies and procedures

61. Findings confirm the trust has breached multiple aspects of the AFH and requirements under the Companies and Charities frameworks to avoid / manage conflicts.

62. The trust needs to take urgent action to resolve the issues, including greater consideration given to the robustness of financial management and governance arrangements by the board. The trust should also engage an independent review of finance and governance to fully determine the extent of identified, and any other linked, issues.



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