



Education  
Funding  
Agency

# Review of Oldfield Academy Trust

**April 2014**

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# 1. Introduction

- 1.1 The academy trust was established in 2011, as a single academy trust, with three people as members<sup>1</sup>. The members also act as governors and are the registered company directors and trustees<sup>2</sup>. Oldfield School ('the academy') was judged outstanding in November 2007 and again in September 2012.
- 1.2 On 11 February 2014 Ofsted published the outcomes of its monitoring inspection visit to Oldfield School conducted under section 8 of the Education Act 2005. The inspection took place in response to a number of parental complaints to Ofsted. The letter (attached at Annex A) reported on the behaviour and safety of pupils, and identified priorities for further improvement. Inspectors commented that students are 'polite and courteous...high quality teaching challenges students who show outstanding attitudes to learning. Relationships across the school are strong and students show respect to their teachers which contributes positively to students often making outstanding progress.' The areas for further improvement in the quality of leadership and management were to ensure the following:
- 'Policies and procedures surrounding complaints, grievance and whistleblowing are fit for purpose, reflect good governance and are implemented correctly, impartially and confidentially;
  - the school's single central record is maintained accurately and checked rigorously to ensure it meets requirements consistently;
  - the governing body has a clear understanding of the school's performance and is able to hold the senior leaders robustly to account for their work, including monitoring how well all school policies are being applied.'
- 1.3 The letter stated that to assess how the above aspects of leadership and management may be improved, 'an external review of governance should be undertaken, in conjunction with the Department for Education.' The Department and the Education Funding Agency conducted this review of governance on 11 and 12 March. The terms of reference for the review are as set out in Annex B.
- 1.4 The team, led by external experts in education and governance, conducted the

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<sup>1</sup> Members of an academy trust are those who are subscribers to the memorandum of association and others permitted by the articles.

<sup>2</sup> Trustee, director, governor – the terms are used interchangeably to mean the people who are responsible under the trust's governing document for controlling its administration and management.

review guided by the September 2013 Ofsted criteria for effective governance (attached at Annex C). The review team considered information from a range of sources. They interviewed all the members of the trust, the governors, the chair of governors, the clerk, the headteacher, members of the senior leadership team and a cross-section of pupils. The trust and academy cooperated fully with the review.

- 1.5 The review team had access to all paperwork, including governing body and committee meeting minutes, headteacher's reports, financial reports and internal control frameworks. All school policies including complaints, whistleblowing, safeguarding, child protection and staff grievance policies were reviewed against legislative requirements and the funding agreement, to assess whether they were fit for purpose. The team considered a sample of individual complaints, including those raising safeguarding issues. This was to understand the manner in which the complaints were handled, the process, audit trail, record keeping and how decisions were reached in order to determine compliance with legislation and the Independent School Standards Regulations.
- 1.6 The review team was made aware of a number of staff grievances. As these are matters for the academy trust (as the employer) to address, these were out of scope of the terms of reference for the review. The team did however consider the processes by which these grievances might be heard to ensure impartiality, integrity and transparency of process.

## 2. Executive Summary of the Findings

- 2.1 Overall, governance at the academy is weak. Whilst governors are keen to contribute to the success of the school, they are not able to articulate a clear, consistent and strategic direction. They do not demand, nor are they encouraged, to contribute to long term planning. They do not have access to curriculum, staffing, financial plans or budgets beyond one year, as is deemed good practice. This limits the oversight and stewardship capability of governors.
- 2.2 The team identified actions that must be taken by the governing body to address the findings of the review and the areas for improvement identified by Ofsted's section 8 monitoring inspection. The actions relate to four key areas: the trust structures and accountability; governance and governance operations; safeguarding; and financial governance.
- 2.3 There is a lack of transparency and accountability within the academy trust structure which limits the effectiveness of the governing body. Two members are employees of the school with the third being the chair of governors. Whilst this arrangement is not prohibited by the Articles, it does not foster an environment where the governors and the executive leadership are held to account for the performance of the academy. The arrangement does not reflect the more recent Department for Education policy on good governance. The position of company secretary and clerk to the governors is currently occupied by a member of the senior team which could present a conflict of interests.
- 2.4 Governors have had limited induction and little training, with some having no training since being appointed. This has led to a lack of understanding of governance roles and responsibilities. In particular, governors were unable to articulate their specific responsibilities for safeguarding pupils and staff, and for oversight of the implementation of policies and processes. For example, governors did not approve the most recent child protection policy (March 2013) and they do not, as is good practice, quality assure the single central register (SCR). The governing body is not aware of the vulnerable pupil caseload within the school or the actions being taken to support these pupils.
- 2.5 Full governing body meetings and the full range of sub-committee meetings are well-attended and organised, with papers provided in advance of meetings. The committees are constituted properly, but it is not clear from interviews or minutes of meetings how the academy's senior leadership team is held to account. Information sharing between the academy and the governing body is poor and held tightly between the headteacher and chair of governors, rather than being shared openly. Governing body meetings are short, and minutes do not record the discussion. However, interviews with governors confirmed that

there is often little discussion at meetings. There is also no evidence of a regular cycle for updating all school policies and gaining approval by the governing body.

- 2.6 There is little evidence that governors have the information, skills and confidence to challenge the headteacher effectively. This is, in part, due to the limited governor training, and in part because of the reported lack of an effective working relationship between the governing body, headteacher and senior leadership team. This impacts on all areas of governors' responsibilities, but particularly in relation to the achievement of pupils, teaching and learning, and academy finances. Performance data is shared with governors, but often retrospectively and with little opportunity for discussion or to consider the targets set.
- 2.7 Governors attend annual review meetings for their linked faculties, however these are not effective mechanisms to hold senior leaders to account for the quality of teaching and learning and pupil achievement. Governors do not have sufficient information, confidence or training to lead the review process, interrogate the evidence and identify areas of underperformance. Challenge at these sessions is provided by the headteacher. Academy staff interviewed, including senior and middle managers, said that their opportunities to share their successes and engage with the governing body is minimal.
- 2.8 The academy has strong processes in place for monitoring and supporting individual members of staff's teaching. However, the data is not held centrally, nor reported to governors and there is no external validation of teaching observations. The headteacher's report to governors does not include any information on the quality of teaching and learning and the current achievement of pupils.
- 2.9 There are no mechanisms in place to provide governors with information or assurance that there are clear, open and transparent processes for handling and reporting on safeguarding matters and complaints from parents. There are two complaints policies in place - one for general complaints and one for curriculum complaints. The general complaints procedure has been updated and is compliant with the Independent School Standards Regulations. The information on complaints is not recorded centrally and, from the paperwork presented, the review team found it difficult to find the audit trail. It is good practice to have one, clear procedure that covers all potential complaints, along with a central record of complaints and their outcomes.
- 2.10 Although outside the scope of this review, staff grievances and HR issues were raised with the review team. It appears that governors do not have access to

information to enable them to fully discharge their responsibility as the employer of academy staff. For example, the whistleblowing policy, does not, as is usual practice, have provision for staff to raise concerns about the headteacher directly with the governors or someone who is independent. The Academies Financial Handbook, (section 2.6.15) requires academy trusts to, 'ensure they have appropriate procedures in place for whistleblowing, including making sure that all staff are aware to whom they can report their concerns and the way in which such concerns will be treated'.

- 2.11 The academy's finances show that they have a healthy financial balance. Whilst there are financial controls in place, and these are operating effectively, governors have not been trained in the financial requirements. Risk management is not embedded within the culture of the organisation and this affects the governing body's oversight of financial management in the academy. Following the departure of the responsible officer, the academy currently has no one fulfilling this role within the trust. The appointment of a replacement responsible officer (or other programme of risk review as allowed in the Academies Financial Handbook) will ensure the maintenance of an independent review of risks to internal controls.
- 2.12 The academy has minimal collaboration with other schools in the Bath and North East Somerset area. This limits the opportunity to share their effective teaching methods to help raise standards in the area. It also means that the governors have limited scope for drawing on the expertise and the skills of other governing bodies in the area.

### 3. Recommendations for Immediate Action

- 3.1 To ensure that action is taken to address these findings and those identified in the Ofsted section 8 monitoring inspection (Annex D), the governing body must establish an Interim Academy Board (IAB) as soon as is practicably possible. The governing body should delegate their powers and functions to this Board until the end of August 2015 or such time as the IAB considers the issues in Annex D have been addressed.
- 3.2 There should be no more than six members of this Interim Academy Board. The majority of members of this Board will be trained governors with the necessary skills to be able to implement the changes required. An external educational expert and a governance expert should also be appointed to the IAB. The establishment of the IAB should enable the school to increase the degree of collaboration with other local schools. This should prove beneficial to all partners and drive up standards in Bath and North East Somerset.
- 3.3 Under the guidance of this Interim Academy Board, the governing body must review and revise the governance structure of the academy trust to increase the accountability of the senior team within the school. Serious consideration should be given to replacing the current Funding Agreement and Articles with the latest model versions available on the Gov.uk website. These reflect the current policy from the Department for Education of giving additional freedoms to the academy, whilst strengthening local accountability. The Education Funding Agency will provide additional support to the IAB and the trust to effect this change.
- 3.4 Those to be appointed to the IAB and the governance structure must demonstrate the skills and knowledge required to fulfil their roles and responsibilities. The governing body, under the guidance of the IAB, must establish and implement clear and robust lines of accountability.
- 3.5 The governing body must ensure it complies with the safeguarding requirements by the end of May 2014. This must include ensuring that: appropriate checks and safeguards are in place; that governors are aware of their individual and specific responsibilities for safeguarding; the single central register is structured in the recommended format and stored securely. The Child Protection Policy should be reviewed with particular attention paid to the procedures for allegations against staff and governors by end of June 2014.
- 3.6 Governors must establish a single complaints (including whistle-blowers) policy that is in line with the requirements of the Independent Schools Standards



Regulations and the Academies' Financial Handbook. Robust procedures must be put in place so that staff, parents and pupils have confidence in the impartiality, integrity and fairness of that policy and its implementation. This must include revised procedures and administration to ensure that the governing body routinely monitors and risk assures these key accountability measures. These new policies and procedures must be in place by September 2014.

- 3.7 Governors must understand and be able to demonstrate their responsibilities for financial management and governance to ensure that the trust secures full compliance with the financial requirements set out in the funding agreement and the Academies' Financial Handbook. The implementation of the financial monitoring and governance arrangements will be verified at a monitoring visit by the EFA. This will be at a point to be determined by the Education Funding Agency in discussion with the IAB, but no later than December 2014.

## 4. Trust Structures and Accountability

<b>Questions:</b>
<i>How well is the academy trust structured to ensure that governors are accountable for the performance of the academy?</i>

### Summary:

- The trust's current structure does not have the necessary degree of separation between members, governors and staff to ensure appropriate levels of challenge and accountability.
  - Of the three members of the trust, two are employees of the school. All three members are also governors and the only company directors registered at Companies House.
  - There is potential for conflict of interest as the clerk to the governing body is a member of staff, acting as the bursar and as the company secretary.
- 4.1 The trust has three members - the headteacher, assistant head and chair of governors. The headteacher is an ex-officio governor and the assistant head is a staff governor. None of this is prohibited by the Articles which give all governors (including staff governors) the right, but not the obligation, to become members, and which allow any number of staff governors (up to one third of the total). However, in this structure, there are no independent members that can hold the directors of the trust to account, or challenge the existing members.
- 4.2 There is a potential for conflicts of interest in having staff as members of the academy trust, particularly the headteacher and assistant headteacher. Academy staff are accountable to the company directors (members of the governing body) and the company directors are accountable to the members of the academy trust. The problem is compounded if these members are also staff governors.
- 4.3 The only three people who have been registered as company directors of the academy trust at Companies House are the members – the headteacher, assistant head and chair of governors.
- 4.4 In July 2013, the Articles were amended following a decision taken by the three members of the academy trust. No other governors were present and

this was not passed by written resolution, circulated in advance. In order to comply with the academy's Articles this decision should have been taken at a general meeting with notification circulated at least 14 days in advance, or by written resolution, with notification also circulated 14 days in advance.

- 4.5 Whilst not prohibited, there is a clear potential for conflict of interest with the bursar (principal finance officer) also being the company secretary and clerk to governors. This appointment effectively allows one individual to receive and direct the reporting to governors in areas for which they are also accountable.

## **Actions – Trust Structures and Accountability**

- 4.6 The trust should consider who takes forward the role of clerk and Company Secretary to ensure that there is not the potential for conflicts of interest.
- 4.7 The governing body should discharge its responsibilities to an Interim Academy Board (IAB) that will be in place until August 2015. The IAB should have no more than six members that include external education and governance experts.

## 5. Governance and Governance Operations

### Questions:

*How well do governors ensure clarity of vision, ethos and strategic direction?*

*How well do governors understand the strengths and weaknesses of the school?*

*How well do governors support and strengthen school leadership and use the performance management systems (including that of the performance management of the headteacher) to improve teaching, leadership and management?*

*How well do governors provide challenge and hold the headteacher and other senior leaders to account for improving the quality of teaching and pupils' achievement?*

*How well do governors operate to ensure that statutory duties are met and priorities are approved?*

### Summary:

- Governors are not able to articulate a clear and consistent vision and strategic direction for the school.
- There is no annual review of the governing body's performance.
- Governors lack the necessary skills and confidence to challenge the headteacher effectively. This is, in part, because there is little evidence of governor training, nor any awareness of relevant training opportunities. There is a lack of understanding of governor roles and responsibilities, weak leadership from the chair and a lack of communication between the chair and governing body.
- Breaches of the code of conduct have not been addressed; for example, one governor operating without a DBS check and evidence of governors undermining the chair since the publication of the Ofsted section 8 letter.
- There is no evidence that all policies are regularly updated and approved by the governing body in a timely, regular cycle. The complaints procedure needs further revision before it can be fully effective.
- There is no evidence that the governing body seeks the views of parents and

carers, such as at parents' evenings.

- 5.1 The majority of governors became involved with the academy trust because they wanted to contribute to the success of the school and give something back to the local community. Governors described the school's vision as maintaining the excellent academic record, and growing the school to ensure its future sustainability. This included expanding the sixth form and offering education to male pupils from September 2013. There was little evidence to demonstrate strategic or long-term direction of how the school will achieve that vision.
- 5.2 During interviews, most governors stated that they thought they had understood their roles and responsibilities, but since the Ofsted section 8 letter, they now recognise that their knowledge is inadequate and they are seeking information and support from other sources.
- 5.3 All governors stated that they had an induction discussion with the chair, but had little or no training since. The induction was typically an hour-long discussion that was not followed up with guidance or sources of further support and information. The governing body does not have a plan of training and development in place.
- 5.4 Governing body meetings are prepared methodically and papers provided well in advance of meetings. However, minutes show that there is limited discussion and most items are agreed without comment. Meetings are short and typically less than an hour long with some full governing body meetings lasting only 35 minutes.
- 5.5 All governors responded that challenge was not welcomed by the headteacher and many cited examples of challenging unsuccessfully. At the time, the majority of governors felt that, they had the information to perform their role effectively. However since the Ofsted section 8 monitoring inspection they have become aware of the limited access to information. Some felt they had struggled to get performance data, including RAISEonline. Although retrospective performance data is shared with governors (for example the curriculum committee receives a synopsis of RAISEonline and link governors are involved with Annual Reviews), targets are seen for the next two years ahead. However, as governors do not receive regular data on the current year's predictions they do not have the opportunity to challenge the targets set.
- 5.6 Governors attend Annual Review meetings for their linked faculties but do not provide external challenge, as this comes from the headteacher. Annual review meetings are overly detailed, cumbersome and stressful for staff, and are not an effective way to hold senior leaders to account for the quality of teaching and

learning and pupils' achievement. Apart from Annual Reviews, senior leaders do not have much opportunity to report their successes to the governing body or to receive challenge from governors.

- 5.7 The school has strong processes in place for monitoring and supporting individual members of staff's teaching, but data on this is not centrally coordinated and so is not reported to governors. There is no external validation of teaching observations. The headteacher's report to governors does not include any information on the quality of teaching and learning and the current achievement of pupils.
- 5.8 Governors do not receive information on the range of teaching and learning interventions in place throughout the school. The only intervention reported on to governors is one-to-one tuition, as this is what Pupil Premium funding is used. However, there is no Pupil Premium funding available for faculty leaders to use for their intervention of choice.
- 5.9 Governors stated that they did not receive regular information such as key changes and legal requirements from the chair of governors. Many stated that information was held tightly between the headteacher and chair of governors rather than being shared openly.
- 5.10 Governors felt that they did not have an effective working relationship with the headteacher and senior leaders. Since the Ofsted section 8 letter some governors have experienced difficulties, with one citing that there was a grievance made against him.
- 5.11 The complaints procedure has been updated and is compliant with the Independent Schools Standards but it is unclear why there are still two complaints policies: one for curriculum complaints and one for other complaints. The tone of the complaints policy could discourage complaints from parents and there is no central log for complaints. There is no provision for independence within the whistleblowing policy, so if a member of staff has a concern about the headteacher, there is no option for them to raise these complaints directly with governors or someone independent.

## **Actions – Governance and Governance Operations**

- 5.12 Under the guidance of this Interim Academy Board, the governing body must review and revise the governance structure of the academy trust to increase the accountability of the senior leadership team within the school. Serious consideration should be given to replacing the current Funding Agreement and Articles with the latest model versions available on the Gov.uk website.

5.13 The governors must establish a single complaints (including whistle-blowers) policy that is in line with the Independent Schools Standards Regulations and the academies financial handbook and robust procedures so that staff, parents and pupils have confidence as to the impartiality, integrity and fairness of that policy and its implementation. That must include revised procedures and administration to ensure that the governing body routinely monitors and risk assures these key accountability measures. These must be in place by September 2014.

## 6. Safeguarding

<b>Key Questions:</b>
<i>How well do governors operate to ensure children in the school are safe and the most vulnerable access the support they need?</i>

### Summary:

- There are procedures to ensure that appropriate safeguarding checks are processed and in place at the academy, although one governor does not have a DBS check.
  - Whilst Ofsted found that safeguarding requirements were met and children were safe, the section 8 report noted a number of failings. In addition, there are a number of areas in which there is a lack of good practice.
  - The structure of the single central register (SCR) is disjointed, and is overseen by a part time member of staff. It is not quality assured by governors, as is best practice.
  - The designated person (DP) and deputy designated person (DDP) have undertaken training at the appropriate level for their roles. It is recommended that refresher training is undertaken every two years. There is no evidence to demonstrate that all staff have received Level 1 training. Governors have not received safeguarding training.
  - The designated governor does not follow a recommended role description and is not aware of their responsibilities for safeguarding.
  - The Child Protection Policy is reviewed regularly but was not approved by the governing body. The management of allegations should be strengthened.
  - The governing body is not aware of the vulnerable caseload within the school or the actions being taken to support these pupils.
- 6.1 Data for the single central register (SCR) is captured in three places and is therefore disjointed. Not all governors are aware of the procedures for checks, nor do they quality assure the SCR as is good practice. One governor did not have a valid DBS check.
- 6.2 The DP and DDP claim that Level 1 training has been delivered for all staff. However, this could not be verified, as records of staff training are not readily



accessible. Governors, including the designated governor, have not undertaken any safeguarding training. The child protection policy was approved by the leadership team in March 2013 but not by the governing body. The deputy head teacher is working on the development of the Child Protection Policy with a specific focus on the management of allegations.

- 6.3 There are no clear written procedures around handling allegations against staff, other than the headteacher receiving all allegations. Two examples shared with the review team identified poor practice where the local authority designated officer (LADO) was not informed. It is good practice to have a written procedure in place for handling allegations against the headteacher or chair of governors.
- 6.4 The BaNES child protection audit is undertaken annually. The most recent audit took place in November 2013 and a number of actions were identified to raise the profile of the policy and procedure.
- 6.5 The attendance officer/DP has robust procedures to inform the local authority and to liaise with agency partners regarding vulnerable children including those subject to Child Protection Plans. The attendance officer works in partnership with the Education Welfare Officer to deliver support and challenge to families to promote attendance. The governing body is not aware of the vulnerable caseload within the school or the actions being taken to support these pupils. Pupils have confidence in their tutors and year heads to report concerns and share problems.
- 6.6 E-safety is led by an assistant head who undertakes regular assemblies on topics such as the use of social media and the impact of online interactions. He has not received safeguarding training.
- 6.7 The physical school site presents a number of challenges: a bridle path runs through the site and a number of buildings can be freely accessed. However the pupils are aware of strangers and are quick to report them to staff.

## **Actions - Safeguarding**

- 6.8 The outstanding DBS check for one member of the governing body must be completed. The governor must not have access to the school site until the check is processed.
- 6.9 The single central record must be structured in the recommended format, held as one document and stored securely.
- 6.10 A safeguarding training record must be developed and reviewed regularly to ensure that all staff and governors are trained and their training refreshed

regularly. Evidence of safeguarding training (certificates) should be held in staff and governor files.

6.11 The Child Protection Policy must be reviewed with particular attention given to:

- Procedures for allegations against staff, in collaboration with the local authority designated officer (LADO).
- Roles and responsibilities of staff and governors.
- Dissemination and awareness raising with parents/carers and students.

Once reviewed, the policy must be ratified by governors and disseminated to staff, students and parents/carers.

6.12 Actions identified in the recent Bath and North East Somerset Child Protection Audit undertaken in November 2013 must be completed.

6.13 All staff and governors must undertake, or evidence that they have undertaken, Level 1 safeguarding training.

6.14 The designated safeguarding governor must have a clear role description that outlines the quality assurance activity they will undertake in relation to safeguarding. This should include inspecting the SCR, record keeping, policy development and delivery of staff continuous professional development (CPD). The designated safeguarding governor should have appropriate training to develop their understanding of statutory policies and procedures including working with partner agencies.

## 7. Financial Governance

<b>Key Questions:</b>
<i>How well do governors ensure solvency, regularity and propriety, and that the financial resources made available to the school are managed effectively?</i>

### Summary:

- Academy finances appear sound with a healthy revenue surplus and cash balance.
- Governors do not fully understand their roles and responsibilities to carry out their duties in relation to financial governance effectively.
- Risk management is not embedded in the culture of the academy trust.
- There are concerns regarding the financial oversight role of the accounting officer.

7.1 Whilst academy finances appear sound, the long term vision of the academy has not been formulated into medium or long-term financial plans and budgets. While not a mandatory requirement, it is deemed best practice in aiding the financial oversight and stewardship capability of governors.

7.2 The management accounts produced for the Finance and General Purposes Committee are not prepared on an accruals basis but on a commitments basis, and excludes data on the school fund. Improvements can therefore be made to ensure governors receive reports on all of the funds over which they have a stewardship role.

7.3 Governors do not fully understand their roles and responsibilities in order to carry out their duties in ensuring solvency, regularity and propriety and management of financial resources. They have not received any post-induction training in these areas. The work of the responsible officer, for example, had not been directed by the governing body or other committee but rather through discussion between the bursar and the responsible officer. The responsible officer role is currently vacant. Either this vacancy should be filled or an alternative programme of risk review adopted, as permissible by the Academies Financial Handbook.

7.4 Risk management is not embedded within the culture of the organisation and there is little evidence of the risk register being used by managers or governors other than as part of the annual approval by governors.

- 7.5 The academy does not have a formal and approved treasury management policy that directs how the academy will ensure risk will be managed and value for money will be achieved through its investments of cash reserves.
- 7.6 Since the Ofsted inspection there has been the informal development of a two-tier senior leadership team. This is likely to diminish the Principal Finance Officer's ability to contribute effectively in her technical and leadership role and the extent to which the headteacher (as the accounting officer) can effectively carry out her specific and personal responsibilities for financial matters.
- 7.7 The academy's previous auditors resigned in 2012 citing a relationship of conflict and inflexibility of the accounting officer as the reason. A positive relationship with the current auditors has been noted, and the importance of maintaining a constructive relationship between the academy's auditors and the accounting officer maintained.

## **Actions – Financial Governance**

- 7.8 Training should be provided to governors to ensure they understand their responsibilities in the area of financial management.
- 7.9 While not mandatory, best practice would recommend that a medium and long-term financial plan and budget should be developed and approved by the governing body and be regularly reviewed, at least annually. The finance pack received by the Finance and General Purposes Committee should cover all funds for which the governors have a stewardship role.
- 7.10 The governors should appoint a replacement responsible officer to ensure the independent review of risks and the assessment of internal controls continues to be in place. Alternatively, the governors should adopt a programme of risk review as allowed in the Academies Financial Handbook. The programme of risk review should be directed by the Finance and General Purposes Committee.
- 7.11 The risk register should be reviewed more frequently to identify risks, to review the impact and likelihood of identified risks, and to ensure mitigation actions are being effectively applied.
- 7.12 A formal treasury management strategy and policy should be developed and approved by the governing body establishing how risk will be managed and value for money achieved on investments.

## Annex A: Ofsted Section 8 Letter



11 February 2014

Mrs K Sparling  
Headteacher  
Oldfield School  
Kelston Road  
Bath  
BA1 9AB

Dear Mrs Sparling

### **No formal designation monitoring inspection of Oldfield School**

Following my visit with Karl Sampson, Her Majesty's Inspector and Ian Hancock, Her Majesty's Inspector, to your academy on 11-13 December 2013, I write on behalf of Her Majesty's Chief Inspector of Education, Children's Services and Skills to confirm the inspection findings.

The inspection was a monitoring inspection carried out in accordance with no formal designation procedures and conducted under section 8 of the Education Act 2005. The inspection was carried out because the Chief Inspector was concerned about the number of complaints and allegations made to Ofsted about the effectiveness of safeguarding arrangements at the school.

### **Evidence**

Inspectors examined the school's single central record and a wide range of other documents relating to safeguarding and child protection arrangements. They met with the headteacher and other senior leaders including heads of faculties, members of the governing body, and groups of students.

In addition, inspectors scrutinised the school's self-evaluation and development plan, minutes of meetings and records relating to the

monitoring of teaching, behaviour and safety. By the end of the monitoring inspection, five responses to the online questionnaire (Parent View) had been submitted. The low number of responses was not sufficient for inspectors to take into account. Inspectors did take account of a recent parental survey conducted by the school. They also analysed 53 responses to the staff questionnaire and considered 11 written or emailed submissions from serving staff. Beyond meetings with senior leaders noted above, a further 14 staff requested individual meetings or telephone calls with inspectors.

During the monitoring inspection, inspectors observed nine lessons, seven of which were joint observations carried out with members of the school's senior leadership team. Inspectors also conducted short visits to a series of lessons to observe students' behaviour and learning.

Having considered all the evidence I am of the opinion that at this time:

The school's safeguarding arrangements meet requirements.

### **Context**

Oldfield School is a smaller-than-average-sized secondary school. There are currently 775 students on roll. The large majority of students are of White British heritage. The proportion of students from minority ethnic backgrounds is broadly average.

The proportion speaking English as an additional language is below average.

The proportion of students eligible for the pupil premium is below average. This is additional government funding to support students known to be eligible for free school meals, those in local authority care and students with a parent or carer in the armed forces. The proportion of school action pupils, those supported by school action plus or who have a statement of special educational need is well below average.

Oldfield School converted to become a co-educational academy in February 2011. There are currently male students in Year 7, Year 8 and in the sixth form. In 2012, the school met the government's floor standards, which set the minimum expectations for students' attainment and progress. Students are not

entered early for GCSE examinations in mathematics. The number of students changing school during the year is in line with average figures.

### **Behaviour and safety of pupils**

Students are very polite and courteous around the school site. They almost always conduct themselves well during the day, including at lunch and break times. Where high quality teaching challenges students, they show outstanding attitudes to learning. Relationships across the school are strong. Students show respect to their teachers and want to listen to and learn from them, which contributes positively to students often making outstanding progress. During the inspection, a very small amount of poor behaviour was observed. This occurred at the end of the school day and when teaching did not meet students' individual needs.

The school's safeguarding procedures meet requirements. Through curriculum opportunities and assemblies, students have a good awareness of different types of bullying and how to keep themselves safe. Students research current topical issues and present findings to their peers. For example, a group of students recently made a film about human trafficking. They presented it during an assembly which raised students' awareness of the issue and also gave the students guidance on how to protect themselves from it.

Attendance rates are above the national picture and the number of students who are persistently absent from school has decreased in recent years. There is not, though, a system to routinely follow up absence for all students. The school does not conduct any analysis of behaviour incidents to identify patterns and trends. Therefore, it does not adapt its practice and provision to try to prevent any recurrence of behaviour incidents.

Although the school's safeguarding arrangements meet requirements, the single central record contains administrative errors and is not routinely maintained so as to ensure that vetting procedures are implemented rigorously. The governing body has not ensured that statutory training undertaken by the designated officer for child protection has been refreshed in a timely manner.

The school's governing body has too little understanding of its statutory responsibilities. Its members are over reliant on information provided by the headteacher and it does not ensure that complaints, grievance and whistleblowing procedures are sufficiently robust to enable stakeholders to have confidence that their concerns will be handled in proper manner.

### **External support**

The school's designated officer for child protection has made suitable links with external agencies to ensure that concerns regarding individual pupils can be referred appropriately.

### **Priorities for further improvement**

- Improve the quality of leadership and management in the school by ensuring that:
  - policies and procedures surrounding complaints, grievance and whistleblowing are fit for purpose, reflect good governance and are implemented correctly, impartially and confidentially
  - the school's single central record is maintained accurately and checked rigorously to ensure it meets requirements consistently
  - the governing body has a clear understanding of the school's performance and is able to hold the senior leaders robustly to account for their work, including monitoring how well all school policies are being applied.
- An external review of governance should be undertaken, in conjunction with the Department for Education, in order to assess how this aspect of leadership and management may be improved.

During this inspection, Ofsted received a number of complaints from staff and from the local authority which lie outside its remit. The issues underpinning these complaints have been passed to the Department for Education for further consideration.



I am copying this letter to the Director of Children's Services for Bath and North East Somerset, to the Secretary of State for Education, the Chair of the Governing Body and the Academies Advisers Unit at the Department for Education. This letter will be published on the Ofsted website.

Yours sincerely

Simon Rowe

**Her Majesty's Inspector**

cc Chair of the Governing Body

## Annex B: Terms of Reference

### Aim

To recognise current good practice in governance and identify priorities for improvement in leadership and governance, providing support on what steps should be taken to achieve those improvements

The Review will:

- Interview the Headteacher, Chair of Governors and governors;
- Identify good practice in governance;
- Use the Ofsted evaluation criteria to enable the governing body to better understand its strengths and weaknesses and the basis upon which it will be judged in subsequent monitoring visits and inspections;
- Consider documentation to include governing body and committee minutes, Headteacher's reports, all school policies including complaints, whistleblowing, staff grievance, and internal control frameworks to ensure that they are fit for purpose and meet the requirements of the funding agreement;
- Look at a sample of complaints to understand the process, audit trail, record keeping and how decisions were reached;
- Identify potential non-compliance with the terms and conditions of the Funding Agreement, setting out clear actions for rectifying; and
- Identify what support is needed to improve and develop better governance, helping the governing body to address the issues raised in the inspection.

### Principles underpinning the Review

- The review will be led by an experienced and skilled chair of governors (NLG) and/or headteacher (NLE) and a DfE Education Advisor
- It will provide clear evidence-based recommendations about how governance might be improved in order to support the required improvement in school performance
- The review team will aim to build confidence and capacity.
- The review will be based on trust and mutual respect.

- All parties should respect confidentiality and encourage transparency.
- Reviewers will use their experience and skills to help the chair of governors and the governing body to identify appropriate priorities and solutions.
- Where possible the governing body feels ownership of the outcomes of the review.

## Annex C: Ofsted Governance Criteria

### Ofsted Criteria

Inspection examines the impact of all leaders, including those responsible for governance, and evaluates how efficiently and effectively the school is managed. In particular, inspection focuses on how effectively leadership and management at all levels promote improved teaching, as judged within the context of the school, and enable all pupils to overcome specific barriers to learning, for example through the effective use of the pupil premium.

Inspectors will consider the extent to which leaders and managers:

- Demonstrate an ambitious vision for the school and high expectations of all pupils and teachers.
- Improve the school and develop its capacity for sustained improvement by developing high quality teaching, leadership capacity and high professional standards among all staff.
- Ensure that all teaching staff benefit from appropriate professional development and that performance is rigorously managed.
- Accurately evaluate the school's strengths and weaknesses and use their findings to promote improvement.
- Provide a broad and balanced curriculum that meets the needs of all pupils, enables all pupils to achieve their full educational potential and make progress in their learning, and promotes their good behaviour and safety and their spiritual, moral, social and cultural development.
- Promote pupils' learning and progress in literacy.
- Engage parents in supporting pupils' achievement, behaviour and safety and their spiritual, moral, social and cultural development.
- Take steps to promote the safety of all pupils and ensure that they are safe in school.

Inspectors will also evaluate how effectively governors, or those with a similar responsibility, challenge and hold senior leaders to account for all aspects of the school's performance and ensure financial stability.

## Annex D: Actions Required by Oldfield School

### Actions – Trust Structures and Accountability

The Academy Trust should consider who takes forward the Clerk and Company Secretary role to ensure that there are no conflicts of interest. **September 2014**

That the governing body discharges its responsibilities to an Interim Academy Board (IAB) that will be in place until August 2015. The IAB should have no more than six members that include external education and governance experts. **September 2014**

### Actions – Trust Structures and Governance

Under the guidance of this Interim Academy Board, the governing body must review and revise the governance structure of the academy trust to increase the accountability of the senior leadership team within the school. **September 2014.**

The governing body should seriously consider replacing the current Funding Agreement and Articles with the latest model versions available on the Gov.uk website. **September 2014.**

The governors must establish a single complaints (including whistle-blowers) policy that is in line with the requirements of the Independent Schools Standards Regulations and the academies financial handbook, and robust procedures so that staff, parents and pupils have confidence as to the impartiality, integrity and fairness of that policy and its implementation. That must include revised procedures and administration to ensure that the governing body routinely monitors and risk assures these key accountability measures. These new policies and procedures must be in place. **September 2014.**

### Actions - Safeguarding

The outstanding DBS check for one member of the governing body must be completed. The governor must not have access to the school site until the check is processed **immediately.**

The single central record must be structured in the recommended format, held as one document and stored securely. **May 2014.**

A safeguarding training record must be developed and reviewed regularly to ensure that all staff and governors are trained and their training refreshed regularly. Evidence of safeguarding training (certificates) should be held in staff and governor files. **September 2014.**

The Child Protection Policy must be reviewed with particular attention given to:

- Procedures for allegations against staff in collaboration with the local authority designated officer (LADO).
- Roles and responsibilities of staff and governors.
- Dissemination and awareness raising with parents/carers and students.

Once reviewed the policy must be ratified by governors and disseminated to staff, students and parents/carers. **June 2014.**

Actions identified in the recent Bath and North East Somerset Child Protection Audit undertaken in November 2013 must be completed. **May 2014**

All staff and governors should evidence that they have undertaken or undertake Level 1 safeguarding training. **May 2014**

The designated safeguarding governor must have a clear role description which outlines the quality assurance activity they will undertake in relation to safeguarding. This should include inspecting the SCR, record keeping, policy development and delivery of staff continuous professional development (CPD). The designated safeguarding governor should have appropriate training to develop their understanding of statutory policies and procedures including working with partner agencies. **May 2014**

## **Actions – Financial Governance**

Training should be provided to governors to ensure they understand their responsibilities in the area of financial management. **September 2014.**

While not mandatory, best practice would dictate that a medium and long term financial plan and budget should be developed and approved by the governing body and be regularly reviewed at least annually. The finance pack received by the Finance and General Purposes Committee should cover all funds for which the Governors have a stewardship role **September 2014.**

The governors should appoint a replacement responsible officer to ensure the independent review of risks and the assessment of internal controls continues to be in place. Alternatively the governors should adopt an alternative programme of risk review as allowed in the Academies Financial Handbook. The programme of risk review should be directed by the Finance and General Purposes Committee. **September 2014.**

The risk register should be reviewed more frequently to identify risks, to review the impact and likelihood of identified risks and to ensure mitigation actions are being effectively applied. **September 2014.**

A formal treasury management strategy and policy should be developed and approved by the governing body establishing how risk will be managed and value for money achieved on investments. **September 2014.**



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