



**Lord Nash**

Parliamentary Under Secretary of State for Schools

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Dr Achmad Da Costa  
Oldknow Academy Trust  
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Oldknow Road  
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Birmingham  
B10 0HU

22<sup>nd</sup> July 2014

Dear Dr Da Costa,

### **Oldknow Academy Trust: Termination of Funding Agreement**

I write further to my letter of 9 June and your response received on 3 July 2014. In my letter of 9 June, I advised that the Secretary of State was minded to terminate the funding agreement with Oldknow Academy Trust ('the trust') unless the breaches set out in that letter were addressed promptly, satisfactory and in full.

Clause 96 of the funding agreement, which you entered into with the Secretary of State on 1 April 2012, provides for the termination of the agreement if its requirements are no longer being met. In my letter of 9 June, I advised that my view was that the requirements in clause 10 and clauses 12-33 of the funding agreement were no longer being met. I had formed this view based on Ofsted's report of its visit on 7 and 8 April 2014 and an investigation into the trust by the Educational Funding Agency ('EFA'). The Ofsted report found that, although the achievement of pupils and quality of teaching is outstanding, there are fundamental weaknesses in the governance and leadership of the academy and how it keeps its pupils safe. The EFA's investigation found numerous and serious breaches of the funding agreement and the Independent Schools Standards.

In summary, my concerns were that the trust was in breach of its funding agreement because the governance and leadership of the academy is inadequate and governors are not fulfilling the terms of the funding agreement; the appointment of governors is not appropriately carried out and the membership of the governing body is not clear; the recruitment and performance management arrangements for your staff are inadequate; it is failing to keep children safe; and your curriculum is considered by Ofsted to be inadequate because it does not foster an appreciation of, and respect for, pupils' own or other cultures.

I have now considered in detail your response received on 3 July. I have also considered the views of officials as to how the plans are being implemented following their visit of 11 July. It is extremely disappointing that you did not make yourself available to attend any of the key meetings with my officials on this date to discuss key issues around governance, leadership and safeguarding.

Having considered your response, I am not satisfied, and do not believe that I can be reasonably satisfied, with the response. The Secretary of State agrees with my view. Accordingly, I will proceed to terminate the funding agreement under clause 99 (c). This decision has not been formed easily or lightly and only after a full and careful consideration of your response and evidence of its implementation. I set out detailed reasons for this decision below:

Of the fourteen remedial actions listed in my letter of 9 June, seven have not been met and cover areas of significant importance that must be addressed in order to comply with the requirements and conditions set out in the funding agreement. These are:

- a. *Review and update the Single Central Record and demonstrate, by sending me a copy of it and the documents used to update it, that it records accurately all the required information for checks on staff. (Clauses 15 &16 of the FA):*  
**The Single Central Record is not compliant.**
- b. *To provide a clear statement and action plan to show how the trust has satisfied itself that the governors, senior leadership and staff have the skills, experience and qualifications to deliver the actions at action 5 (Clauses 14 & 15 of the FA):*  
**There is a lack of detail on how the trust has satisfied itself that governors have the skills, experience and qualifications to deliver the changes. The chair of the trust was too busy to meet with us.**
- c. *To provide a clear plan setting out how the trust will carry out an external review of governance and how and when this will be implemented. This must include a clear terms of reference that will satisfy me that the governance issues identified will be rectified. (Clauses 14 &15 of the FA):*  
**No evidence that the external review of Governance, which replicated the EFA recommendations, has been ratified by the governing body. The trust is still operating outside the terms of reference for its sub-committees.**
- d. *The trust must satisfy me that they have put in place transparent and compliant governance arrangements. This must include a clear accountability statement that sets out the respective roles and responsibilities of the trust, its Chair, the local governing body, and senior leadership team. (Clauses 14 &15 of the FA):*  
**The trust provided a skeleton plan for this action based on the recommendations from the external review of governance. This review has not been ratified and the actions are for the new clerk to governors who had not yet started in post.**
- e. *The trust must satisfy me that it is abiding by the terms of the Academies Financial Handbook in particular those items listed in paragraph 86 of the EFA Report 'Review of Oldknow Academy Trust, May 2014'. (Clause 14 of the FA):*  
**Our analysis did not satisfy us that the trust is abiding by the terms of the Academies Financial Handbook and particularly the items listed in paragraph 86 of the EFA Report "Review of Oldknow Academy Trust May 2014".**
- f. *The trust must satisfy me that its recruitment arrangements are operated in a fair and transparent manner that improves the standards of education for children and keeps them safe at all times. (Clause 15 of the FA):*  
**There is no**

***evidence to confirm that recruitment arrangements are being operated in a fair and transparent manner***

- g. *Urgently implement a policy, which satisfies me that complaints from parents, teachers and students are being dealt with in a fair, open and transparent manner. (Clause 15 of the FA): **Although there is a new complaints policy there is no evidence of how any complaints are being processed, logged, and tracked.***

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

Clause 100 of the funding agreement gives the trust the right to request that the Secretary of State attends a deputation including representatives of the governing body to discuss these concerns. Such a request must be made within 30 days of this notification.

If the trust does wish to request a deputation, then please contact Colin Diamond ([colin.diamond@education.gsi.gov.uk](mailto:colin.diamond@education.gsi.gov.uk)), who the Secretary of State is content for you to meet on her behalf. If you would like to request a meeting, it would be helpful if you could contact us by Wednesday 6 August.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Lord Nash', with a stylized flourish above the name.

LORD NASH