



Lord Nash
Parliamentary Under Secretary of State for Schools

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Mr Desmond Jaddoo
Chair of Trustees
CUL Academy Trust
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26th June 2017

Notice of Termination of Funding Agreement

I write concerning the funding agreement made between the Secretary of State and CUL Academy Trust Limited ("the Academy Trust") on 12 August 2014 ("the Funding Agreement").

On 19 January 2017, I gave written notice under clause 86a of the Secretary of State's intention to terminate the Funding Agreement, and invited the Academy Trust in accordance with clause 87, to respond with any representations by 3 February 2017.

On 3 February we received the Academy Trust's representations in a letter of that date to which was attached: (i) the school's Ofsted Action Plan; (ii) an executive summary of the current self-evaluation improvement plan; and (iii) documentation in support of the Academy's position.

The Trust's letter also raised the following:

- 1) A request that the representations are treated as an interim response from the Trust until the completion of the independent audit report;
- 2) Allegations regarding conflicts of interest between the current West Midlands Regional Schools Commissioner (WM RSC) Christine Quinn and EBN (East Birmingham Network);
- 3) Failure by Ofsted HMI to "sign off the recommendations made in their findings in follow up visits"; and
- 4) Ten points identified for consideration by the Department.

The Department's response to the above points is as follows:

- 1) Interim response: The Notice of Intention to Terminate the Funding

Agreement was given under clause 86a on the basis that the Academy required special measures in relation to its performance. The notice clearly stated that the deadline to make representations in relation to this notice was 3 February 2017. This requirement is in accordance with clause 87 of the Funding Agreement. The audit report was reviewed; however, we did not consider the report to have direct relevance to the concerns, which formed the basis of the notice under clause 86a.

2) Allegations: Christine Quinn stepped down from the Board of EBN prior to taking up the post of WM RSC. Furthermore, she has not been involved in any discussions or decisions relating to the intervention with CUL Academy Trust. The office of the WM RSC has followed the relevant Departmental conflict of interest procedure in regards to this case.

3) Failure by Ofsted HMI to "sign off the recommendations made in their findings in follow up visits": This is a matter between Ofsted and the CUL Academy Trust.

4) Ten points: A number of the points highlight appointments or activities that have taken place such as the appointment of an experienced Vice Principal, which we acknowledge, and Governor self-evaluation, which is essential to help ensure governance impacts positively on school improvement.

The Trust mentions the newly formed governing body, however in sixteen months and after four HMI visits there is little evidence of positive impact from the governing body on school improvement.

In accordance with clause 88(b), the Secretary of State has considered the Trust's representations.

Having considered all these representations carefully, the Secretary of State remains satisfied that it is appropriate to terminate the Funding Agreement. Consequently, in accordance with clause 88 and on behalf of the Secretary of State, I am issuing you with written notice to terminate the Funding Agreement on 8 January 2018.

Reasons for Termination

Following its inspection of CUL Academy on 22-23 September 2015, Ofsted judged its overall effectiveness to be inadequate and placed the school in special measures. The Ofsted report stated that the Academy was failing to give its pupils an acceptable standard of education and the persons responsible for leading, managing or governing the school were not demonstrating the capacity to secure the necessary improvement in the school.

The former West Midlands Regional Schools Commissioner, Pank Patel, wrote to CUL Academy Trust on 8 June 2016 to set out his concerns about the lack of improvement since the Ofsted report. His letter stated that in light of the Ofsted judgement, it was open to the Secretary of State to issue a Notice of Intention to Terminate under clause 86(a) of the Funding Agreement. It also stated that, if, having considered the Trust's representations and evidence submitted, she remained satisfied that the Funding Agreement should be terminated, she would move to termination.

In that letter he also asked that the Trust to submit by 18 June 2016 a copy of the

latest post-Ofsted school improvement plan; a copy of the Trust's updated statement of action; and an update on the governance review, including an up-to-date list of members and trustees. The Trust responded on 19 June 2016 providing: the Trust's Ofsted Action Plan from the visit on 15 June 2016; the Ofsted Inspection Report dated 11 March 2016; Section 175 Audit report; and a draft Internal Audit Report. Having reviewed the documents we noted that a number of the actions in the Action Plan had not been completed and were rated as red or amber. A list of members and trustees was not provided.

On 15 June 2016, Ofsted undertook a second, Section 8 monitoring visit to the Academy. The report from this visit stated that:

“Leaders and managers are not taking effective action towards the removal of special measures”.

On 14 November 2016, you met with representatives from the West Midlands Regional Schools Commissioner's Office and the Education Funding Agency to provide an update on progress to address the concerns indicated in the Ofsted Action Plan. This meeting agreed that an Education Adviser visit should be carried out as early as possible.

On 30 November 2016 Ofsted undertook a third Section 8 monitoring visit to the Academy. The report from this visit stated that:

“Leaders and managers are not taking effective action towards the removal of special measures”.

The Education Adviser visit agreed at the 14 November meeting took place on 6 December 2016. The visit raised a number of key concerns including: leadership, management and governance capacity to carry out the actions needed to improve the school; pupil behaviour and welfare; and the quality of teaching.

On 19 December 2016, you had a further meeting with representatives from the West Midlands Regional Schools Commissioner's Office and the Education Funding Agency.

Improvements, as identified by Ofsted and Education Adviser visits are necessary to address the inadequacies in the school. The representations the Trust submitted indicate that the Trust is responding to the HMI guidance but that progress has not been sufficient to take the Academy out of special measures. Based on these representations and evidence provided we do not believe that the Trust has the capability or capacity to make the improvements needed at the school.

There is insufficient evidence in the Trust's representations of an overarching and coherent strategy that would lead to rapid improvement in the effectiveness of leadership and management, the quality of teaching, the achievement of pupils, and their behaviour and safety. Furthermore, the individual actions against issues raised by Ofsted do not demonstrate that changes will be embedded and become practiced across the school. In conclusion, the Trust's representations have not convinced the Secretary of State that the current governing body and leadership team has the

capability to turn the school around swiftly so that it will give its pupils an acceptable standard of education.

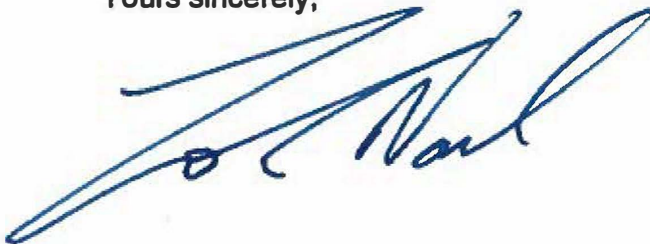
Next Steps

In reaching her decision to terminate the Funding Agreement, the Secretary of State has taken into account her duty under section 149 of the Equality Act 2010 to give due regard to the need to achieve the statutory equality objectives. The Secretary of State has considered the impact of re-brokering the school to a new sponsor following termination of the Funding Agreement. She has concluded that, on balance, the impact on individuals by reference to their protected characteristics is likely to be small and outweighed by the positive impact on pupils that will come from receiving a higher standard of education.

We have given careful thought to the effect on pupils and have sought to keep any disruption to a minimum. With this in mind, we will work to re-broker CUL Academy to a new sponsor by the termination date.

We will be in touch shortly to advise you of the new sponsor and to discuss transfer of capital assets funded by the Department and any budget implications. We would encourage the Trust to work with the new sponsor to ensure that the transition period is managed with as little disruption as possible to the pupils.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'John Nash', written in a cursive style.

JOHN NASH