



Department
for Education

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Mr Christopher Morgan
Chair of Robert Owen Academy Trust
Blackfriars Street
Hereford
HR4 9HS

28 March 2017

Dear Mr Morgan

Notice of Intention to Terminate Funding Agreement

I write concerning the funding agreement between the Secretary of State and Robert Owen Academy dated 1 September 2013.

I am still awaiting a formal written response from the Robert Owen Academy Trust to my letter of 12 January seeking the Trust's agreement to a mutual termination of the funding agreement. Your letter of 16 March does not provide the Trust's response to the request for a mutual termination, but it appears to be withholding such mutual agreement in the attached business plan for the Academy to remain open, which you say has the full Trust and Governing Body agreement. You also claim that at our recent meeting in London we agreed you would seek a further two-year moratorium to stay open with agreed targets for sustainability. For the avoidance of doubt, it was acknowledged at the London meeting that you intended to make such a request, and while I agreed it would be considered I gave no agreement or assurance that it would be approved as a way forward. Having considered the business plan carefully I have to inform you that it does not provide sufficient assurance or coherence for the future viability of the Academy and I cannot therefore accept this as a credible solution to the ongoing concerns about its viability.

The continuing uncertainty for pupils, staff and the wider community, is regrettable and it is now of pressing importance, and in the interests of all concerned, that the future of the Academy is determined conclusively. Clause 86a of the Robert Owen Academy funding agreement allows the Secretary of State to issue written notice of her intention to terminate the funding agreement where the Chief Inspector gives notice to the Academy Trust, in accordance with section 13(3) of the Education Act 2005, that special measures are required to be taken in relation to the Academy.

Robert Owen Academy was inspected by Ofsted in November and December 2016 and the report confirmed that the school continues to remain in special measures, with the addition that the effectiveness of leadership and management of the Academy has declined further since the previous inspection in May 2015, and is now also rated as Inadequate. The Ofsted report published on 3 February 2017, states that special measures are required because:

- Many of the weaknesses identified at the previous inspection remain. Leaders and trustees have been slow to implement effective action to improve the quality of teaching and pupils' outcomes, behaviour and attendance. The capacity to bring about significant and sustained improvements is weak.
- The Education Funding Agency (EFA) has issued the school with a 'Financial Notice to Improve' because the EFA have concerns about the weak financial position of the trust and the continued concerns about governance and financial management.
- Trustees do not have a secure understanding of the weaknesses in the school's educational provision.
- Most of the parents who completed the inspection questionnaire or spoke with inspectors would not recommend the school to other parents.
- Leaders across the school do not use the information they have about pupils' needs, outcomes, behaviour and attendance effectively to identify, address and resolve issues and concerns.
- Staff do not deliver the school's curriculum effectively, particularly in English.
- Pupils, including those in the sixth form, do not have access to frequent and effective careers information, advice and guidance. In addition, a small minority of pupils are not aware of the risks associated with radicalisation and extremism nor understand the importance of adhering to fundamental British values. As a result, pupils do not do well across a wide range of subjects, are not sure how to follow their chosen career path or how to behave appropriately.
- Many pupils live out of the city, and their travel arrangements inhibit the extent to which they can easily participate in extra-curricular activities after school. The school does not do enough to address this issue.
- Leaders do not make sure that the implementation of the school's policies is consistent and effective.
- Progress and attainment of pupils who have special educational needs and/or disabilities are weak. In addition, the absence and persistent absence of this group of pupils are above national figures.
- Governance is ineffective. As a direct result of weak governance, the weaknesses identified at the previous inspection remain. The trustees have presided over pupils' inadequate outcomes and poor behaviour and attendance and do not demonstrate the capacity to secure improvements.
- Trustees have not managed the challenging financial situation effectively.
- Trustees do not have a secure understanding of the school's strengths and weaknesses.
- Trustees have not made sure that all of the statutory policies are in place and effectively implemented. Trustees do not have a secure understanding of the impact of the spending for pupils who are disadvantaged and how are doing when compared with other pupils nationally.

Having considered this matter carefully, and in addition to the viability concerns due to low pupil numbers about which I wrote on 12 January, the Secretary of State and I are currently satisfied that it would be appropriate to terminate the funding agreement. I am therefore issuing you, on behalf of the Secretary of State, with a notice of intention to terminate under clause 86a.

You are invited to respond to this notice with representations from the Academy Trust within **ten working days from the date of this letter**. If no representations are forthcoming, or if the Secretary of State is dissatisfied with your response, she may proceed to terminate the funding agreement.

I am sending a copy of this letter to Chris Baird at Herefordshire Council and Jesse Norman MP.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'C Quinn', with a horizontal line underneath the name.

Christine Quinn

Regional Schools Commissioner, West Midlands