



Education & Skills  
Funding Agency

Education and Skills Funding Agency

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[ESFA-enquiry-form](#)

Mrs Caroline Lee  
Chair of Governors  
Conisbrough Ivanhoe Primary Academy  
Old Road  
Conisbrough  
Doncaster  
DN12 3LT

21 February 2022

Company Number: 07825848

Dear Mrs Lee

### **Notice to Improve: Conisbrough Ivanhoe Primary Academy**

I am writing to you in your capacity as the Chair of Conisbrough Ivanhoe Primary Academy ("the Trust") to inform you that we are issuing the Trust with a Notice to Improve (see Annex A) due to governance and compliance concerns.

First, I want to thank you for the positive action you have taken since the governance review was completed and for your cooperation with my team and the Regional Schools Commissioner for East Midlands and the Humber, in starting to address the issues identified.

As you are aware, the trust did not submit 2 of its mandatory returns by the required deadlines in the 2020/21 academic year, the budget forecast return and the school resource management self-assessment tool. These are formal requirements of the Trust's funding agreement (FA) as set out in the Academy Trust Handbook (ATH).

Paragraphs 2.15 and 2.16 of the ATH clearly state:

'The Trust is obliged to submit a budget forecast return outturn and 3-year budget forecast return to Education and Skills Funding Agency (ESFA). This must be approved by the trustees before submission.'

The Budget Forecast Return was due on 29 September 2020 but was not submitted until 8 October 2020.

Paragraph 6.9 of the ATH clearly states:

'All trusts must complete the school resource management self-assessment tool and submit their completed checklist to ESFA by the specified annual deadline.'

The school resource management self-assessment should have been submitted by 15 April 2021 but was not received until 30 April 2021.

Further breaches of the ATH were also identified through the governance review which was completed in October 2021. The action you need to take in respect of these breaches is included at **Annex B**.

This letter and its annexes serve as a written notice to improve controls and governance at the Trust (Notice to Improve or “the Notice”). It reflects the continued concerns on governance, controls and oversight of financial management by the board.

The Trust is required, pursuant to the provisions of the ATH and the funding agreement, to comply with the terms of this Notice. These terms are set out in annex A and annex B.

Being issued with the Notice means that certain delegated authorities, as defined in the ATH, have been revoked. All transactions previously covered by these delegations, regardless of their size, must now be approved in advance by ESFA, specifically:

- special staff severance payments
- compensation payments
- writing off debts and losses
- entering into guarantees, indemnities or letters of comfort
- disposals of fixed assets beyond any limit in the funding agreement
- taking up a leasehold or tenancy agreement on land and buildings of a duration beyond any limit in the trust’s funding agreement
- carry forward of unspent GAG from one year to the next beyond any limit in the funding agreement
- pooling of GAG

If the Trust comes to the ESFA to seek retrospective approval this will be deemed a breach of the ATH. Further details of the approval process will be forwarded to the accounting officer upon acknowledgment of receipt of this letter. These delegated authorities shall be returned to the Trust once we are satisfied the requirements of the Notice have been, and will continue to be, complied with to the satisfaction of the Secretary of State.

We will monitor progress made towards meeting the requirements of the Notice. We will lift the Notice when the requirements set out in the annex have been met in full.

We reserve the right to issue a revised Notice and add further specific conditions if required, should the trust fail to make sufficient progress against the original conditions. Should it become evident that the Trust is unlikely to fulfil the conditions and / or requirements set out in the Notice and / or within the agreed timescales, we will explore the contractual intervention options available.

If the Trust fails to meet the requirements of the Notice to the satisfaction of the Secretary of State, the Trust will be considered to have failed to comply with the terms of the ATH. This will also amount to a breach of the terms of the FA and may lead to termination.

If continued non-compliance with the ATH occurs, we may also refer the case to the Charity Commission and/or Insolvency Service for further investigation, as deemed appropriate in the circumstances.

Would you please acknowledge receipt of the Notice within 3 working days of the date of this letter by emailing [REDACTED] at [REDACTED].

In line with the requirements set out in ESFA's publishing policy, the Trust has 10 working days to offer any final comments on factual accuracy before publication. The Trust is required to publish the Notice on its website within 14 days of it being published by the ESFA and retain it on the website until the Notice is lifted by ESFA.

I am copying this letter to the accounting officer Joe Brian, trust members Joanne Toller and Mark Taylor, Carol Gray/Kate Copley, Regional Schools Commissioner for East Midlands and the Humber, and [REDACTED], [REDACTED].

We look forward to hearing from you.

Yours sincerely



**Warwick Sharp**  
**Director, Academies and Maintained Schools Directorate**

Cc:

Joe Brian – accounting officer

Joanne Toller, Mark Taylor – trust members

Carol Gray/Kate Copley – RSC for East Midlands and the Humber

**Notice to Improve**

The Education and Skills Funding Agency (ESFA) has decided to issue a Notice to Improve (the “Notice”) due to Conisbrough Ivanhoe Primary Academy (“the Trust”) failing to comply with the Academies Financial Handbook 2020 (AFH 2020) and Academy Trust Handbook 2021 (ATH 2021) as follows:

- Failing to submit 2 mandatory returns to the ESFA on time as required in the ATH paragraphs 2.15, 2.16 and 6.9 (ATH 2021)
- There is little or no independence on the Trust board. There has been no formal skills audit completed of the Trust board. Paragraphs 1.27 and 1.32 (ATH 2021)
- There is no clear audit and risk committee, or a committee in which this responsibility lies. Paragraph 2.6 (ATH 2021).
- There is no risk management oversight by the Trust board, the strategic risk register is out of date, and there are no actions recorded against the last review. There is no formal process of evaluating risks or how these fit into the annual audit schedule or how these actions have been implemented. Paragraphs 3.6 to 3.14 (ATH 2021).
- There is little or no financial oversight by the Trust board and its sub-committees. The board of trustees has not approved the annual budget for 2021/22 prior to submission to ESFA. This was completed by an external body with little or no input from the Trust. Paragraphs 2.1, 2.4 and 2.8 (ATH 2021).
- Management accounts are produced monthly, however, these do not meet the minimum requirements of the ATH. Paragraphs 2.18 to 2.22 (ATH 2021).
- This scheme of delegation must be reviewed annually by the Trust board. The scheme of delegation refers to the 2012 Academies Financial Handbook (AFH) and refers to job roles within the Trust that do not exist. Paragraph 2.4 (ATH 2021).
- The Trust’s key policies are out of date and not approved by the board. Where applicable, these need to reflect any changes to the ATH, be ratified by the appropriate board or sub-committee and be made available to staff. Paragraphs 2.43 to 2.48 and 6.11 to 6.15 (ATH 2021).
- Academy board business is being undertaken outside the formal structure of a committee meeting – this is non-compliant with the ATH. Paragraphs 3.1 and 6.2 (ATH 2021).

## **Conditions**

1. The Trust is required to comply with all the conditions set out in Annex B.

## **Financial management and governance requirements**

2. The Trust is responsible for its own financial management, control and governance and is expected to take appropriate action to strengthen the weaknesses identified and return to compliance with the ATH.
3. The Trust should take all appropriate actions to ensure the action plan agreed with the ESFA is fully implemented.
4. The ESFA must be satisfied that the Trust is doing everything it can to rectify the weaknesses identified.

## **Monitoring and progress**

5. The Trust is required to submit the evidence for the specific conditions to the timescales outlined in Annex B to enable the ESFA to monitor compliance and progress.
6. Should it become evident that the Trust is unlikely to fulfil the conditions and / or requirements set out in the Notice and / or within the given timescales, the ESFA will begin to consider and explore the contractual intervention options available.

## **Compliance and the end of the notice period**

7. As outlined in Annex B, the Trust is required to submit evidence to demonstrate compliance with the conditions of the notice, which the ESFA will use to monitor the Trust's progress. Annex B sets out the detail of the evidence required to fulfil the condition and the timescales to submit this evidence to the ESFA.
8. When the Trust meets all the conditions outlined in the Notice, is fully compliant with the most recent edition of the ATH and no other breaches have been identified, the ESFA will write to the Trust confirming the Notice has been lifted.

**Table of conditions**

The table below summarises the conditions that have been placed upon Conisbrough Ivanhoe Primary Academy (“the Trust”). It sets out the evidence the Trust must provide, and the timescales the Trust must meet, to show it has complied with the Notice to Improve (“the Notice”). All conditions set out in the table must be met before the Notice can be lifted.

Condition	Evidence required to show compliance with the notice	Timescale
<p>1. The Trust is required to:</p> <p>a) Comply with the funding agreement requirement to submit all audited reports, accounts and statements to the ESFA on time and without qualification.</p> <p>b) Submit an academies budget forecast return (BFR) by the deadline required by the ESFA.</p>	<p>The ESFA receives the Trust’s audited financial statements by 31 December, each year until the Notice is lifted.</p> <p>The ESFA receives BFR by the date required, each year until the Notice is lifted.</p> <p>The ESFA receives all other mandatory returns by the appropriate deadlines.</p>	<p>Submit audited reports, accounts and statements by 31 December 2022, and each year thereafter until the Notice is lifted.</p> <p>Submit BFR by date required, each year until the Notice is lifted.</p> <p>Submit all other mandatory returns by date required, each year until the Notice is lifted.</p>
<p>2. The Trust requests approval from the ESFA, in advance, for any actions under the revoked freedoms in paragraph 6.21 of the ATH 2021. These requests should be sent using the <a href="#">ESFA enquiry form</a>. Retrospective approval will be deemed as a breach of the ATH.</p>	<p>The Trust must submit a request for approval for any actions relating to the delegated freedom revoked under the terms of the Notice.</p>	<p>Until the Notice is lifted.</p>

<p>3. Provide evidence to the ESFA that the Trust has instructed an independent scrutineer <a href="#">ATH 3.17</a> to carry out its programme of internal scrutiny, including when reviews will take place.</p>	<p>The Trust provides evidence to the ESFA that an <u>independent</u> scrutineer has been instructed to carry out its programme of internal scrutiny <u>and</u> evidence of when the reviews will take place.</p> <p>The Trust must share with ESFA the minutes of the meeting where the programme is discussed and approved. ATH 3.1</p>	<p>Within 6 weeks from when this Notice is issued</p>
<p>4. Submit the internal scrutiny report and action plan of how the Trust will address all recommendations made by the independent scrutineer and the timescale(s) when this will be achieved by, to the ESFA within 4 weeks of the internal scrutiny taking place.</p>	<p>The Trust provides the ESFA with a copy of the internal scrutiny report <u>and</u> details/ timescales of the actions that the Trust will/ has put in place to address all recommendations made by the independent scrutineer. ATH 3.15, 3.23</p>	<p>To be submitted within 4 weeks of the internal scrutiny review taking place.</p>
<p>5. We will expect the Trust to supply the following financial information on a monthly basis for a period of 12 months from agreement of the plan. The frequency of reports thereafter will be determined by the ESFA, based on progress against the Trust financial plan:</p> <ol style="list-style-type: none"> <li>a. Revenue income and expenditure report with a narrative explaining any significant variances for the current full academic year. Income and expenditure classifications in this report should follow those in the Trust financial plan.</li> <li>b. A balance sheet showing the position at the end of the last calendar month and forecast to the end of the academic year; and</li> </ol>	<p>The Trust submits the required information to ESFA on time for a minimum of 12 months and until further notice.</p>	<p>The management reports must be submitted to the ESFA by 20th of each month, from March 2022, for a minimum of 12 months and until further notice.</p>

<ul style="list-style-type: none"> <li>c. A detailed monthly cash flow forecast rolling 12 months ahead.</li> <li>d. Details of any further aged creditors, which cause cash flow pressures.</li> <li>e. Provide separate accounting details for any 'central' or 'core' teams within the trust.</li> </ul>		
<p>6. The Trust must conduct a robust and wide-ranging assessment of all potential multi-academy trusts (MATs) that they could consider joining. Discussions must be held and documented at board level, and documentation of the assessment process and outcome must be shared with ESFA and RSC.</p> <p>The ESFA expect any decision regarding joining a MAT to result from careful consideration of all relevant factors. The Trust must provide the ESFA with a detailed breakdown of the evidence considered and reasoning underlying the trust's decision. This includes but is not limited to:</p> <ul style="list-style-type: none"> <li>a) evidence of discussion and scrutiny of proposals e.g. board meeting minutes, risk analysis etc.</li> <li>b) evidence that all decisions have been approved by the board through a majority vote</li> <li>c) Trust to request support from RSC if help in identifying strong MAT's is needed.</li> <li>d) If the Trust board votes to remain a SAT, it must move onto new model funding agreement and articles</li> </ul>	<p>The Trust needs to provide strong and cogent evidence for its decision on whether they are considering joining a strong MAT or not. Minutes of all discussions held should be provided to ESFA</p>	<p>Within 12 weeks of the notice being issued.</p>
<p>7. The Trust must prepare and implement an action plan in response to the conditions in the Notice and the recommendations made in the governance review. The action plan must be agreed with the ESFA.</p>	<p>Action plan must be shared with ESFA, as well as regular progress updates e.g. revised schemes of control, training for trustees etc.</p>	<p>The action plan must be shared with ESFA within 4 weeks of the Notice being issued</p>



<p>8. The ESFA receives notice of all board meetings, including extra-ordinary meetings; and that the agenda and draft minutes (in particular all information relevant to the Trust's financial or governance position) are forwarded to the ESFA as soon as they are available.</p>	<p>The Trust submits notice of all board meetings, including extra-ordinary meetings; and that the agenda and draft minutes (including confidential notes) are forwarded to the ESFA as soon as they are available). ATH 2.31</p>	<p>Annual plan of meetings for the calendar year to be submitted to ESFA within 4 weeks of the issue of the Notice.</p>
<p>9. Increase regularity of board meetings and particularly audit &amp; finance sub-committees above the minimum of 3 times a year.</p>	<p>The Trust submits minutes confirming the scheduling of an increase in board meetings above the minimum of 3 times a year and ensures that agenda and draft minutes are forwarded to the ESFA as soon as they are available.</p>	<p>Minutes of the meeting approving the scheduling to be submitted within 6 weeks of the Notice being issued.</p>
<p>10. Commission an independent review of its financial management and governance arrangements 6 months after the issue of the Notice to identify any gaps and recommendations for improvement.</p> <p>The terms of reference of the review and the outcome must be shared with the ESFA. The scope of the review should include but not be limited to:</p> <ul style="list-style-type: none"> <li>a. Trust governance arrangements; (as a minimum, an assessment of the oversight exercised by the Trust board, a skills audit of the current members and trustees)</li> <li>b. Trust procedures and policies.</li> <li>c. Trust operations.</li> <li>d. Personnel records.</li> <li>e. Contracts and contract management (including the scope for further efficiency savings, including using economies of scale to reduce staff costs.</li> </ul>	<p>The Trust provides the terms of reference and outcome report from the independent review of its financial management and governance arrangements. The terms of reference must include measuring against the conditions applied in the Notice and the recommendations from the governance review. The Trust must provide evidence of having reviewed and actioned any recommendations from the external review.</p> <p>If the review identifies any gaps in skills and experience at board level, the Trust must provide evidence of approaching Academy Ambassadors to help fill any gaps, which may be identified.</p>	<p>The terms of reference for the external review of financial management and governance should be submitted to the ESFA for review and approval 2 weeks before the review is to commence.</p> <p>The findings of the external review of financial management and governance, together with an action plan to implement the recommendations, should be submitted to the ESFA by within 4 weeks of the review being completed.</p>

<p>The review should consider the above areas in view of the regulatory framework governing academies and provide assurance on the level of compliance with those requirements. In particular, the Trust's articles of association, the funding agreement, the academy trust handbook and the Companies Act 2006.</p> <p>Where non-compliance or improvements are identified, the Trust should provide ESFA with an action plan and timeline to address those issues. If the review identifies any gaps in skills and experience, at board level, ESFA will expect the Trust to approach Academy Ambassadors to help fill any gaps, which may be identified.</p>	<p>Submit written report, detailing the actions the Trust has taken to strengthen the financial management and monitoring structures, to ESFA.</p>	
<p>11. The Trust ensures there are clear lines of accountability between the accounting officer of the Trust and the trustees, including effective oversight and support for financial management.</p>	<p>The Trust submits its scheme of delegation to ESFA showing evidence of clear lines of accountability between the Accounting Officer of the Trust and the Governing Body. ATH 1.16</p>	<p>Within 6 weeks of the Notice being issued</p>
<p>12. Ensure that proper arrangements are in place, whereby the Trust board has the appropriate skill set and processes in place to challenge and hold to account the accounting officer, finance officer and other members of the executive management team and evidence this.</p>	<p>The Trust board is providing the right balance of challenge and have the skills necessary to carry out their duties effectively. ATH 1.9 to 1.24 and 3.1</p>	<p>Within 10 weeks of the Notice being issued</p>
<p>13. Provide evidence to ESFA of improved and robust measures to ensure compliance, including publication of necessary information on the Trust's website as per the ATH.</p>	<p>The Trust has published all necessary information on their website, as required by the ATH. ATH 2.50</p>	<p>Within 4 weeks of the Notice being issued</p>

<p>14. The Trust to review its members and seek to appoint independent members, that are not trustees. It is the Department for Education's preference, for good practice, to have 5 members.</p> <p>The Trust to appoint new, experienced co-opted trustees to meet the structure as outlined in the trusts articles of association and to balance the independence of the Trust board.</p>	<p>Trust review and expand the governance structure to ensure it is compliant with the ATH and articles</p> <p>ATH 1.6, 1.23</p>	<p>Within 10 weeks of the Notice being issued</p>
<p>15. Trust to reduce overlaps between trustees and members by making new governance appointments, which are to be agreed with the ESFA.</p>	<p>Trust agrees new governance appointments with ESFA and appoints them within 12 weeks</p> <p>ATH 1.9 to 1.24</p>	<p>Within 8-12 weeks of the Notice being issued</p>
<p>16. The Trust must implement a robust procurement policy that ensures that the requirements of paragraphs 2.4.1 (ATH) are complied with.</p>	<p>The Trust <b>must</b> ensure:</p> <ul style="list-style-type: none"> <li>• spending has been for the purpose intended and there is probity in the use of public funds</li> <li>• spending decisions represent value for money</li> <li>• internal delegation levels exist and are applied</li> <li>• a competitive tendering policy is in place and applied, and the procurement rules and thresholds in the Public Contracts Regulations 2015 are observed unless alternative arrangements to these regulations are introduced</li> <li>• professional advice is obtained where appropriate</li> </ul> <p>ATH 2.28</p>	<p>Within 4 weeks of the Notice being issued</p>

<p>17. The Trust must update its register of interests as per the requirements of ATH 5.44 - 5.47.</p> <p>The Trust must also review its processes for managing conflicts of interests and related party transactions (RPTs) and submit these to the ESFA.</p>	<p>Trust must publish updated register of interests, that meets all the requirements set out at 3.10.8 – 3.10.11 of the ATH</p>	<p>Within 4 weeks of the Notice being issued</p>
<p>18. Ensure that all necessary trustee contact details are up to date in the Trust's Get Information about Schools (GIAS) entry.</p>	<p>All fields specified in GIAS for the individuals must be completed before the Notice can be lifted. The Trust must ensure its record on GIAS for the individuals remains up to date.</p> <p>ATH 2.56</p>	<p>Within 4 weeks of the Notice being issued</p>