



Department
for Education

Regional Director's Office
Regions Group
East Midlands
Department for Education
Level 7, St Paul's Place
125 Norfolk Street
Sheffield
S1 2FJ

Email: RG.EM@education.gov.uk

Mr John Rutherford
Chair of Trustees
Learners' Trust
Eckington Business Centre II
Gosber Street
Sheffield
S21 4DA

31 January 2023

Dear Mr Rutherford,

Termination Warning Notice to the Members and Trustees of Learners' Trust in respect of New Whittington Community Primary School

In accordance with clauses 5.B to 5.E of the funding agreement for New Whittington Community Primary School ("the Academy") the Secretary of State may terminate the funding agreement if the Academy is coasting as set out in the Coasting Schools (England) Regulations 2022, provided that the Secretary of State has notified the Academy Trust that the Academy is coasting.

I notified the Trust on 6 October 2022 that the Academy meets the legal definition of a school that is coasting (not making necessary improvements) as defined in the Coasting Schools (England) Regulations 2022. On 14 October 2022 I invited the Trust's representations in response to the notification letter, which the Trust provided on 11 November 2022.

Having considered all the information and evidence, including the Trust's representations, I am not satisfied that the Trust currently has the capacity or capability to deliver sustained improvements at the Academy. For the reasons set out below, I am issuing a Termination Warning Notice to the Trust to address the outstanding concerns, and the purpose of the Termination Warning Notice is to set out the actions that I expect the Trust to comply with in order to raise standards at the Academy. I need to be satisfied that the Trust is taking action to raise standards at the Academy.

The Academy has been part of Learners' Trust ("the Trust") since April 2017. The Academy joined the Trust with a history of underperformance and wider challenges which you outlined briefly in your representations to the department. Notwithstanding this, in March 2020 (following almost three years

under the Trust's leadership), Ofsted judged that the overall effectiveness of the Academy remained requires improvement. In 2019, the percentage of pupils meeting the expected standard in reading, writing and maths (40%) was well below the local authority (64%) and England (65%) average although obviously this 2019 data may no longer reflect the Academy's current performance.

The Ofsted report published following inspection in March 2020 highlighted areas for improvement specifically in relation to quality of education and leadership and management. Whilst the report highlighted that *“staff have high expectations of all pupils”* and that *“pupils are happy and safe at this improving and inclusive school”*, the report also stated:

- *“Pupils’ achievement, particularly in key stage 2, is not as high as it could be. Recently, pupils have not done well in national tests at the end of Year 6. Too many pupils have not been prepared well enough for the next stage of their education.”*
- *“Leaders have made a good start in setting out what pupils will learn in most subjects. However, there are some subjects where this is not the case. Leaders must ensure that curriculum planning in all subjects is complete and identifies what pupils must learn and when.”*
- *“Leaders have not ensured that all pupils’ reading books are challenging enough. Some pupils in key stage 1 have reading books that are too easy for them. Leaders should ensure that all pupils receive reading books that are at the correct level of challenge.”*

I acknowledge that the latest inspection of the Academy took place in excess of two years ago and I have reviewed the support you have invested in the Academy during this period as outlined in the Trust's representations. You state that the Trust's standardised approach to areas such as curriculum work and wider alignment across the Trust should provide confidence in the effectiveness of this support. In this regard, I am encouraged by recent good Ofsted outcomes at Mary Swanwick Primary School (November 2022) and Somerlea Park Junior School (January 2022) where significant improvements have been made. However, whilst I acknowledge the improvements at Somercotes Infant and Nursery School following Ofsted inspection (February 2022) the school was judged requires improvement. A short inspection at Chaddesden Park Primary School (September 2022) also concluded that the next inspection grade might not be as high (good) if a graded inspection were carried out now. Given these mixed judgements, I am not yet fully assured that the Trust's support for New Whittington Community Primary School will bring about the necessary improvements at pace or to the level required.

I understand this Termination Warning Notice will come as a disappointment to the Trust as you continue to work positively in meeting the conditions of the Notice to Improve issued to the Trust on 2 November 2021. As Regional Director, I need to be satisfied that the Trust has the capacity to deliver rapid and sustained improvement at the Academy.

Given these concerns, I require the Trust to take the following actions (“the Specified Actions”) within the stated timescales or the Secretary of State may issue a notice terminating the Academy's funding agreement pursuant to

clauses 5.B to 5.E of the funding agreement for New Whittington Community Primary School.

- Progress bespoke school improvement support, funded by the department's Trust and school improvement (TSI) offer and delivered by a school improvement partner, identified by the Department, that has a track record in delivering improvements in schools and for pupils with a similar context. Arrangements for the support to be in place within six weeks of the date of this letter.
- Work with the school improvement partner to review the New Whittington Community Primary School development plan for any areas of weakness and to identify additional measures that could be put in place with a specific focus on driving rapid improvement in pupil outcomes. Revised and quality assured improvement plan in place and shared with my team by the end of the spring term. The plan and milestones will be subject to agreement by the department.
- Implement the agreed plan and provide termly updates to my team on progress against the action plan and impact of those actions in the Academy with the first update submitted by the end of June 2023.

I will monitor progress made towards meeting the Specified Actions. If the Trust fails to meet any of the above Specified Actions by the specified date, I will consider whether to terminate the funding agreement in order to transfer the Academy to an alternative Trust.

I hope that the Trust will continue to work positively with the department in taking forward the above Specified Actions in respect of the Academy. I reserve the right to amend this Termination Warning Notice to specify further action which the Trust must take, and the date by which it must be completed.

The Trust must respond to this Termination Warning Notice by 21 February 2023, making any representations the Trust wishes to make in response to this Termination Warning Notice and the above Specified Actions, or providing confirmation that the Trust intends to comply with the above Specified Actions by the specified dates.

If the Trust fails to respond to this Termination Warning Notice by 21 February 2023, I may issue a notice terminating the Academy's funding agreement.

I am copying this letter to Ofsted, and to Derbyshire County Council. A copy of this letter will also be published on GOV.UK.

Yours sincerely

Kate Copley and Carol Gray
Regional Director for East Midlands

CC: Ofsted

Carol Cammiss, Executive Director of Children's Services, Derbyshire County Council

Matt Freeston, Chief Executive Officer, Learners' Trust