



Department
for Education

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The Members and Trustees of The Kemnal Academy Trust
The Atkins Centre Kemnal Technology College
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By e-mail only to:

26 June 2023

Dear Ms Bagley

Termination Warning Notice to the Members and Trustees of the Kemnal Academy Trust in respect of Kemnal Technology College

I notified the trust on 18 January 2023 that Kemnal Technology College (“the Academy”) is not making necessary improvements.¹ In that letter I invited the trust’s representations, which the trust provided. I have applied the principles set out in the published document, [Regional Directors decision making: 2022](#) and considered the Academy’s circumstances in line with the criteria set out in chapter 4 of the [Schools Causing Concern guidance](#).

I refer to my letter of 15 March 2023. As stated in that letter, as Regional Director I must be confident, based on the information available and evidence provided, that the trust can deliver rapid and sustained improvements at the Academy. Currently I am not satisfied this is the case. I therefore intended to issue a Termination Warning Notice.

In accordance with sections 2B and 2D of the Academies Act 2010², any funding agreement of an academy may be terminated by the Secretary of State where paragraphs (2), (3), (4) or (5) of regulation 4 of the Coasting Schools (England) Regulations 2022 applies to the academy and the Secretary of State has notified the Academy Trust.

¹ The term “not making necessary improvements” is used in the Schools Causing Concern guidance (October 2022 update). A reference in that guidance, and in this letter, to schools “not making necessary improvements” should be read as meaning that such schools meet the statutory definition of ‘coasting’, contained in regulation 4 of the Coasting Schools (England) Regulations 2022.

² Inserted by section 14 of the Education and Adoption Act 2016

On 22 March 2023 (DfE delivery officer) explained next steps and outlined the department's school improvement offer, in a meeting with the trust's CEO and senior director of education (secondary).

In my view, the trust lacks the capacity and capability to deliver rapid and sustained improvements at the Academy, for the following reasons:

- Kemnal Technology College became an academy on 1 September 2010. In March 2017 it was judged requires improvement (in all areas) by Ofsted. In May 2019 it was judged inadequate. In June 2022 it was judged requires improvement (all areas).

In its June 2022 inspection report, Ofsted noted that:

- Some teachers do not routinely reinforce and check what pupils know and remember. This means that some pupils are not able to build on prior learning or embed new knowledge.
- In some subjects, assessment tasks are not closely aligned to the curriculum and are inaccessible for some pupils. This means that sometimes teachers cannot check how much pupils have learned, and some pupils are not able to engage with assessments.
- The proportion of pupils who have had a fixed-term exclusion is very high and has a negative impact on pupils' access to an uninterrupted curriculum. Those responsible for governance have not challenged school leaders early enough to address this.
- Sometimes learning is disrupted by poor behaviour.
- Some pupils do not have enough opportunities to help them develop their confidence, resilience, and independence.

For these reasons I require the trust to take the specified actions below.

The following actions ("the Specified Actions") must be taken by the stated timescales or the Secretary of State may issue a notice terminating the Academy's funding agreement pursuant to sections 2B and 2D of the Academies Act 2010³.

- Provide an improvement plan that includes action to address the following weaknesses identified by Ofsted:

To ensure that teachers routinely reinforce pupils' knowledge and understanding across the school.

To ensure that assessment tasks are closely aligned to the curriculum and accessible for all pupils.

To ensure that the school is addressing the high proportion of pupils who have had fixed-term exclusions, and that information on exclusions is regularly shared with and scrutinised by governors.

³ Inserted by section 14 of the Education and Adoption Act 2016

To ensure that there is a strategy in place to address poor pupil behaviour and the disruption of lessons.

To ensure that pupils are provided with opportunities to develop their confidence, resilience and independence.

- The trust must implement the agreed plan and provide half-termly updates on the actions and milestones within the plan (or other information as requested). The first update must be submitted to the Department by **23 October 2023**. Where there are delays or risks, the trust must explain how these are being addressed.

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 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 **17 July 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 **17 July 2023**, I may issue a notice terminating the Academy's funding agreement.

I am copying this letter to Ofsted, and to the London Borough of Bromley. A copy of this letter will also be published on GOV.UK.

Yours sincerely

Claire Burton
Regional Director for London Region

CC: Ofsted, London Borough of Bromley