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Mr John Barton and Ms Rebecca Scutt  
Aston Community Education Trust  
ACET House  
66 Holderness Drive  
Aston  
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19 July 2023

Dear Mr Barton and Ms Scutt,

**Termination Warning Notice to the Members and Trustees of Aston Community Education Trust in respect of Shirebrook Academy.**

I notified the trust on 25 November 2022 that the Shirebrook Academy (“the Academy”) is not making necessary improvements.<sup>1</sup> On 8 March 2023 I invited the trust’s representations in response to the notification letter, 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 8 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 intend to issue a Termination Warning Notice.

In accordance with sections 5B and 5E of the Academies Act 2010<sup>2</sup>, 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.

The Academy is a secondary school which opened in September 2010 and has been part of Aston Community Education Trust since May 2017. During this time, 2 Ofsted inspections have occurred; on both occasions – March 2019 and December 2022 - the overall effectiveness of the Academy has been judged as requires improvement.

Although the Ofsted report published following inspection in December 2022 contains

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<sup>1</sup> 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.

<sup>2</sup> Inserted by section 14 of the Education and Adoption Act 2016

some positive commentary and judgements – there has been no change in any of the sub judgements since the March 2019 report. The report also identifies several areas for improvement:

- *Some teachers do not use assessment information consistently well to check that pupils' prior knowledge is secure, to identify misconceptions, or to plan subsequent learning. This means that there are times when pupils have not grasped new knowledge well enough before teachers move the learning on...*
- *Leaders have not ensured that precise information about how to support pupils with SEND is available to teachers. Pupils with SEND are not always well supported...*
- *Too many pupils are persistently absent from school...*
- *A small number of pupils sometimes show a lack of respect to others. Some staff do not always manage these incidents of poor behaviour in the same way. This poor behaviour occasionally disrupts others' learning.*

I note in the trust's representations that you have outlined some priority areas in which you are seeking to improve leadership and the quality of education at the Academy, and amongst other actions, I have considered that you have:

- A new CEO from March 2023.
- Embraced external evaluation including an External Review of Governance (ERG) and School Resource Management Advisor (SMRA) and have begun acting on recommendations made.
- Appointed 6 Strategic Directors who are responsible for internal evaluation and monitoring of all curriculum subjects, SEND and student behaviour across your secondary academies.
- Highlighted some new appointments at Shirebrook Academy such as a new Vice Principle and SENDCo.
- Plan to implement an additional layer of Pastoral Leaders for SEND and pastoral care which will also increase the leadership team's capacity to focus on the quality of education.
- Reviewed the curriculum and ensured all subjects have schemes of work with clear learning intentions and end points.

However, I cannot be confident the required improvements will be achieved and/or delivered at the necessary pace; the representations lack clarity on specific plans to address Ofsted's areas for concern relating to support for pupils with SEND.

For this reason, 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 5B and 5E of the Academies Act 2010.

- Provide an action plan that outlines how the 4 areas for improvement from the Ofsted report (highlighted above) are being addressed in both a rapid and sustainable way. Plan to be provided by 29 September 2023. The plan and milestones will be subject to agreement by the department.

- Implement the agreed plan and provide termly updates on the actions and milestones within the plan (or other information as requested) and where there are delays or risks how these are being addressed. The first update to be provided by 17 November 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.

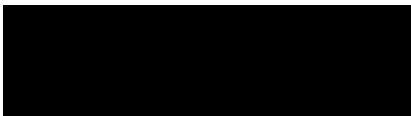
I reserve the right to amend this Termination Warning Notice to specify further action which the trust must take, and the date by which it must be completed.

The trust must respond to this Termination Warning Notice by 22 September 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 22 September 2023, I may issue a notice terminating the Academy's funding agreement.

I am copying this letter to Ofsted, and to Derbyshire Local Authority. 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

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

Mrs Lindsey Burgin, Associate Principle at Shirebrook Academy