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for Education

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Mr Andy Buck
L.E.A.D. Academy Trust
The Old Pumphouse
5 The Ropewalk
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10 January 2024

Dear Mr Buck

Termination Warning Notice to the Members and Trustees of L.E.A.D. Academy Trust in respect of The Birley Academy

I notified the Trust on 8 June 2023 that The Birley Academy (“the Academy”) is not making necessary improvements¹ and 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 26 September 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 clauses 5.B to 5.E of the funding agreement for The Birley Academy, the Secretary of State may terminate the funding agreement 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.

The Birley Academy joined L.E.A.D. Academy Trust (“the Trust”) in February 2017. The Academy joined the Trust with a history of underperformance. Since joining the Trust, the Academy has received two Section 5 Ofsted inspections which judged the school as requires improvement on both occasions. The first inspection in the Trust judged the Academy requires improvement overall (but good in personal development) whilst the latest inspection (six years since joining the Trust) judged the Academy as requires improvement across all areas. I am particularly concerned that leadership and management at the Academy has not yet been judged good whilst being part of the Trust.

The report published from the latest Ofsted inspection in May 2023 identified the following areas for improvement:

- *The quality of education is inconsistent. Where teaching is weak, pupils do not learn well. Leaders should provide staff with further training and support so that curriculum implementation is consistently strong within and across subjects.*
- *The support leaders provide for pupils in the early stages of learning to read is not targeted enough to meet pupils’ individual needs. Some pupils do not catch up quickly enough. Leaders should develop the reading strategy, particularly for early readers, to make sure pupils read well.*
- *Staff do not have consistently high expectations of pupils’ attitudes to learning and behaviour. Where expectations are low, pupils do not learn well. Leaders should make sure that staff have consistently high expectations of pupils’ attitudes to learning and behaviour. This consistency of expectation from staff should reinforce standards to pupils so that the number of suspensions continues to fall.*
- *Too many pupils do not come to school regularly. These pupils miss out on important learning. Leaders should continue to work with pupils and families to raise awareness of the importance of good attendance and behaviour so that more pupils attend school every day.*

I recognise the positive engagement from the Trust with the Department since being notified that a Termination Warning Notice will be issued. I understand that the Trust has engaged with the Department to discuss the Department’s Trust and School Improvement (TSI) offer for the Academy and that the Trust has proactively sought a suitable school improvement partner, which has been approved by the Department.

I also acknowledge the support the Trust has put in place at the school, including the recent appointment of a Trust Director of Secondary Education. Whilst I am hopeful that the actions that are being undertaken provide a solid foundation for further improvement at a faster pace, the longstanding history of underperformance means I am not yet fully assured that the Trust’s support for The Birley Academy will bring about the necessary improvements at the pace required to deliver good quality of education and outcomes for pupils.

Given these concerns, 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 clauses 5.B to 5.E.

- Must put in place a school improvement strategy and set this out in a school improvement action plan (the ‘Plan’). The Plan should address the areas of weakness identified by Ofsted and any additional measures that the school improvement partner may consider necessary and demonstrate that there is capacity within the trust to drive forward improvement in the Academy. The Plan should also include a clear attendance plan with actions for its successful implementation. Please provide your Plan by **29 February 2024**. The Plan and milestones for compliance will be subject to agreement by DfE.
- Implement the agreed Plan and provide termly updates to my team on the progress against the actions and the impact of those actions in the Academy. Where there are delays or risks, please provide details on how these are being addressed. Please provide the first update by **29 March 2024** and thereafter on or before the last day of each term until I confirm that no further updates are required.

We are mindful of creating unnecessary pressures on school leaders and staff, and as such we would ask the Trust to ensure that appropriate provision is in place to support the school workforce. We also ask the Trust not to create specific documents for the purpose of the termly updates, but to share any existing documents which provide evidence of the progress made against the actions in the Plan and the impact of those actions in the Academy. We may request additional information from the Trust if the evidence provided by way of existing documents is incomplete and where this would be reasonably expected as part of normal high quality trust processes.

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 **31 January 2024** 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 **31 January 2024**, I may issue a notice terminating the Academy’s funding agreement.

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

Yours sincerely

Alison Wilson OBE
Regional Director for Yorkshire and the Humber

CC:

Ofsted

Ms Meredith Dixon-Teasdale, Strategic Director of Children's Services,
Sheffield City Council

Ms Diana Owen, Chief Executive Officer, L.E.A.D. Academy Trust