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Rt Hon Michael Gove MP
Secretary of State for Education
Department for Education
Sanctuary Buildings
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Sir Michael Wilshaw
Her Majesty's Chief Inspector

Dear Secretary of State

Advice note provided on academies and maintained schools in Birmingham to the Secretary of State for Education, Rt Hon Michael Gove MP, as commissioned by letter dated 27 March 2014

Background

Her Majesty's Inspectors carried out inspections of 21 schools in Birmingham between 5 March 2014 and 1 May 2014. All of the schools that were inspected are publicly funded and none is a faith school.¹

All of the schools were inspected under section 8 of the Education Act 2005. Fifteen of these schools were inspected at the request of the Secretary of State. Six were inspected because of Ofsted's concerns about the effectiveness of safeguarding and leadership and management in these schools.²

This advice note draws on evidence from all 21 inspections and meetings that I held with lead inspectors, headteachers, professional associations and representatives from Birmingham City Council.

¹ Inspection outcomes are given at Annex 1.

² *Monitoring inspections of schools with no formal designation, with a focus on safeguarding and/or leadership and management* (130223), Ofsted, 2013; www.ofsted.gov.uk/resources/monitoring-inspections-of-schools-no-formal-designation-focus-safeguarding-andor-leadership-and-mana.

Main findings

- A culture of fear and intimidation has developed in some of the schools since their previous inspection. Some headteachers, including those with a proud record of raising standards, said that they have been marginalised or forced out of their jobs. As a result, some schools previously judged to be good or outstanding have experienced high levels of staff turbulence, low staff morale and a rapid decline in their overall effectiveness.
- Some headteachers reported that there has been an organised campaign to target certain schools in Birmingham in order to alter their character and ethos.
- The evidence shows that governors have recently exerted inappropriate influence on policy and the day-to-day running of several schools in Birmingham. In other schools, leaders have struggled to resist attempts by governing bodies to use their powers to change the school in line with governors' personal views.
- Birmingham City Council has failed to support a number of schools in their efforts to keep pupils safe from the potential risks of radicalisation and extremism. It has not dealt adequately with complaints from headteachers about the conduct of governors.
- Her Majesty's Inspectors identified breaches of funding agreements in a number of academies.
- In several of the schools inspected, children are being badly prepared for life in modern Britain.

1. A culture of fear and intimidation has developed in some of the schools since their previous inspection.

- a) Some headteachers, including those with a proud record of raising standards, said that they have been marginalised or forced out of their jobs. As a result, some schools previously judged to be good or outstanding have experienced high levels of staff turbulence, low staff morale and a rapid decline in their overall effectiveness.
- b) In several schools, there has been a breakdown in trust between governors and staff, including senior staff. Many staff and some headteachers told Her Majesty's Inspectors that they were frightened of expressing views contrary to those promoted by governors. Some staff said that they were fearful of losing their jobs or being blocked from

promotion if they spoke out against the changes that were being pursued. In one instance, a school leader was so anxious about the consequences of speaking to Her Majesty's Inspectors that a meeting had to be arranged in a supermarket car park.

- c) Staff and some headteachers variously described feeling 'intimidated', 'undermined' or 'bullied' by governors, and sometimes by senior staff, into making changes they did not support. Others testified that they have been treated unfairly because of their gender or religious belief. For example, in one school, female members of staff complained to Her Majesty's Inspectors that they were intimidated by the way some male members of the school community spoke to them.
- d) As a consequence of common failings in governance across many of the schools, safeguarding arrangements often lack rigour. Her Majesty's Inspectors judged safeguarding to be inadequate in five schools. Although the other schools that were inspected meet the basic statutory safeguarding requirements, a significant number have a narrow or incomplete understanding of safeguarding. For example, even though the necessary child protection and safeguarding policies were in place, these were sometimes out of date, lacked clarity or were being implemented superficially. In these schools, Her Majesty's Inspectors judged the leadership and management of specific aspects of safeguarding to require improvement.
- e) In some schools, leaders and governors have not adequately addressed the risks specific to their community. In particular, they have not focused on how children may be vulnerable to extremist influences, or to female genital mutilation or forced marriage.
- f) In several schools, governors are not sufficiently trained in or knowledgeable about 'safer recruitment' procedures. Systems for vetting visitors or new staff are sometimes poor. For example, there are weaknesses in terms of the checks that take place on prospective staff who have lived and worked overseas. Even where checks are in place, the results of these are not always recorded systematically.
- g) In several schools, staff reported that recruitment was neither fair nor transparent. Her Majesty's Inspectors found specific examples of family members being appointed to unadvertised senior leadership posts and candidates being appointed to senior leadership positions in spite of poor references and contrary to the wishes of the headteacher.

- h) Her Majesty's Inspectors found that governors in some schools have sought to make or have made changes to policies and the curriculum on the basis of their own personal beliefs, irrespective of the school's stated ethos and values. For example, in one primary school, governors opposed the headteacher's commitment to mixed-gender swimming lessons. The Chair of Governors in another school, against the wishes of the headteacher, introduced madrasa programmes of study into the personal, health and social education curriculum.
- i) Her Majesty's Inspectors also found that governors had spent public money inappropriately in a few schools. For example, inspectors questioned why public funding was used in one school to hire private investigators to interrogate the emails of senior staff.

2. Some headteachers reported that there has been an organised campaign to target certain schools in Birmingham in order to alter their character and ethos.

- a. Several headteachers reported that they have come under concerted pressure from governing bodies to organise the school in line with the personal views of governors. Some of these governors serve on several schools, including those that Her Majesty's Inspectors judged to be inadequate.
- b. Inspection evidence and headteachers' testimonies indicate that governors have exerted inappropriate influence on policy and the day-to-day running of several schools in the city. Some governors are trying to impose and promote a narrow faith-based ideology in what are non-faith schools. They have sought to do this by:
 - narrowing the curriculum
 - manipulating staff appointments
 - using school funds inappropriately.
- c. Headteachers identified governors who are highly influential across several of the schools that were inspected. Some headteachers told Her Majesty's Inspectors that they had been 'naïve' and had allowed governors to impose particular views on how their school should be run. Others argued that they have been actively 'undermined' by governors. They stated that governors work mostly 'within the rules', but in ways that attempt to weaken the authority of the headteacher. For example, headteachers

reported that governors blocked their proposals at governing body meetings through organised filibuster or by leaving meetings prior to voting. In the latter case, it is alleged that these governors did this so that inordinate governance would prevent decisions they disapproved of being taken.

- d. Not all of the schools that were inspected are in the same position. The evidence suggests three broad categories of school: in some schools, the inappropriate influence of governors is widespread and deep-rooted; in others, there are significant weaknesses in governance, but the level of undue influence exerted by individual governors is less established; in a few schools, leaders have successfully resisted the attempts of governors to change the nature and ethos of their school.
- e. The composition of governing bodies in many of the schools that were inspected has changed markedly over recent years. Some schools have experienced a rapid turnover in governors and staff, including senior leaders. This high level of 'churn' has, I believe, left schools vulnerable to influence by unsuitable governors, especially where other members of the governing body are new or inexperienced.
- f. Her Majesty's Inspectors identified a small number of maintained schools and academies where leaders and governors are working together successfully to ensure that children and young people not only achieve high standards, but are well prepared to live and prosper in modern Britain. These leaders understand and act on the need to tackle the potential risks associated with radicalisation and extremism. They ensure that their safeguarding arrangements are responsive to local concerns and that the curriculum reflects the values of people with diverse beliefs and from different backgrounds. Unfortunately, these schools have had too few opportunities to share their successful practice with others.

3. Birmingham City Council has failed to support a number of schools in their efforts to keep pupils safe from the potential risks of radicalisation and extremism. It has not dealt adequately with complaints from headteachers about the conduct of governors.

- a. A number of school leaders said that they had not been supported by the local authority in their efforts to keep pupils safe from the potential risks of radicalisation and extremism. Although the local authority has received public funding to promote the Home Office's 'Prevent' strategy, Her

Majesty's Inspectors found that support for some schools in their efforts to raise awareness of the dangers of extremism has been very limited.

- b. The local authority's record-keeping of complaints by headteachers against governors in maintained schools is incomplete and has not been properly analysed. Experienced and successful headteachers have consistently complained about the conduct of governors to the local authority, including about attempts to take control of governing bodies by stealth. These complaints have not been acted on with sufficient urgency. Representatives of the professional headteacher associations reported that, over time, the local authority's governor services have been ineffective in providing support for headteachers when complaints against governors have been raised.
- c. Some headteachers who spoke to me had very little confidence that the local authority would respond to their concerns about governors. Some raised questions about the close links that exist between local authority officials and key governors in the city. For example, a key governor at one of the academies judged to be inadequate is also a lead local authority trainer. Another governor at the same failing academy was previously head of governor support services at the local authority.
- d. The local authority has not exercised adequate judgement when nominating governors to maintained schools. The local authority does not routinely assess the suitability of prospective governors and, on at least one occasion, has not listened to concerns raised by headteachers about particular governing body appointments.
- e. In several of the inspections of maintained schools, inspectors noted weaknesses in the local authority's arrangements for the general oversight of schools.

4. Her Majesty's Inspectors identified breaches of funding agreements in a number of academies.

- a. A number of the academies inspected are in breach of aspects of their funding agreements with the Education Funding Agency. Some of the academies inspected, for example, did not meet the requirement to provide a broad and balanced curriculumⁱ or to provide the appropriate balance in religious education.ⁱⁱ In several of these academies, the general requirement to promote community cohesion was not being met.

- b. The arrangements for appointing suitable governors to these academies have not been sufficiently robust. Governors in these academies have been able to adopt policies and introduce practices that run contrary to the spirit, and the letter, of their funding agreements.

5. In several of the schools inspected, children are being badly prepared for life in modern Britain.

- a. Although the test and examination results in many of the schools were good or improving, the curriculum has become too narrow and pupils are not being prepared well enough for life in modern Britain. It is my view that the active promotion of a narrow set of values and beliefs in some of the schools is making children vulnerable to segregation and emotional dislocation from wider society.
- b. Often, the curriculum, culture and values now promoted in these schools reflect the personal views of a small number of governors. However, they do not reflect those of the wider community in Birmingham and beyond. They do not ensure that a broad and balanced curriculum equips pupils to live and work in a multi-cultural, multi-faith and democratic Britain. As a result, children are not being encouraged to develop tolerant attitudes towards all faiths and all cultures.
- c. In several schools, pupils' experiences are being restricted rather than broadened. For example, in one school, there are separate faith-based singing clubs. In another, music has been removed from the curriculum against the wishes of the children. In this school, pupils have few opportunities to study different European languages other than English.
- d. I am also concerned that in a few schools boys and girls are not being treated equally. For example, in one school, some members of staff actively discourage girls from speaking to boys and from taking part in extra-curricular visits and activities. In this school, boys and girls are also taught separately in religious education and personal development lessons.
- e. In some schools, the religious education curriculum is now being taught in a way that isolates the pupils from a fuller understanding of different religious and cultural traditions. These non-faith schools are not meeting their statutory responsibilities to provide a balanced curriculum and are not meeting the terms of their funding agreements.

- f. In several schools, there are weaknesses in the teaching of sex and relationships education. These have been exacerbated by protracted disagreements between governors and school leaders.
- g. In the small number of successful schools, leaders have ensured that the curriculum successfully equips pupils to take their place in a multi-cultural and multi-faith modern Britain.

6. Recommendations

In culturally homogeneous communities, schools are often the only places where children can learn about other faiths, other cultures and other styles of living. All maintained schools and academies, including faith and non-faith schools, must promote the values of wider British society. If this does not happen, the principles that are fundamental to the well-being of our society will not be transmitted to the next generation. With this in mind, the government should:

- consider urgently how it can provide greater public assurance that all schools in a locality, regardless of their status, discharge the full range of their statutory and other responsibilities
- ensure that local authorities and those responsible for academies and free schools carry out their statutory responsibility for safeguarding all children, including protecting children from radicalisationⁱⁱⁱ
- review the current arrangements for school governance, giving serious consideration to:
 - mandatory training for all governors
 - the introduction of professional governors where governance is judged to be weak
 - requiring all schools to publish a governors' Register of Interests
- ensure that governors in all schools are bound by, and follow, the prescribed procedures if they wish to change the status or character of a school
- review the Education Funding Agency's arrangements for auditing governance in academies and free schools
- provide much greater clarity to all schools (including academies and free schools) on what should be taught in a broad and balanced curriculum

- review and monitor funding agreements for all academies and free schools to ensure that they are properly implemented
- review existing whistleblowing procedures for all schools, including academies, and for local government and central government, so that concerns can be reported and acted on promptly
- further investigate whether there has been organised infiltration and manipulation of governing bodies.

Ofsted will:

- consult on introducing a new graded judgement on the wider curriculum as part of its changes to school inspection from 1 September 2015
- work with government to review the current exemption that applies to the routine inspection of outstanding schools.

Yours sincerely



Sir Michael Wilshaw

Annex 1. Inspection outcomes

School name	Date of inspection	Safeguarding requirements	L & M grade	S8 deemed S5
Adderley Primary School	2–3 April 2014	Met	Requires improvement	No
Alston Primary School	8 April 2104	Met	No judgement made as currently in special measures	No
Chilwell Croft Academy	30 April – 1 May 2014	Met	Requires improvement	No
Golden Hillock School – A Park View Academy	2–3 April 2014	Not met	Inadequate	Yes – special measures
Gracelands Nursery School	2–3 April 2014	Met	Requires improvement	No
Heathfield Primary School	30 April – 1 May 2014	Met	Requires improvement	No
Highfield Junior and Infant School	2–3 April 2014	Met	Requires improvement	No
Ladypool Primary School	2–3 April 2014	Met	Requires improvement	No
Marlborough Junior School	7–8 April 2014	Met	Requires improvement	No
Montgomery Primary Academy	7–8 April 2014	Met	Requires improvement	No
Nansen Primary School – A Park View Academy	2–3 April 2014	Not met	Inadequate	Yes – special measures
Ninestiles School – an Academy	7–8 April 2014	Met	Outstanding	No
Oldknow Academy	7–8 April 2014	Not met	Inadequate	Yes – special measures
Park View Academy of Mathematics and Science	5–6 and 17–18 March 2014	Not met	Inadequate	Yes – special measures
Regents Park Community Primary School	7–8 April 2014	Met	Requires improvement	No
Saltley School and Specialist Science College	9–10 April 2014	Not met	Inadequate	Yes – special measures

Shaw Hill Primary School	30 April – 1 May 2014	Met	Requires improvement	No
Small Heath School	9–10 April 2014	Met	Outstanding	No
Washwood Heath Academy	9–10 April 2014	Met	Good	No
Waverley School	9–10 April 2014	Met	Outstanding	No
Welford Primary School	9–10 April 2014	Met	Requires improvement	No

ⁱ Academies do not have to follow the National Curriculum, but the curriculum they offer must be ‘broad and balanced’ and include English, mathematics and science. It must also (a) promote the spiritual, moral, cultural, mental and physical (SMCMP) development of pupils at the school and of society and (b) prepare pupils at the school for the opportunities, responsibilities and experiences of later life. Academies have the freedom to exercise professional judgement about how they teach, how they arrange learning within the school day and how they decide which aspects of subjects to study. Academies offering nursery and primary provision have to implement the requirements of the Early Years Foundation Stage (EYFS) as set out in section 41 of the Childcare Act 2006, unless they have applied for and been granted an exemption. The extent to which the curriculum is broad and balanced is, for inspection purposes, a matter for inspectors’ professional judgement. Inspectors will assess the extent to which the curriculum offer meets the needs, aptitudes and interests of all pupils and will take account of the impact it is having on pupils’ SMCMP development. For academies, inspectors should check the curriculum requirements set out in the academy’s funding agreement, but the same considerations apply.

ⁱⁱ The funding agreement for an academy without a religious designation states that it must arrange for religious education (RE) to be given to all pupils in accordance with the requirements for agreed syllabuses that are set out in section 375(3) of the Education Act 1996 and paragraph (5) of Schedule 19 to the School Standards and Framework Act 1998. This means a syllabus that reflects the fact that the religious traditions in Great Britain are, in the main, Christian while taking account of the teaching and practices of the other principal religions represented in Great Britain. It also means that an academy without a religious designation must not provide an RE syllabus to pupils by means of any catechism or formulary that is distinctive of any particular religious denomination. This gives an academy without a religious designation the freedom to design its own RE syllabus (within those constraints) and not be bound by the specific locally agreed syllabus that maintained schools are required to follow. However, academies are free to follow the locally agreed syllabus if they choose or they can choose from a different local authority area.

ⁱⁱⁱ Section 175 of the Education Act 2002 (introduced 1 June 2004) places a duty on local authorities (LAs) in relation to their education functions to ensure that these functions are exercised with a view to safeguarding and promoting the welfare of children. It must be noted that the duties set out in the Act are shared duties – both the LA and the governing body of a maintained school are responsible for meeting them. LAs are not responsible for the performance of individual academies. The revised statutory guidance on schools causing concern, published in May 2014, clarifies the role of LAs in relation to academies and provides that LAs should seek to work constructively with academies and alert the Department for Education when they have concerns about standards or leadership in an academy. Academies are subject to Part 3 of Schedule 1 of the Education (Independent School Standards) (England) Regulations 2010, which include a duty placed on the proprietor or trust to ensure that arrangements are made to safeguard and promote the welfare of pupils at the school.