

**IMPLEMENTATION OF RECOMMENDATIONS FROM “REPORT INTO ALLEGATIONS CONCERNING BIRMINGHAM SCHOOLS ARISING FROM THE ‘TROJAN HORSE’ LETTER – JULY 2014”**

**29 January 2015**

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|  | **Peter Clarke report recommendations**  | **Our action** | **Status** |
| 1 | The Department for Education should review the process by which schools support individuals to gain and award Qualified Teacher Status to ensure that there are no systemic vulnerabilities to abuse. | The department strengthened the advice for initial teacher training providers in September 2014 to emphasise the need for rigour in the trainee assessment process. The accredited provider remains accountable for all assessment judgements and recommendations, and should ensure that this is understood across the partnership through the partnership agreement.  | **Complete** |
| 2 | The Department for Education should ensure that the governing body of every school extends the responsibilities of the teacher designated Child Protection Officer to include Prevent within his/her role. The mandatory Child Protection bi-annual update training undertaken by these responsible teachers should include the Prevent Strategy. This training should then be cascaded by the Child Protection Officer to every member of staff, governor or volunteer as an adult involved in the protection of children at the school. | This recommendation will be addressed later this year in planned changes to the department’s statutory guidance, “Keeping Children Safe in Education”, which sets out the role of the Designated Safeguarding Lead.The Counter Terrorism and Security Bill proposes a statutory duty for schools, among other bodies, to have due regard to the need to prevent people from being drawn into terrorism. Draft guidance on the duty which has been published for consultation makes clear that senior management and governors in school should make sure that staff have training that gives them the knowledge and confidence to identify children at risk of being drawn into terrorism and challenge extremist ideas. | Underway |

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| 3 | The Department for Education should consider taking action against teachers who may have breached the teacher standards.  | Interim prohibition orders are in place for two individuals and further examination of evidence is ongoing in relation to a number of other teachers. A number of staff have been suspended through the relevant trust’s own internal disciplinary processes, which continue in parallel with the National College for Teaching and Leadership (NCTL) considerations. | Underway |
| 4 | Birmingham City Council should review its systems, processes and policies regarding the support it provides to maintained schools to ensure that they are more strategic and joined-up across the range of functions (including HR, governor support and school improvement). In particular, it should ensure that: * concerns are considered not just on a case by case basis, but reviewed to ensure that any emerging trend is identified and addressed;
* intervention is considered in all cases;
* the appropriate balance is struck in all cases where there is an actual or perceived tension between community cohesion concerns and educational or safeguarding issues, and that decision-making is not overly influenced by a vocal minority; and
* there is effective information sharing – including on criminal issues and safeguarding concerns – between all parts of Birmingham City Council and with other agencies such as the police, the Education Funding Agency and the Department for Education.
 | Sir Mike Tomlinson has been appointed as Education Commissioner (announced by the Secretary of State on 25 September 2014), and his tenure has now been extended to March 2016.Birmingham City Council’s single integrated improvement plan was signed off on 1 December and is underpinned by a detailed programme of work, which is being overseen by the Commissioner. | **Review completed** Implementation underway |
| 5 | Birmingham City Council, the Department for Education, the Education Funding Agency and Ofsted should review their respective existing channels for raising issues of concern and ensure that they:* are robust, responsive and provide proper protection for those coming forward with sensitive concerns; and
* judge properly whether there are indicators of extremism, and refer the cases to the relevant authority to consider.

In particular, Birmingham City Council should consider the establishment of an independent process for teachers and governors to raise concerns. The Department for Education should ensure that the receipt of sensitive complaints forms part of the new Regional Schools Commissioners’ responsibilities, and that the Regional Schools Commissioners are able to refer complaints and concerns to the relevant agency for further investigation.  | Ofsted is reviewing its arrangements for handling all forms of complaint. The department is planning improvements to the process for school staff and the general public to contact the department to help ensure safeguarding concerns, including radicalisation and extremism, are acted on promptly. The department intends to extend the legal protections in the Public Interest Disclosure Act 2013 (PIDA) so that school staff making whistleblowing allegations regarding extremism concerns to the department are protected, through the regulations owned by BIS in relation to designated bodies under PIDA.Regional Schools Commissioners (RSCs) do not have a direct role in tackling extremism but are adding local intelligence to strengthen the DfE due diligence process. All eight RSCs understand how to handle safeguarding concerns, which may include extremism, and have the structures and systems in place within their offices to respond promptly. RSCs report all complaints or concerns about extremism to the Due Diligence and Counter Extremism Group (DDCEG). RSCs are also working with local authorities, Ofsted and others to ensure all complaints are concerns are identified and reported to the DfE. RSCs immediately report cases where there is a *child at immediate risk of danger or harm* to the Education Funding Agency (EFA) Territorial Director and the department’s Children Services Team who will inform the Local Authority (LA) and request receipt of the case. | Underway |
| 6 | Birmingham City Council should review all compromise agreements signed with headteachers in the last five years to consider whether they were appropriate and whether Birmingham City Council should have done more to exercise their duty of care. | Birmingham City Council is reviewing the compromise agreements and Sir Mike Tomlinson will ensure lessons are learnt from the process.  | Underway |
| 7 | The Department for Education should review the process by which schools are a) able to convert to academy status; and b) become Multi Academy Trusts, to ensure that appropriate checks are conducted on the group and key individuals and that there is an accurate assessment of the trust’s capability and capacity. It should also consider urgently how best to capture local concerns during the conversion process, and review the brokerage (and re-brokerage) system through which schools are matched with academy sponsors to ensure that the process is transparent and understood by all parties. | There are robust processes in place to assess applications for academy status and for potential sponsors. Since 2014 RSCs now take decisions on academy convertor applications and with the help of their Head Teacher Boards they can bring to bear local intelligence on capacity and suitability. Organisations wishing to sponsor another school have to be formally approved. This involves an assessment of their capacity to bring about educational improvement and to run an organisation successfully; it also involves due diligence checks on the background of key individuals leading the proposed sponsor organisation. Checks are carried out on individuals who wish to be members or directors of a school converting to become an academy on a risk-based approach. | **Complete**  |
| 8 | The Department for Education should consider the benefits of requiring academies to notify changes in the governing body to the Department along with stronger powers for the Secretary of State to bar an individual from taking part in the management of any type of school (including maintained schools and academies).  | Academies are required to provide the following information:* academy trust annual accounts include disclosure of the names of serving trustees and members, including in-year changes;
* the academies model funding agreement requires that trusts must notify the department of changes of members, and free schools must notify us of changes to members and trustees; a
* the Academies Financial Handbook requires trusts to inform the EFA of changes in chair of trustees, accounting officer and chief financial officer.

We have introduced new regulations for independent schools, including academies, enabling the Secretary of State to bar governors who have engaged in conduct aimed at undermining fundamental British values. We have also amended the disqualification schedule for maintained schools, so an individual who is barred from the management of an independent school is automatically disqualified from holding a governor post at a maintained school. | **Complete**  |
| 9 | Ofsted should consider whether the existing inspection framework and associated guidance is capable of detecting indicators of extremism and ensuring that the character of a school is not changed substantively without following the proper process. This includes ensuring that the appropriate boundaries for a non-faith school are not breached. It should also ensure that headteachers’ responsibility for ensuring that bi-annual Child Protection training is undertaken is reflected in the inspection process. | Changes to the Ofsted inspection framework were made in July 2014. This includes checking that schools are actively promoting fundamental British values and, that they offer a broad and balanced curriculum that prepares pupils for life in modern Britain. The assessment of governance considers whether they carry out their statutory duties, including on safeguarding. Ofsted has also widened its criteria for deciding when to undertake unannounced inspections and undertook 35 inspections without notice in the autumn term. The proposed duties in relation to Prevent and Channel contained in the Counter Terrorism & Security Bill will, if made law, be covered in future inspections as part of the wider consideration of whether a school is meeting all its statutory duties, including in relation to safeguarding. The department has set out safeguarding roles and responsibilities in the documents "Keeping Children Safe in Education" and "Working Together to Safeguard Children" ensuring that all bodies are clear about their role and responsibilities. This will be clarified further in the forthcoming revision of “Working Together”. | **Complete** |
| 10 | Birmingham City Council should take immediate steps to improve the running of its governor support services, so that it makes effective appointments following a suitable vetting process, and provides effective support to governing bodies where issues arise. In particular, it should ensure that: * training is suitable and delivered by appropriate individuals, so that new governors in particular understand the role of the governing body in setting the strategic direction of the school and holding the head to account in appropriate ways; and
* it is able to intervene effectively where the governing body is failing to conduct itself in the expected manner, including where it is making unrealistic demands on the headteacher or seeking to make fundamental changes to the character of the school without proper consultation with relevant parties or statutory permission.

This work should be completed before it reinstates the process for making Local Authority governor appointments. | Birmingham City Council has revised the process for recruitment, appointment and training of governors using expertise of the National Governors Association. Induction training for new governors now incorporates the Code of Conduct for Governors and the Nolan principles. 600 governors have been trained so far.  | Underway |
| 11 | The Department for Education should review guidance on governor appointments to make clear the expectations of the role, including: * the difference between setting the strategic direction and running the school; and
* the skills and expertise required, and what appropriate training to improve these skills should look like.

The Department should also consider the benefits of an accreditation scheme for governor training providers. | The Governor’s Handbook was revised in light of the Peter Clarke report to ensure that governors are aware of their responsibilities and the skills required for the position. This includes identifying a governor in each organisation responsible for training needs. The Handbook promotes the training and resources provided by the National College; the use of skills audits to identify skill gaps and training needs; and the suspension of governors who fail to undertake the training they needed to be effective, given this may bring the governing body into disrepute.  | **Complete**  |
| 12 | Unless there are genuinely exceptional circumstances, there should be a presumption that an individual will only be a governor at a maximum of two schools at any one time. All local authorities and multi-academy trusts should review their current governor arrangements, and where they identify an individual holding multiple positions they should consider the appropriate steps to ensure that a wider range of people are able to hold governor positions and that no single individual has undue influence over a number of schools. | The Governor’s Handbook was amended in September 2014 to now advise that prospective governors should have sufficient capacity to serve as a governor, especially if they are already a governor at other schools or academies. It recommends that the Chair takes references on new governors from any governing bodies on which they already serve, to be sure that they have the right skills and the capacity to take on the new role. It also recommends that chairs and strong governors move to a new school after a reasonable time (e.g. two terms of office) so that expertise can be shared and spread more widely.  | **Complete**  |
| 13 | All schools should include details on their website of their governing body. This should include the full name of the individuals, along with any committees they attend; the method of appointment (e.g. whether a local authority appointment or an elected parent governor); and the expected period of the appointment, in order to promote transparency over the running of schools. | The Governors’ Handbook now advises all schools to publish this information on their website. Academies are required to publish details of their trustees and members in their annual accounts, and we are consulting on formalising a requirement through amended statutory guidance for maintained schools to publish these details on their websites. The Academies Financial Handbook was amended in September 2014 to require academies to also publish their register of relevant business interests and details of any other educational institutions they are governors or trustees of. We are consulting on a proposal to place a similar requirement on maintained schools. | **Complete**  |
| 14 | The Department for Education should consider whether there is a case for preventing certain individuals from being involved in the management of schools. | New regulations were made in September 2014 to allow the Secretary of State to make directions barring individuals from taking part in the management of independent schools, including academies and free schools, whether as a governor or employee. Regulations to disqualify people subject to such a bar from being a governor of a local authority maintained school were made last year and, similarly, came into force in September. The department is currently considering the evidence in order to take action against governors who were implicated in the ‘Trojan Horse’ allegations.  | Underway |
| 15 | The Department for Education should continue to review and analyse the evidence gathered during the investigation; take further steps to understand issues of concern (including potential financial malpractice); and consider appropriate further actions. It should also consider whether other areas of the country may be similarly vulnerable, and respond promptly and effectively if concerns are raised, ensuring that there is sufficient resource and capacity to do so. | The department is continuing to analyse and review the evidence from the investigation and has discussed the preventative strategies of a number of local areas with the senior leadership teams of the relevant local authorities. It has found no area to have the same extent of vulnerabilities in its state schools as Birmingham, but it has emphasised that active local leadership is required constantly to assess and act on risk.DDCEG is now building its capacity, including through external recruitment, and setting an outward looking, proactive culture within the Group and the wider department.  | Underway |