

Decision Maker: Education, Children and Families Budget and Performance Monitoring Sub-Committee

Date: 18 July 2018

Decision Type: Non-Urgent Non-Executive Non-Key

Title: Report of Investigation into St Olave's Grammar School

Contact Officer: Ade Adetosoye, Deputy Chief Executive and Executive Director of Education, Health and Care Services
Tel: 020 8313 4197 E-mail: ade.adetosoye@bromley.gov.uk

Chief Officer: Ade Adetosoye, Deputy Chief Executive

Ward: All

1. Reason for report

- 1.1 In October 2017, on behalf of the Local Authority, the Deputy Chief Executive commissioned an independent investigation into practice at St Olave's Grammar School to consider, specifically, the transition of pupils from Year 12 to Year 13 and aspects of governance and, more generally, the school's ethos and culture and their impact for children and adults. The report of the investigation is attached.
- 1.2 Most of the 49 recommendations are being addressed by the school's Governing Body. Eight recommendations or part recommendations require action from the Local Authority and this report sets out the action being taken.
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2. **RECOMMENDATION(S)**

2.1 The Committee is asked to:

- (i) note the report of the independent investigation into St Olave's Grammar School and the actions being taken by the school and the Local Authority in response to that report;
- (ii) agree to receive a follow up report in 12 months on the implementation of the recommendations of the investigation report.

Impact on Vulnerable Adults and Children

1. Summary of Impact: The investigation considers some key policies and practice at St Olave's School and their impact on the children the school serves.
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Corporate Policy

1. Policy Status: Not Applicable:
 2. BBB Priority: Children and Young People:
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Financial

1. Cost of proposal: Not Applicable:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre:
 4. Total current budget for this head: £
 5. Source of funding:
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Personnel

1. Number of staff (current and additional):
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: None:
 2. Call-in: Not Applicable:
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Procurement

1. Summary of Procurement Implications:
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected):
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments:

3. BACKGROUND

- 3.1 In the summer of 2017, a group of parents gave notice of Judicial Review which named both St Olave's School and Bromley Council. They were challenging the school's practice of withdrawing the places of pupils who did not achieve a certain level of academic performance at the end of Year 12. The pupils were not allowed to progress to Year 13 or repeat Year 12 so they had to leave the school before completing their sixth form studies. Legal advice, obtained by the Local Authority (LA), confirmed that the practice is illegal. The school withdrew its policy and agreed to allow all Year 12 pupils to progress to Year 13.
- 3.2 While this was happening, the LA and the Diocese of Rochester received a growing volume of complaints about the school, not just transition from Year 12 to Year 13 but also wider issues about the ethos of the school. Therefore, in October 2017, following discussion with the new Chair of Governors, the LA commissioned an independent investigation. The report of that investigation is attached. The terms of reference for the investigation are set out, in full, in section 1.5 of that report.
- 3.3 The investigation has been very thorough (see section 1.3 of attached report), following through all written submissions and interviewing all those who put themselves forward. The investigator sought to cross-check the evidence collected wherever possible and gave those who contributed opportunity to check and confirm the accuracy of the text. There is no doubt that the school community was bruised by the events leading up to and immediately following the legal challenge but several of those who have contributed to the investigation expressed a sense of relief in being able to talk about their experience and express their views.
- 3.4 As soon as he took up post, the new Chair of Governors took firm action to address the areas of immediate concern. With the Acting Headteacher and with the support of the Governing Body and the staff team, he has reaffirmed the Christian ethos of this Church of England school, stating unequivocally that the school must serve its pupils, rather than the achievements of pupils serving to enhance the reputation of the school. Amanda Spielman, HMCI, recently reminded school leaders of the risk of an exclusive focus on the performance of the school which results in losing sight of the child: "It should not be taken as read that higher scores for the school always mean a better deal for the pupils".

4. RECOMMENDATIONS OF THE INVESTIGATION

- 4.1 The Local Authority accepts all the recommendations and is taking action to address them. The investigator makes eight recommendations or part recommendations which require action by the LA and, for the purpose of this covering report, these have been grouped into themes.

4.2 Safeguarding

Recommendation 34: That, if any parents feel that their child's case should have been referred as a safeguarding issue because of the effect on their mental or emotional health and wellbeing, the Local Authority should provide a contact person with whom they can get in touch to discuss their case.

The Local Authority Designated Officer (LADO) within Children's Social Care is available to support parents as needed. Information about this role is included in the school's safeguarding information and procedures and should be readily accessible in all schools. When the Governing Body writes to the parents directly involved (Recommendation 36), information will be included about how to get access to this support.

4.3 School admissions

Recommendation 2: That the Local Authority, for schools for which it handles the statutory consultation on Admissions, reviews the advice it gives to schools to include ensuring the parent body is given directly full details of the proposed changes and then monitors that this is done.

The LA is responsible for determining the admission arrangements for maintained community and voluntary controlled schools. Voluntary Aided schools (and also academies) are their own admission authority and carry out their own consultations. Each year, in September, the local Authority sends guidance to schools with the requirements of the School Admissions Code in relation to consultations. We are reviewing the information we send and will include specific advice on consulting parents. For all maintained schools, the Local Authority will also check the information provided to parents and the ways in which it is communicated.

Recommendation 41: That the LA responds formally to schools' consultations on admissions arrangements, including the LA's confirmation that the arrangements comply with the Admissions Code of Practice.

From the next round of admissions consultations in the autumn, the LA, through the Admissions Team, will respond to all admissions consultations relating to changes in both admissions arrangements and the Pupil Admission Number (PAN), having confirmed the legality of the proposed arrangements. Where proposed admission arrangements are likely to have an impact for Bromley residents, the response will be formulated in consultation with the Portfolio Holder.

4.4 School governors

Recommendation 23: That the LA nominates to the longstanding LA vacancy on the Governing Body taking into account the skills being sought by the Governing Body.

The Governing Body has accepted the LA's nomination and the LA governor has joined the Governing Body.

Recommendation 42: That the LA ensures that its method for nominating governors happens in a timely manner and takes into account the skills being sought by the Governing Body.

Governor support services are commissioned from Octavo who manage the process for LA nominations to governing bodies of maintained schools. The forthcoming annual performance review of the contract will include discussion about the nomination process and support for governing bodies in carrying out skills audits.

4.5 Long term impact and sustainability

Recommendations 43 and 45 and part of recommendation 10 aim to ensure that the positive impact of this investigation and its recommendations is sustained.

Recommendation 10: That the Governing Body should inform the two parents who complained to the governors and then the DfE about the Year 13 subject ban, of the findings of the investigation, and apologise to them for the decision. The DfE should be informed of the investigation's disagreement with the DfE position.

The investigation considered the school's practice of preventing any pupil achieving below a grade B in mock examinations from being entered for an A level in this subject, even if this would have an adverse effect on their university entrance or chosen career. In response to parents' complaints, the DfE, in the individual cases referred to them, accepted the school's

argument that there was a justifiable educational reason for their decision. The investigator does not agree with the DfE's conclusion and sets out her argument in detail in section 2.3 of the attached report. The LA will be sending a copy of the investigation report to the DfE and will draw their attention to this point specifically.

The findings of this investigation, including this point, will be of interest to other secondary schools in Bromley and the key points will be disseminated.

Recommendation 43: That the LA works with the school to appoint a School Improvement Partner to carry out an annual school performance review of this maintained school which draws on information about the whole life of the school, i.e., not reliant solely on examination results.

The Chair of Governors and Headteacher Designate have agreed with the interim Director of Education to appoint a School Improvement Partner (SIP) to provide challenge and support for the Headteacher and the Governing Body. It is intended that the SIP will be in post for the new academic year. Alongside this, the LA is in the process of agreeing with all maintained schools the range of information and evidence it needs to be assured of the school's performance and capacity for sustained improvement.

Recommendation 45: That the Diocese Director of Education, LA Director of Education and Chief Executive of St Olave's Foundation review the implementation of these recommendations and their impact on the life of the school, after 6 months and 12 months.

Most of the report's 49 recommendations are being addressed by the Governing Body and good progress has been made already. This recommendation provides for a check that momentum is sustained and that the impact of the changes on the life of the school can be evidenced. It is proposed that a follow up report is brought to the Select Committee in 12 months.

5. IMPACT ON VULNERABLE ADULTS AND CHILDREN

- 5.1 The investigation considers some key policies and practice at St Olave's School and their impact on the children the school serves.

6. POLICY IMPLICATIONS

None

7. FINANCIAL IMPLICATIONS

None

8. PERSONNEL IMPLICATIONS

None

9. LEGAL IMPLICATIONS

- 9.1 As had been advised previously, the Council had the power to commission the Investigation and Report by virtue of Section 51 Education Act 2005 and Section 1 Localism Act 2011. Section 51 does not give an express power to publish the report. However, Section 1 of the Localism Act 2011 does provide the power to publish. There are no pre or post commencement limitations prohibiting such publication. Additionally,

such publication will further the rights of the Council's residents (and others) under Article 10 or the European Convention of Human Rights to receive information on matters of public concern.

9.2 The report does contain personal data. However, Article 6 (1) of the General Data Protection Regulations provides:

“processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.”

which also supports publication.

9.3 Whilst consent to publish is not required it has still been sought for information relating to persons under 18 individuals and organisations who are mentioned and have been advised of intended publication to allow for representations/comments to be made and minor changes were made, by the investigator, as a consequence

9.4 Although dealing with matters under the Members Code of Conduct and the principles in the Data Protection Act 1998 rather than GDPR, in the recent case of Hussain v Sandwell Metropolitan Borough Council, His Honour Mr Justice Green recognised the weight of public interest arguments around publication of Local Authority Reports.

10. PROCUREMENT IMPLICATIONS

None

Non-Applicable Sections:	None
Background Documents: (Access via Contact Officer)	None