

Decision Maker: COUNCIL

Date: Monday 8 October 2018

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

Title: **OUTCOME OF THE EDUCATION, CHILDREN AND FAMILIES
SELECT COMMITTEE REVIEW OF THE INVESTIGATION INTO
ST OLAVE'S GRAMMAR SCHOOL**

Contact Officer: Councillor Nicholas Bennett. Chairman, Education, Children & Families Select Committee
E-mail: Nicholas.Bennett@bromley.gov.uk

Chief Officer: N/A

Ward: All Wards

1. Reason for report

- 1.1 On Wednesday 18th July 2018, a joint meeting of the Education, Children & Families Select Committee and the Education, Children & Families Budget and Performance Sub-Committee was convened to consider the Report of the Investigation into St Olave's Grammar School.
- 1.2 This report sets out the conclusions and recommendations arising from the meeting.
-

2. **RECOMMENDATION**

- 2.1 **That the report be noted and the conclusions and recommendations arising from the meeting be endorsed.**

Impact on Vulnerable Adults and Children

1. Summary of Impact: The Investigation report considered some key policies and practices at St Olave's School and their impact on the children the School serves.
-

Corporate Policy

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

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:
-

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:
-

Procurement

1. Summary of Procurement Implications:
-

Customer Impact

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

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments:

3. COMMENTARY

3.1 Background

- 3.1.1 In the summer of 2017, a group of parents gave notice of a Judicial Review naming both St Olave's School and Bromley Council. The parents sought to challenge 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; they had to leave the School before completing their sixth form studies. Legal advice obtained by the Local Authority (LA), confirmed that the practice was illegal. The School subsequently withdrew its policy and agreed to allow all Year 12 pupils to progress to Year 13.
- 3.1.2 While this was happening, the LA and the Diocese of Rochester received a growing volume of complaints about the School, not just in respect of the transition from Year 12 to Year 13 but also wider issues surrounding the ethos of the School. As a result, in October 2017, following discussions with the new Chair of Governors, the LA commissioned Mrs Christine Whatford CBE to undertake an independent investigation, the Terms of Reference of which reflected the areas of concern raised with the Local Authority and Diocese. These included an investigation into the circumstances of the formation of St Olave's Management Services Ltd and St Olave's Management Services (China) Limited, whether the School's governance arrangements were operating correctively and effectively, recent concerns raised by pupils, parents and staff, the transition arrangements from Year 12 to 13, and the School's safeguarding policies and practice. The full Terms of Reference for the investigation are attached at Appendix 1 of this report.
- 3.1.3 A total of 132 people were interviewed in the course of the investigation which included current and former members of staff, parents and their children, governors and former governors, LA Councillors, officers and former officers, representatives of the Diocese, the Foundation and other organisations external to the School.
- 3.1.4 The 'Report of Investigation into St Olave's Grammar School' was published on 10th July 2018. Key findings included that the School did not have the legal power to set up St Olave's Management Services Ltd and St Olave's Management Services (China) Limited in the way they were set up, and that whilst the individuals had the power of any individual to set up a company this could not be one which took ownership of and then exploited the name of St Olave's. The investigation found that since September 2011, the School had been acting illegally in preventing pupils progressing from Year 12 to 13 on the basis of their academic performance and that this had had serious implications for the wellbeing and higher education plans of affected pupils. It also found that the policy of not allowing pupils entry for individual subjects at A Level unless a B grade was obtained in the Year 13 mocks should stop, and any case where the School felt that it was in the best interests for a pupil to only sit two A Levels should be discussed with the parent and pupil. The investigation found that the Head had unconstitutionally interfered with the management of both the Parents Association and the Governing Body, and identified errors of process around the reconstitution of the Governing Body in 2015. Concerns were also highlighted around the School's 'austerity' programme which was identified as 'a sensible initial strategy [that] went too far for too long' and did not take account of a significant amount of spendable reserves available to the School, placing considerable pressure on parents and carers to make a regular financial contribution to the School. A number of allegations of staff bullying by the Head were explored during the course of the investigation, and it is notable that of more than 100 existing staff, only two came forward to express support for the Head and regret that he had left.
- 3.1.5 The Independent Investigation made a total of 49 recommendations. The School and the LA accepted all the recommendations and action was being taken to address them. Whilst most

of the recommendations were being addressed by the School's Governing Body, eight recommendations or part recommendations require action by the Local Authority.

New Chair of Governors

- 3.1.6 A new Chair of Governors, the Venerable Dr Paul Wright, Archdeacon of Bromley and Bexley, was appointed in October 2017 and took firm action to address the areas of immediate concern. With the Acting Head Teacher and with the support of the Governing body and the staff team, the Christian ethos of this Church of England School was reaffirmed. The Chair of Governors stated unequivocally that the School must serve its pupils, rather than the achievements of pupils serving to enhance the reputation of the School.

3.2 Committee's Considerations

- 3.2.1 At the meeting on Wednesday 18th July 2018, the Joint Committee, Chaired by Councillor Nicholas Bennett, received the Report and considered the findings of the Independent Investigator. The Venerable Dr Paul Wright, Archdeacon of Bromley and Bexley and new Chairman of the St Olave's Board of Governors attended the meeting to provide an update on the progress of the recommendations and to answer Members' questions. Councillor Peter Fortune, Portfolio Holder for Children, Education and Families, and Mr Ade Adetosoye, Deputy Chief Executive and Executive Director for Education, Care and Health Services also contributed to the Joint Committee's Review.

- 3.2.2 The Joint Committee heard that, having suspended the Head Teacher before the 2017 Autumn Half Term, the Governing Body set about making changes which would eventually become recommendations in the report. During the course of the investigation the Governing Body worked with the Investigator to ensure that the School was compliant in terms of both governance and values. The subsequent resignation of the Head Teacher had enabled the School and the Governing Body to address those recommendations that had remained outstanding. The Joint Committee notes that to date approximately 75-80% of the recommendations have been implemented.

- 3.2.3 The Joint Committee heard that the following action had been taken:

- The reversal of the illegal policy concerning transition from Year 12 to Year 13 meaning no pupil should feel anxious about not being allowed to remain in the School.
- Support, such as counselling, will be provided to any pupil affected by the issues outlined in the Independent Investigation report in addition to any pupil who feels that they are struggling.
- Developing more effective communications to ensure that parents' concerns are listened to and any issues raised receive an adequate response.
- The Chairman of the Governing Body holds regular meetings with pupils and parents in order to hear views.
- A new LA Governor (former Leader of Bromley Council, Stephen Carr) had been appointed as a matter of priority.
- Two new appointments have been made to the Governing Body, effective from 1st September 2018, and both Governors have accountancy experience.
- One of the two companies formed by the former Head Teacher and the former Business Manager has been wound up and the other, dealing with intellectual property rights, has been transferred to the Foundation.

- Staff and pupils are provided with the necessary teaching resources. Inappropriate practices such as 1 year fixed term contracts for teaching staff and expecting pupils to pay for their own photocopying have been ended.
- The significant reserves that had been built up will be used in a transparent manner for works such as: security of the School, building maintenance, refurbishment of toilets, and new sports facilities.
- Shared values and a shared vision for the School will be developed in consultation with stakeholders.

3.2.4 The Joint Committee welcomes news of the refurbishment of the Scout Hut as a community resource. Members are also pleased to hear that the Acting Head Teacher of St Olave's has been liaising with his counterpart at St Saviour's to identify common areas of working.

3.2.5 The Joint Committee is pleased to hear that the Chair of Governors is confident that the School now has the right people in the right place and that the individuals who had previously inhibited the School have moved on. It is recognised that the Governing Body has worked hard to shift the negative culture that existed in the past and the School is looking forward to entering a new era. Members note that the Governing Body has worked hard to provide reassurance and instil confidence through effective meetings and ensuring that staff are provided with what any teaching professional should be able to expect in terms of pay and conditions.

3.3 Conclusions & Recommendations

3.3.1 In summing up the Joint Committee's review, the Chairman, Councillor Nicholas Bennett, stated that as a former Deputy Head Teacher he had never read a report such as the one considered by the Joint Committee. The Chairman stated that in light of the catalogue of long-standing issues dating back to 2010 identified by the Independent Investigator, it was amazing that in March 2014, an Ofsted Inspection had confirmed St. Olave's to be "outstanding" in every respect.

3.3.2 The Joint Committee conclude that very few people have come out of the Investigation well. However, tribute is paid to the few that have:

- The parents who had continuously challenged and as a last resort raised the Judicial Review;
- Mr Tony Wright-Jones, the Parent Governor who raised concerns time and time again to little avail;
- The former LA Governor, former Councillor Julian Grainger who tried to challenge the Head Teacher and hold him to account;
- Councillor Reddin a former Governor at St Olave's who raised concerns and attempted to expose bad practice;
- Staff who had been bullied and intimidated but yet continued conduct themselves professionally and raise concerns; and
- Parents and Pupils at the School, particularly the pupil referenced on page 144 of the report who had raised a petition and then stood his ground and persisted to question the Head Teacher in the face of anger and threats.

3.3.3 The Joint Committee notes that it is extraordinary that the former Head Teacher was able to remain in post for seven years whilst exhibiting the behaviours referenced in the report of the Independent Investigator. Responsibility for this rests at a number of levels.

- 3.3.4 Looking forward, the Joint Committee notes that under the leadership of the new Chair of Governors positive action has now been taken in terms of improved practices and transparency. A new Governing Body is now in place and it is hoped that Governors will be in a position to effectively challenge and hold the Senior Leadership Team to account where necessary. The Joint Committee is satisfied with the measures being put in place to affect change. Despite the damning findings of the investigation, Members of the Joint Committee have been encouraged by the testimony of the Chair of Governors concerning the improvements that have been made and those that are planned.
- 3.3.5 The Joint Committee thank Mr Ade Adetosoye, Executive Director for Education, Care and Health Services for pursuing the issues and commissioning the independent investigation.
- 3.3.6 The Joint Committee thank Mrs Christine Whatford CBE for her thorough investigation and report.
- 3.3.7 At the end of the session the Joint Committee resolved the following:
- To 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;
 - To receive a follow up report on the implementation of the investigation in six months and twelve months; and
 - To present this short report to Full Council in October 2018 setting out the Committee’s review and findings.

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

- 4.1 The Investigation report considers some key policies and practice at St Olave’s and their impact on the children it serves.

Non-Applicable Sections:	Policy Implications, Financial Implications, Personnel Implications, Legal Implications, Procurement Implications
Background Documents: (Access via Contact Officer)	Report of Investigation into St Olave’s Grammar School Minutes of the Education, Children & Families Budget and Performance Monitoring Sub-Committee held on 18 th July 2018

Independent Investigation into St Olave's Grammar School Terms of Reference

The terms of reference (TOR) of the investigation reflected the areas of concern that had been raised with the LA and the Diocese. All interviewees were made aware of the terms of reference which were:

- i. To investigate the circumstances of the formation of the two companies: St Olave's Management Services Ltd (no 10857128), St Olave's Management Services (China) Ltd (no 10857275) and, in particular, investigate whether the formation was contrary to section 11 Education Act 2002 or other relevant legislation.
- ii. To investigate whether the School's governance arrangements are operating correctly and effectively. This aspect of the investigation will include consideration of the School's rejection of various proposed local authority governors apparently on the basis that they did not meet the main criterion for the role.
- iii. To investigate recent concerns raised with the Local Authority by, inter alia, pupils, parents and staff including: -
 - a) Disregard for laws and regulations around students and governance
 - b) Reports of threats and intimidation towards staff, students and parents
 - c) Interference with Governing Body elections
 - d) Governor Terms of Office extended contrary to Regulations
 - e) Interference in the structure and management of the independent, charitable Parents Association contrary to its Constitution
- iv. To investigate the transition arrangements from Year 12 to 13 and its application;
- v. To investigate the School's safeguarding policies and practice to ensure it meets the required standards.

It is acknowledged that there will be some over-lap between point (iii) (questions raised by others) and the other terms of reference.