

4 January 2021

Please contact: Chris Kiernan
Our Ref: ck/fcps 4-1-21
Date: 4 January 2021

Mr. Chris Gilbert
Chair of the governing body
Fairview community primary school
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Gillingham
ME8 0NU

Chris Kiernan
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Dear Mr Gilbert,

Warning notice

I am writing to you following the Regional Schools Commissioner's letter to you dated 23 December 2020. The letter declined the school's proposal for Fairview to convert to academy status within The Westbrook trust. I am also sending this letter to Mr. Chris Gilbert, to whom I have spoken on the phone.

The letter noted the council's concerns relating to the governing body's decision making in this process, particularly relating to the transparency of the decision. The council's policy position remains supportive of a decision of any of its maintained schools to seek academy status, and respects the fact that it is the decision of the governing body about any trust with which it wishes to join. However it requires that any such school conducts a consultation in line with the requirements set out in the government's guidance (see [here](#)).

The council's concerns were about the conduct of the statutory consultation. The government's guidance is [here](#) and states:

(A) governing body must consult formally about your school's plans to convert to an academy with anyone who they think will have an interest in (the) school changing its status. This will include staff members and parents, but you should also involve pupils and the wider local community.

Accordingly, this letter sets out the council's requirements for the process for decision-making to convert to become an academy through admission into an existing trust. It does so by a notification to the governing body of Fairview primary school through the issuing of a warning notice.

This letter warns the governing body that in the council's view there has been a serious breakdown in the way the school is managed or governed, as set out under section 60 of the Education and Inspections Act, 2006 (see [here](#)), as by the Education and Adoption Act 2016 (c. 6) (The Act).

The specific concern of the council's head of educational effectiveness, Rebecca Smith, is that there appeared to be no proper consideration of the views of respondents to the consultation in the summary to the consultation with stakeholders, which stated:

Following analysis of the data received from parents and staff, the majority of those who did respond were of (sic) unsupportive of the governing body's proposal for Fairview ... to convert to an academy within the Westbrook trust.

The summary noted that 'the number of responses ... were noticeably low. However, 35 out of a total of 95 staff responded. Of the 35, 26 were 'unsupportive' – this is three-quarters. Of the 101 parents responding (a significant number in my experience), 53 (over 52 per cent) were unsupportive – and over twice the number that were 'supportive'.

It is unacceptable that there was no evidence of a full consideration in the consultation report of the opposition to the proposal that the school joins the Westbrook trust as a converter, including a consideration (given the views of many respondents) about whether the Compass trust should be considered. I should make clear that the council makes no judgement and has no view about the governing body's preferred trust – solely the process, including open and transparent decision-making

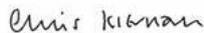
Therefore, the council requires the school – if the governing body wishes to pursue further its decision to convert – to re-consider the consultation. It must invite the council's head of school effectiveness to its meetings to discuss and agree a proposal, and must consider properly her advice and guidance.

I require a plan of action that meets these requirements, to be sent to me within 15 days of the sending and receipt of this letter by you, as the chair of the governing body. In accordance with part (6) of section 60 of the act, I am sending a copy of this letter to Her Majesty's chief Inspector of schools, the head teacher and the executive head teacher. In accordance with 96(A) of the act, I am sending a copy to the secretary of state for education, through the regional schools commissioner.

Please note that if the governing body fails to comply, or secure compliance, with the notice to Medway council's satisfaction by the end of the compliance period, Fairview community primary school will be eligible for intervention (see section 60 (1) of the act – sections 63 to 66 describe these powers).

I should be grateful, therefore, if you would respond to this letter by 20 January 2021.

Yours sincerely,



Chris Kiernan
Assistant direction, education and SEND