

Please contact: Chris Kiernan
Our Ref: ck/fcps 7-4-21
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Mr. Chris Gilbert
Chair of the governing body
Fairview community primary school
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Chris Kiernan
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Dear Mr Gilbert,

Warning notice

I am writing to you as the significant concerns to which I referred in the warning notice I issued on 4 January 2021 have not been adequately addressed by the Fairview community primary school governors.

As you know, Medway council's previous warning notice followed the regional schools commissioner's (RSC's) letter to you dated 23 December 2020, which declined the school's proposal for Fairview to convert to academy status within The Westbrook trust. It cited Medway council's concerns relating to the governing body's decision making in this process, particularly relating to the transparency of the decision.

These concerns have not been addressed in the three months following the warning notice. The warning notice has expired and therefore I am writing to you to set out the issues I require your board to address through this letter, which has the status of a warning notice.

The key issue is that the school's governors has failed to accept responsibility for the criticism that staff, parents and the local authority have made of their attitude and behaviour since the period of consultation.

The LA's lead officer, Rebecca Smith, has attended three meetings with governors and has heard discussion between members regarding the three specific areas of concern. Throughout meetings governors have consistently minimised or dismissed evidence from parents and staff, stating that there were many parents who supported governors in their decisions but had not responded to the consultation. Governors repeatedly attributed the written feedback from staff to an inability to respond to change.

Rebecca has repeatedly reminded governors that in feedback from staff during the consultation process, 35 out of 95 staff responded. Five were supportive of the decision to join the Westbrook Trust, while 26 were unsupportive, four were unsure and 60 did not provide a response.

The report at the close of the consultation process stated: *'following analysis of the data received from parents / carers and staff, the majority of those who did respond were unsupportive of the governing body proposal'*. The LA officer has reminded governors that from the 102 responses received from parents, 53 were unsupportive, 26 were supportive and 22 unsure.

It is of serious concern to the council that that on several occasions feedback by both the RSC and LA has been misquoted or interpreted in different way from which it was intended. Meetings are poorly chaired with discussion lacking focus and incisive identification of agreed action. Governors have been

permitted to express anger towards staff, parents and the local authority for views which differ from their own, whilst you, as chair, have failed to encourage objective reflection or receive feedback that may challenge but is necessary to clarify or move thinking forward. Governors have continued to operate without transparent decision making or recognition of their individual and collective responsibility.

Governor communication with parents remains weak and flawed. The last communication from parents about academisation was in October 2020 during the consultation process. Governors wrote to parents after Rebecca suggested that governors needed to provide a position statement, assurance and commitment to work with parents that reflected the responsibility governors took for their actions and accepted the criticism that they failed to recognise. For example, parents expressed concern regarding SEND provision within the school, and during a meeting with governors Rebecca drew governors' attention to the inclusion / SEND policy currently on the school website was last reviewed in July 2016.

At the close of the last meeting with governors on 17 March 2021 Rebecca Smith stated that whilst discussions had allocated time to share the views of parents and staff, evidence was still required of the proper consideration that governors had given to the three areas within the warning notice, particularly given that the action plan had simply identified the intention for governors to meet in order to hold three meetings to consider views. Accordingly, she asked governors to provide a written response to the following:

- having considered the views of parents, agreed actions;
- having considered the views of staff, agreed actions;
- having considered the views expressed in opposition to the proposal (to join the Westbrook Trust), the reasons in favour and not in favour for the proposal; and
- evidence of proper consideration about the decision.

The written response that has been submitted by governors on 26 March 2021 failed to provide the evidence, appropriately address the questions or provide detail that was required.

During the meeting, despite Rebecca Smith asking you, the chair of governors, not to invite governors to vote and provide a decision, without warning you spontaneously asked each governor to express whether their view remained in favour of their decision to join the Westbrook Trust or if it had changed. All governors voted to confirm their original decision.

Accordingly, this letter warns the governing body that in the council's view the serious breakdown in the way the school is managed or governed, as set out under section 60 of the Education and Inspections Act, 2006, as amended by the Education and Adoption Act 2016 (c. 6) (The Act), has not been adequately addressed by the governors of Fairview community primary school since the council's warning notice dated 4 January 2021.

This warning notice reiterates the council's requirements for the process for decision-making to convert to become an academy through admission into an existing trust, since there remains no proper consideration of the views of respondents to the consultation.

The council requires the governing re-consider the consultation, responding comprehensively to the requirement Rebecca Smith made on 17 March, and set out in the four bullet points above. Rebecca must be invited to all meetings to discuss and agree a proposal, and governors must consider properly her advice and guidance. This must be completed within three weeks of the beginning of term five (19 April 2021).

In addition, I note that the governing body has commenced the recruitment process for an established head teacher, without informing the interim head teacher, council officers, or parents of pupils at the school. This process is rushed, unnecessary and unacceptable.

I set out below the actions I require the governing body to take:

- 1 re-consider the consultation, inviting the council's head of school effectiveness to its meetings to discuss and agree a proposal, considering properly her advice and guidance, and ensuring it takes into account relevant sections of the DfE's [governance](#) handbook (for example, section 2.4 – parental and community engagement and 6.13, conversion to academy status); and
- 2 pause the selection process for an established head teacher pending appropriate consultation with Rebecca Smith, the Compass trust and the Westbrook trust.

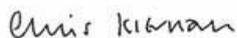
I emphasise that the council makes no judgement and has no view about the governing body's preferred trust. Its concern is the process, about which it still has significant concerns.

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 say that the intervention I am considering is set out in section 65 (2) of the act - **to consult on the authority's intention to provide for governing body to consist of interim executive members.**

Please respond to this letter by Friday 26 April 2021 with an assurance that the governing body intends to take the actions required, including an action plan setting out a timetable and milestones for actions.

Yours sincerely,



Chris Kiernan
Assistant director, education and SEND