



Department  
for Education

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John Denning  
Chair of Governors  
Durham Free School  
Bradford Crescent  
Durham  
DH1 1HN

25 February 2015

Dear Mr Denning

### **Notice of Termination of Funding Agreement**

I write concerning the funding agreement made between the Secretary of State and Durham Free School Ltd (“the Academy Trust”) on 7 August 2013 (“the Funding Agreement”).

On 19 January 2015 I gave written notice (under clause 86) of the Secretary of State’s intention to terminate the Funding Agreement and invited you (in accordance with clause 87) to respond with any representations by 3 February 2015.

On 2 February we received the Academy Trust’s representations in a letter of that date from your solicitors, Aughton Ainsworth, and your email (sent on 2 February at 17:25), to which you attached your governance improvement plan and an earlier review of governance. Following my visit to the school on 13 February with an Education Adviser, you sent us a school improvement plan and a letter dated 18 February drawing attention to some areas of improvement. We have also seen Aughton Ainsworth’s letter of 16 February, enclosing further information about pupils with special educational needs and disabilities.

In accordance with clause 88(b), the Secretary of State has considered your representations. She has also taken into account representations made in letters and emails from parents and pupils of Durham Free School and others.

Having considered all these representations carefully, the Secretary of State remains satisfied that it is appropriate to terminate the Funding Agreement. Consequently, in accordance with clause 88 and on behalf of the Secretary of State, I am issuing you with written notice to terminate the Funding Agreement with effect from Friday 27 March 2015.

#### Reasons for Termination

Following its inspection of Durham Free School on 26-27 November 2014, Ofsted judged its overall effectiveness, leadership and management, the quality of

teaching, the achievement of pupils, and their behaviour and safety to be inadequate. The Chief Inspector stated his opinion that the school required special measures because it was failing to give its pupils an acceptable standard of education and the persons responsible for leading, managing or governing the school were not demonstrating the capacity to secure the necessary improvement in the school.

Having considered the Academy Trust's representations, the Secretary of State does not consider that you have provided sufficient evidence to show that the Academy Trust has the capacity or a suitable strategy to bring about the necessary improvements at Durham Free School.

Improvements are necessary to address the inadequacies in the school identified by Ofsted. Yet your representations did not sufficiently demonstrate that the Academy Trust is seriously addressing major weaknesses such as the urgent need for the school:

- to safeguard pupils, develop positive behaviour for learning and address poor attendance;
- to strengthen the quality of teaching in order to raise low standards of pupil attainment and to increase the rate at which they make progress;
- to ensure that pupils of all abilities, including those with special educational needs, receive support to make better progress;
- to place a stronger emphasis on developing teachers, and recruiting others with, good leadership and teaching skills; and
- to address a culture of intolerance of people who have different faiths, values or beliefs.

While the Academy Trust has clearly sought to make some improvements, the approach set out by the Trust lacks clear organisational goals. There is insufficient evidence in your representations of an overarching and coherent strategy that would lead to rapid improvement in the effectiveness of leadership and management, the quality of teaching, the achievement of pupils, and their behaviour and safety. The individual actions against issues raised by Ofsted do not demonstrate that change would be embedded and become custom and practice across the school. In short, your representations have not convinced the Secretary of State that the current governing body and leadership team have the capability to turn the school around swiftly so that it will give its pupils an acceptable standard of education.

In reaching her decision to terminate the Funding Agreement, the Secretary of State has taken into account her duty under section 149 of the Equality Act 2010 to give due regard to the need to achieve the statutory equality objectives. The Secretary of State has considered the impact of the school's likely closure as a result of terminating the Funding Agreement and has concluded that, on balance, the impact on individuals by reference to their protected characteristics is likely to be small and outweighed by the positive impact on pupils that will come from receiving a higher standard of education in other local schools.

We have given careful thought to the effect on pupils of having to move to another school; and we have sought to keep any disruption to a minimum by liaising with Durham County Council (DCC) regarding provision of alternative school places. With this in mind, the Secretary of State has set the date for termination at the end of the spring term.

Next steps

We will be in touch shortly regarding transfer of capital assets funded by the Department and to discuss any budget implications. We will also be working closely with DCC to ensure that the transition period is managed with as little disruption as possible to pupils. DCC will provide advice and support to parents in arranging alternative places for pupils, and I would urge you to make contact with DCC as soon as possible.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'J Renou' with a period at the end. The signature is written in a cursive, slightly slanted style.

Janet Renou

Regional Schools Commissioner for the North