

Public Accounts Committee

Oral evidence: Academy Accounts and Performance, HC 1597

Monday 19 November 2018

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Members present: Meg Hillier (Chair); Sir Geoffrey Clifton-Brown; Chris Davies; Chris Evans; Shabana Mahmood; Nigel Mills; Layla Moran; Stephen Morgan; Anne Marie Morris; Bridget Phillipson; Gareth Snell.

Sir Amyas Morse, Comptroller and Auditor General; Simon Helps, Director, National Audit Office; Laura Brackwell, Director, National Audit Office; and Marius Gallaher, Alternate Treasury Officer of Accounts, HM Treasury, were in attendance.

Questions 1–234

Witnesses

[I](#): Angela Barry, Accounting Officer, Bright Tribe Trust, David Boyle, Accounting Officer, Dunraven Educational Trust, and John Wentworth, Consultant, Durand Education Trust.

[II](#): Councillor Julie Rayson, Parent and Campaigner, Whitehaven Academy, and Judy Davidson, Retired Teacher and former School Governor, Whitehaven Academy.

Examination of witnesses

Witnesses: **Angela Barry, David Boyle** and **John Wentworth**.

Q1 Meg Hillier: Welcome to the Public Accounts Committee on Monday 19 November 2018. We have been looking at issues around academies and academy funding and management for some time, and this is the first of three panels we have on this issue. We are talking today to some of the academy trusts that have had difficulties. On Wednesday, we will be challenging the Department about that, and later this afternoon we have got a number of parents and governors from some of the affected academies, to hear from the frontline what life has been like for them.

First, I want to introduce this afternoon's panel. From my left to right, we have John Wentworth, who is a consultant at the Durand Education Trust. That is not the same as the Durand Academy Trust, is it, Mr Wentworth? The Durand Academy Trust no longer exists. Is that right?

John Wentworth: It does, Chair, but as an empty trust.

Q2 Chair: The Durand Education Trust owns the land and assets that remain from that body, but not the schools directly.

John Wentworth: Yes.

Q3 Chair: Angela Barry is the interim chief executive officer at Bright Tribe Trust. You have been there since September, Ms Barry. Is that right?

Angela Barry: Yes.

Q4 Chair: I understand you are also the chief executive officer of some other trusts. Is that right? Can you tell us what other roles you have from the Department?

Angela Barry: I became a trustee of Bright Tribe in July, when I was invited by the DFE to become a trustee. Over the summer, to add capacity, I became interim executive support, and by September I was interim CEO. I was the interim CEO of Schools Company Trust when it got into difficulty. That trust is now an empty MAT. The schools have all been rebrokered, and I am simply staying on there while it is an empty MAT with a skeletal board to provide accounting officer duties.

Q5 Chair: What about the ALAT trust?

Angela Barry: The Adventure Learning Academies Trust is another trust that was aligned to Bright Tribe. At one point, they sought to amalgamate the two trusts, but both trusts decided they did not want to be amalgamated, so they are separate. They used to share governance, but they now have separate governance, although they still share me as interim CEO, and they share an interim COO.

Q6 Chair: You are an interim CEO of three organisations at the moment. That is quite a lot of work. How do you manage your time and oversight of



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those three trusts?

Angela Barry: The role in the Schools Company Trust is a light-touch role, in that I report to the skeletal board and provide accounting officer duties to ensure that, as the trust is wound up, the correct reporting procedures are in place. There are no children or provisions to oversee, so that is a caretaking position. The interim CEO position of Bright Tribe and ALAT is different because that is a live trust with children still in it. I cover that one as I would do a substantive role. My interim COO and I visit the schools—my interim COO visits some, and I visit others.

Q7 **Chair:** Are you paid separately for each of those three positions?

Angela Barry: I am paid as the interim CEO of Bright Tribe and ALAT—that is one salary. The other salary is a nominal payment only for days worked. At the moment, I am doing most of the work for Schools Company Trust pro bono, because it is literally half an hour here, half an hour there and perhaps a phone call. I would only charge for a quarter day, a half day or a full day. For this month, because the schools were brokered as of 31 October, so far I have done one day in total.

Q8 **Chair:** What is your day rate for this work for the Department for Education?

Angela Barry: My day rate is £800 plus expenses—that is my travel.

Q9 **Chair:** And that is paid for by the trusts that you work for.

Angela Barry: Yes. I am not a consultant; I am on the payroll. I need to be on the payroll to be the accounting officer.

Q10 **Chair:** You talk about a day rate, but you say are on the payroll; are you on the payroll at your day rate rather than at the rate that would be paid normally to a CEO?

Angela Barry: Yes. That is the rate I am paid on a daily basis on the payroll.

Q11 **Chair:** Okay. Is that pensionable?

Angela Barry: No, that is non-pensionable. I am not in the teachers' pension scheme for that.

Q12 **Chair:** Mr Boyle is the principal accounting officer from the Dunraven Academy, which has taken over the schools from the Durand Academy Trust. Have you taken over all the schools?

David Boyle: What was transferred to us was just the primary. The secondary provision was closed.

Chair: The Van Gogh Primary School.

David Boyle: Yes.

Q13 **Chair:** Interesting title. Why did you choose it?

David Boyle: The site on Hackford Road is opposite the house that Van Gogh lived in for a year when he was in Brixton. The road adjacent to the school is Van Gogh Walk, which is looked after by the local community, which grows sunflowers there.

Q14 **Chair:** There you go—interesting, but perhaps not so relevant to the direct questions today.

Thank you very much for coming. We want to ask you some questions as those involved in multi-academy trusts, which we have been pursuing with interest for some time. Before we go any further, Ms Barry, what stage is Bright Tribe at in handing over the academies that you are responsible for? There has been a delay in handing over Whitehaven, for sure. Can you go through the academies and where they are in transferring over to any other trust?

Angela Barry: Haltwhistle Upper and Haltwhistle Lower went to WISE Academy Trust from 1 September. The next academy to transfer will be Whitehaven, which was due to transfer on 1 November but is now due to transfer on 1 December. Going to Oldham, Werneth Primary Academy Trust is due to transfer on 1 February to Pinnacle academy trust. Staying in the north, there are a couple of trusts conducting due diligence activities around sponsorship for Grindon Hall.

To move to the eastern region, the Colchester Academy is due to transfer to the South Suffolk Learning Trust—we are looking for transfer on 1 March for the eastern academies. Cliff Lane Primary and the Castle Hill Infant and Junior Schools should transfer to ASSET Education. Alde Valley should be transferring to Waveney Valley trust—

Q15 **Chair:** When will those transfers happen?

Angela Barry: On 1 March. Then on 1 April the ALAT academies should be transferring to their respective trusts.

Q16 **Chair:** We know, too, that there has been a recent exit of senior management from Whitehaven Academy—on Friday we found out that the headteacher has left. Can you explain why that is?

Angela Barry: I don't usually comment on individual cases, but the stakeholders in the local area—the parents, staff and other stakeholders—have been communicated with.

Q17 **Chair:** Okay. So was it an amicable parting of company?

Angela Barry: As I say, I don't usually comment on individual cases, but I am quite happy to send you the letter, the communication, that went out—

Q18 **Chair:** We have seen that. Did both parties sign a confidentiality agreement about the departure?

Angela Barry: I don't usually comment on individual cases.

Q19 **Chair:** We appreciate that an individual is involved, so I won't pursue that



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further here, but I know the local MP has some concerns. I understand, though, and do not want to put the individual in a difficult position.

May I turn to you now, Mr Wentworth? What was your role in the Durand Academy Trust? Do you have any ongoing role with it?

John Wentworth: Yes, I do. I had two spells at the Durand Academy Trust, one from '14 to '15, supporting the then leadership over a headship vacancy; and, most recently—

Q20 **Chair:** Did you fill the headship vacancy?

John Wentworth: No, I was there as a consultant.

Q21 **Chair:** Did you support them in recruiting?

John Wentworth: I was supporting a headteacher who left mid-year and then supporting the process of securing another, acting headteacher.

Q22 **Chair:** That was '14 to '15.

John Wentworth: That was '14 to '15.

Q23 **Chair:** Have you had any involvement since then?

John Wentworth: Yes. I was back again for the school year '17-'18, upon the departure of the former headteacher, who had been acting as chair of governors, and the former acting executive head. They both departed the school on 31 August 2017, which left quite a gap in the leadership and management of that school, so the governing body asked me to come in to give support over that year.

Q24 **Chair:** What did that support entail? Did you act as head?

John Wentworth: No. There were two young acting co-headteachers with very little experience, so I was supporting those acting co-headteachers through their role. One had to be named as the accounting officer, so I was supporting him, and I was supporting the governing body, trying to find a way forward for the academy.

Q25 **Chair:** You had previously retired, with 20 years' standing as a headteacher in south London—is that right?

John Wentworth: Twenty-four years.

Chair: Twenty-four years—I didn't mean to cut off four years of your experience. When did you become involved with the Durand Education Trust? Remind us.

John Wentworth: In 2016.

Q26 **Chair:** So you were already helping it to divest itself of assets, is that right?

John Wentworth: The ownership of those assets is very unclear, Chair. There is an ongoing discussion with the ESFA, through both sets of lawyers, as to what happens with those assets. It is very unclear.



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Q27 **Chair:** May we have a little more detail about that? It is unclear, but at the moment the assets are owned by the Durand Education Trust.

John Wentworth: The Durand Education Trust owns the remaining assets—everything that the school previously used has been transferred to Lambeth and the lease to the Dunraven Educational Trust.

Q28 **Chair:** Will you give us a bit more detail about why there is confusion about the ownership of the Durand Education Trust? Ultimately, it was taxpayers' money that was invested in those properties.

John Wentworth: The Durand Education Trust maintains that it is the legitimate trustees of that land

Q29 **Chair:** To be clear, you maintain that the assets belong to the Durand Education Trust—

John Wentworth: That is its position, yes.

Q30 **Chair:** But that is your position too.

John Wentworth: Yes.

Q31 **Chair:** These are taxpayer-funded assets—what would the Durand Education Trust do with those buildings if it remains in control of them? To be clear about what is involved, that is the leisure centre and—

John Wentworth: That is the leisure centre and accommodation—two separate accommodation blocks.

Q32 **Chair:** Okay. What would the Durand Education Trust do? I understand that it was set up to support the Durand Academy, so now the Durand Academy doesn't exist, what is the point of the trust's existence and where would the assets—

John Wentworth: It has a wider educational remit, as well, Chair, to support education in Lambeth, so it would be to support the wider educational objectives of children in Lambeth and to support the children at the Van Gogh Primary School.

Q33 **Gareth Snell:** What other activities does the trust undertake to support education in Lambeth that would require a leisure centre and two empty accommodation blocks?

John Wentworth: None at the moment, because traditionally it has always supported children at the previous Durand Academy and at Durand Primary School, prior to that.

Q34 **Chair:** If you kept hold of that accommodation, is the plan that it would be available to teachers, for example, as key worker housing or something?

John Wentworth: No, not necessarily. It is let on a very short term. In fact, in terms of the lease that we have agreed with Lambeth, I do not think we would be able to do a longer-term let anyway. They do not want any security of tenure on those premises.



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Q35 **Chair:** So the Durand Academy will be getting income from the property and from the leisure centre as well, presumably.

John Wentworth: The Education Trust is, yes.

Q36 **Chair:** Can you give us any information about the precise nature of the dispute about the ownership of the land? Is it because the trust is a charity that it thinks it owns it?

John Wentworth: All the land was transferred in, I believe, May 2010—maybe June or July 2010—to the Durand Education Trust. That was signed off by the then Secretary of State, so it was transferred at that stage. Whether or not the Durand Education Trust has the authority to transfer it to another trust, we are not clear. It would be subject to the Charity Commission.

Q37 **Chair:** I was going to say that it is not impossible for charities to transfer their assets—I have been a trustee; it is perfectly possible. Is it that the Durand trustees do not want that to happen, or are you waiting on the call from the Charity Commission?

John Wentworth: It is probably half and half.

Q38 **Layla Moran:** When the Secretary of State signed that agreement, it would have been for the use of educating children, so how are you, Mr Wentworth, planning to use the leisure centre and the accommodation to make sure that happens? Why do you not just give it back to the community?

John Wentworth: We are not sure that we have the authority to do that.

Q39 **Layla Moran:** Do you want to?

John Wentworth: Not particularly, no.

Q40 **Layla Moran:** Why not?

John Wentworth: Because we need to fulfil the wider objectives of the Durand Education Trust as a charity in its own right.

Q41 **Layla Moran:** Were those always the objectives, or were they changed once the trust lost the schools?

John Wentworth: No, they have largely remained the same. They are the education of children in Van Gogh Primary and the wider education of children—the wider educational benefits of children in Lambeth.

Q42 **Chair:** There is no reason why the trustees could not just choose to wind up the charity.

John Wentworth: They could.

Q43 **Chair:** But they are choosing not to do that.

John Wentworth: They are choosing not to at the moment, yes.

Q44 **Layla Moran:** Mr Boyle, what are your thoughts on that? Do you benefit from this outstanding facility?



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David Boyle: We are grateful that the DET has agreed to allow the children in the school to use the MUGA—the multi-use games area—and the astroturf pitch that sit, in effect, slap in the middle of the school site, in between the school buildings and the leisure centre and accommodation. The DET—that gets confusing, because we are both DET. The Durand Education Trust has agreed that the children can have use of the MUGA between 8 o'clock and 6 o'clock during the week, and at weekends it reverts back to use by the DET.

Q45 **Chair:** Do you pay a fee for that?

David Boyle: No, they have agreed that we will have that. One of the key issues for everybody involved is that the focus of Durand for far too long was not on children or education, but on buildings, money and finance. One of the things we were keen to do, with Mr Wentworth's support, ultimately, was to return the focus to children, so we are very glad to have use of the MUGA. When we were asked if we would become a sponsor for the school, one of the points of discussion was that the ESFA and the DfE would continue the conversation about other aspects of the land to a point of conclusion—whatever that conclusion is—because we did not want to get embroiled in that ongoing situation. Our feeling was that an awful lot of time, energy and public money had already been spent on following that through.

Q46 **Layla Moran:** Do you use that space all the time, so it is full between 8 o'clock and 6 o'clock? Is it being used to its full capacity the whole time?

David Boyle: No, we use it at play time and at lunch time, and then we use it for games during the day. It is not in full use, but it is very helpful to have it available.

Q47 **Chair:** Do you have sole access to it during that time? You are not sharing it.

David Boyle: Between 8 o'clock and 6 o'clock, it is not a shared provision.

Q48 **Sir Geoffrey Clifton-Brown:** How much money are these assets generating?

John Wentworth: I am not entirely clear, but it is about £400,000 a year.

Q49 **Sir Geoffrey Clifton-Brown:** What are you actually doing with that money?

John Wentworth: At the moment we have a considerable liability to the previous executive headteacher of Durand Academy. He has a break in his contract that entitles him to a lump sum payment, so most of the money is going towards paying him.

Q50 **Sir Geoffrey Clifton-Brown:** What was the quantum of that severance payment?

John Wentworth: It was £850,000.



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Q51 Sir Geoffrey Clifton-Brown: Did anybody take legal advice on that? How was it arrived at?

John Wentworth: Through a statutory inquiry from the Charity Commission, which DET went along with and which was independent. Originally it was considerably higher, and as the numbers grew an arrangement was made between—may I use the name?

Chair: Yes.

John Wentworth: An agreement was reached between Sir Greg Martin and DET, with the Charity Commission authorising that figure. That is a published inquiry, actually.

Q52 Sir Geoffrey Clifton-Brown: I have not had the benefit of seeing the trust deed. Did it contain any provisions on what would happen to the assets in the event of the trust being wound down or extinguished?

John Wentworth: Not to my knowledge. I am not up to speed.

Q53 Chair: Who drew up those trust deeds? Was Sir Greg involved in drawing them up?

John Wentworth: I don't know.

Q54 Chair: It seems an extraordinarily expensive set of handcuffs for a charity to have. In your experience, Mr Wentworth, is this usual?

John Wentworth: I have never seen that before.

Simon Helps: The NAO investigation that supported the PAC's 2015 hearing made a couple of findings that are relevant to the conversation. The first was about the transfer of the school land and buildings initially to the Durand Education Trust. What was signed off as factually accurate by the Department for Education was that it was required that Secretary of State approval be sought, but that it was not sought at the time.

The second matter relates to the contracts with the former executive headteacher, which were also underwritten by the Durand Academy Trust, in which the former executive headteacher would obviously have had a senior role at the time. The Durand Academy Trust told us that the key members absented themselves from that discussion, but that none the less the decision was made by the school.

Q55 Chair: Some of this is well-worn territory, so I think we will move on, because we want your views about what could have been done better in some of these organisations. Ms Barry, at Whitehaven we have seen a catalogue of concerns, including about money paid to companies controlled by Mr Michael Dwan, with a number of companies owned by him all bidding for the same contract, one of them winning it and sometimes subcontracting to others, and money being given to companies on the bid but not being spent. Does that accord with your experience, now that you have taken over as CEO and accounting officer?



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Angela Barry: It does not accord with my experience outside Bright Tribe and in other trusts where I have been substantive, but—

Chair: And particularly in Whitehaven Academy?

Angela Barry: Within Bright Tribe there are a number of investigations, some of which I have instigated and some of which have been instigated by the ESFA. They are ongoing and I do not wish to prejudge or predetermine their outcome, but I am sure that once those investigations are fully completed and the findings handed to the board and/or to the ESFA, steps will be taken if that is deemed necessary.

Q56 **Chair:** But you came as a troubleshooter, basically—that is what the Department wanted to appoint you as.

Angela Barry: I came in as a trustee.

Q57 **Chair:** But you were brought in because you have experience of going into trusts that have problems and trying to resolve them.

Angela Barry: Yes.

Q58 **Chair:** And you are now in front of a parliamentary Committee, as I am sure I do not need to remind you. You are here under privilege. In your professional opinion, were there issues around how those contracts were tendered and let and how much of that money was actually spent on the projects that were bid for?

Angela Barry: Any trust that is well run should adhere to the “Academies Financial Handbook”, particularly with respect to related parties and the recording of related parties’ transactions. The investigations that I and the board have instigated and those instigated by the ESFA are purposefully to find out what happened and how contracts were awarded. Once we have those investigations back, if there is action to be taken and there are people who need to be held to account, they will be held to account. What I don’t want to do today is to predetermine or prejudge any of the outcomes.

Q59 **Chair:** But you are having to run the show and you have access to the financial information, so if you have concerns you could possibly deal with some of that yourself, without its being referred for investigation.

Angela Barry: I see myself very firmly as running that trust and running it for the children and staff in the academies today. Whatever has happened in the past, the investigations will be investigating that. If people need to be held to account and actions need to be taken, I am confident that they will be taken. My focus is on making sure that the children and staff are safe in those academies today and that the rebrokerage process happens in a timely manner and those schools go to other well-run trusts.

Q60 **Chair:** Well, then, can I put this question to you? Where does the buck stop? There have been a lot of concerns about Whitehaven—from two different MPs, of different parties, and from parents. Others have raised



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concerns; the BBC's "Panorama" raised a number of concerns. There are real issues and there is real evidence. We have seen some privately, and some is in the public domain. You have come in as CEO and accounting officer. Surely part of your job is to call that out, or are you saying that this is not your responsibility and the buck stops further up the chain? If so and it does not stop with you, where does the buck stop?

Angela Barry: To use your phraseology of calling it out, that is what I believe will happen if the investigations show that there is something to be called out. My focus is on making sure that those children and staff are safe and able to teach and learn. What I will say is that once we have those investigations back, if any actions need to be taken, either by the board of the trust or by the ESFA, I am confident that that is what will happen.

Q61 **Chair:** You are well rehearsed in your answers, but what we are trying to—

Angela Barry: It is not about being well rehearsed; it is about what I believe is happening.

Q62 **Chair:** Okay, but you have been a trustee longer than since September; you have been involved since before September.

Angela Barry: The 24 July was my first meeting, by phone.

Q63 **Chair:** Okay, 24 July. Who was calling things out, in terms of the governance of Bright Tribe, at that point? Was it that you came in and were the first to call out these issues?

Angela Barry: My experience of the 24 July meeting was that the meeting was chaired by the person who was the chair of the board at that time. That meeting was my first meeting. I'm not quite sure whether it was the first meeting for Nikki King and Sarah Brown, but they were also new trustees to Bright Tribe at that meeting. What happened in July was that an investigation had been commissioned into LED lighting and the boilers in Whitehaven and Fowey River Academies. That investigation was then stopped, so one of my first actions as interim trustee/interim executive to support was to speak to the then chair and to advise her that I thought she had made the wrong decision by ceasing the investigations and that I thought that the investigations into those two particular expenditures should be restarted—recommissioned. I persuaded her that that was the correct action to take. She said to me that if that was what I thought needed to happen, I was to make contact with the investigator, which is what I did, and we re-instigated those two investigations.

Q64 **Chair:** What was the rationale for stopping them in the first place?

Angela Barry: I don't know.

Q65 **Chair:** But you came in and found that they had been stopped. It sounds, from the way you have described it, as though it didn't take much persuasion to restart them. Was it a more robust conversation than the way you have just relayed it?



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Angela Barry: She is not the chair now.

Chair: So it was a robust conversation and your approach to tackling this won out.

Angela Barry: On a scale of robust conversations, it is not the most robust conversation I have had.

Q66 **Chair:** If you are going into some of these trusts, I imagine you may indeed have had some robust discussions. There have been various attempts to get information out of Whitehaven. Very often parents—indeed, the MP herself was marched off the premises when asking for this. What is your approach to dealing with requests for information now?

Angela Barry: I pride myself on running schools with my parent hat on. I have always worked in education and I know about the “Academies Financial Handbook” and the Ofsted handbook, but to me the most important thing about schools is this: would I want my own child to be there? Even though my children have grown up, that is what I believe. When I was a parent, if I wanted to speak to someone or find out the answer to something, I always appreciated the courtesy of that happening.

Basically, my understanding is that we have no outstanding freedom of information requests at the moment. When I came in to be a trustee, there was an outstanding complaint that had been going on for far too long. Lee Miller and I sat down and discussed it, and Lee Miller went to Whitehaven to meet the parent, because it appeared to us that the courteous thing to do was for one of us to go to Whitehaven and meet the parent.

Q67 **Chair:** So is your approach that you require that information to be released only under an FOI?

Angela Barry: No, I was trying to give an example. My approach is that I try to be open where I can. I am not being evasive, but the last thing I want to do after I have worked so hard to have investigations started and commissioned is to say anything in a public arena that would jeopardise them or lead to somebody being able to say, “Well, it was all predetermined and it’s not really a fair investigation.”

Q68 **Chair:** But on information about school finances, for instance, it is taxpayers’ money that is funding schools, so if a parent wants information about the school’s finances, it should be available on the website, let alone if a parent asks. If I, a parent or anybody wanted information about any of the academies in your trust, would you provide that information—as you should be doing?

Angela Barry: I would provide that information, and if people want to visit any of our schools, as long as they make an appointment and the visit can be accommodated, I would welcome visits to the schools.

Q69 **Chair:** But a visit to a school does not really show much about the finances. To be clear, what is your trust’s policy on academy accounts, for example? How do you present the financial information? It has not been



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very clear to a lot of the people involved so far.

Angela Barry: Currently, the 2017-18 annual accounts are being prepared, and once they are ready they will be published and they will be in the public arena.

Q70 **Chair:** But if someone has questions about that, particularly around particular contracts, how they have been let and what has been happening, what would you provide?

Angela Barry: If they write to me and/or Lee Miller, the interim chief accounting officer, we will do our best to answer, and answer promptly.

Q71 **Chair:** In the past, do you think the Bright Tribe academy trust's approach to providing that information met your standards?

Angela Barry: How they responded is something you would have to ask them about.

Q72 **Chair:** I am asking for your professional opinion. You have come in as a troubleshooter. You have seen what has gone before. I am asking for your opinion on whether you felt they met the standards of transparency that you have just outlined.

Angela Barry: The standard of my transparency is that I stick to what I believe is good practice, treating people with the respect that I would expect to be treated with myself. Going forward—

Q73 **Chair:** Going forward, yes, but what about backward? Do you think the trust that you currently head was as open and transparent as that in the past? Do you think it met the standard of best practice that you have just described?

Angela Barry: I think the fact that I am in as an interim CEO is the answer to that question. If things had been run well, I would not be needed now as an interim CEO.

Q74 **Chair:** Are you embarrassed by their actions?

Angela Barry: Professionally, I am hugely embarrassed. I know that the interim team—when I say the interim team, I mean the board, the interim CO and myself—are professionally embarrassed. For any mistakes that have been made in the past by those not in post now, professionally I would like to apologise on their behalf. I am here now to do the best job I possibly can for all the stakeholders, whether they be little people or big people, in our schools.

Q75 **Chair:** We will come on a little later to the issues of learning more widely from multi-academy trusts. Can I ask you a specific question about work done to look at what has gone on at Whitehaven and Fowey River Academy in particular? A consultant engineer to Bright Tribe just carried out an evaluation of what happened and has produced a report, we understand.

Angela Barry: Yes.



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Chair: Would you be willing to release that report?

Angela Barry: I have had a request to release that report, and at this time I would rather not release it. The reason is that that is part of our investigations, and my fear is that to release that report then puts into the public domain information for anyone who wished to use that information, for whatever reason, which might undermine a purpose that maybe these investigations show.

Q76 **Chair:** Can you be more specific? You hesitated there when you said “for whatever reason”. I imagine you are not talking about parents or governors—I would hope not.

Angela Barry: Oh gosh, no.

Q77 **Chair:** Okay. Can you be specific about how you think the release of that information could be used in a way you think is detrimental?

Angela Barry: There are currently several investigations under way. Those two are completed investigations. To me, they form a big picture. That big picture may or may not go further.

Q78 **Chair:** By “further”, do you mean a possible criminal investigation?

Angela Barry: I couldn’t possibly comment on that; that is not my role. My role is to ensure that these schools are operating well, and are safe for the children and staff. The fact that those investigations have been commissioned means that those investigations and their findings will be looked at and used appropriately.

Q79 **Chair:** Have you felt any need to call in the police thus far in your tenure as CEO?

Angela Barry: No, I haven’t.

Q80 **Chair:** Is that something that you might still consider, depending on the outcome of these investigations?

Angela Barry: I think that that level of decision making would sit with the board as a whole and the ESFA, and working between the board working and the ESFA. In my interim CEO role, my focus is children and staff. The decision making would need to be at the high level, in terms of the board as a whole corporate body and with the ESFA.

Q81 **Layla Moran:** I was struck by something you just said. You are driven by the ability for people to be able to teach and learn. As a former teacher, I completely understand that. But if there are several investigations into the money, given the funding pressures that schools everywhere are under, can you say, hand on heart, that none of the schools in Bright Tribe at the moment has been adversely affected by what has happened in the past, or are you saying that from this moment onwards everything is fine?

Angela Barry: From this moment onwards they have me as their interim CEO looking over them. In my interim team I also have a chief operating officer in whom I have absolute faith, not because we are buddies or



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anything like that, but because he is excellent at his job—he is one of the best COOs I know. He has managed to draw together a procurement policy. That procurement policy is out with the heads. They know that they can spend money up to certain limits. For example, there is the closeness with which I am working with the leadership, including the AMC, the local governing force, at Grindon Hall. We are making sure that the resources needed there, particularly in key stages 1 and 2, are being put into those classrooms, and put in rapidly.

Now, I know that what has happened before has not been perfect. As I said, if it had been perfect, there would not be a need for someone like me to come in, but I can say that from the time I have been involved there has been a sea change and we are making a difference. In some places we are making more of a difference than in others, but we are making a difference and it is a positive difference.

- Q82 Layla Moran:** So what are the principles by which the trust gives individual schools their budget? As we know, if a school is having a bit of trouble, it is up to the trust to find the money for that. What are the principles that you apply to ensure that all schools are treated fairly within the Bright Tribe trust?

Angela Barry: We ensure that, of the budget that is allocated to the school, they are getting the lion's share that they are entitled to, and that they are able to buy into any services that the COO or myself are offering, in terms of either financial support or school improvement. We are out visiting the schools and making sure that we are supporting them. One of the big differences that I think has been a huge change for the heads—they have said this to us—is that they have been given control over their money, their buildings and their facilities. They were cut out of the loop in terms of making any decisions about health and safety or fire risk-assessment. They did not understand any of the facilities work. That is not because they did not have the capacity to, but because the information was not given to them. They now have complete control over that.

They know that they have me at the end of an email or the phone, and the same goes for the interim COO. So they have that support and they know that they will be supported to make the right decisions for their school. Sometimes we might say, "Talk me through why you think that is the most appropriate means of spending your money at the moment and not something else." There is support and challenge.

- Q83 Layla Moran:** So to secondments, which I appreciate may have happened in the past. We are aware of people appearing, for example, on the payroll of the school, who never actually worked there and in fact likely worked for one of the—can we say?

Chair: Worked elsewhere in the system.

Layla Moran: Worked elsewhere in the system, but not in any one of the schools. Are you aware of those kinds of secondments happening in accounting lines and finances?

Angela Barry: No. Can you be a little bit more specific?

Layla Moran: I understand that on the payroll of one of the schools was someone who never actually worked in the school.

Chair: More than one person.

Q84 **Layla Moran:** More than one person who was not actually at work in the school and was in fact working for Mr Dwan's companies.

Angela Barry: I am not aware of that, but if you would like to make me aware of that, I will make sure that—

Chair: We certainly will provide you with certain information.

Q85 **Layla Moran:** You have a number of different investigations going on, as you alluded to earlier. Do you feel that what is going on here is actually a small symptom of a much bigger picture of what was going on at Bright Tribe at the time? Is that something that you are attempting to draw out?

Angela Barry: Sorry?

Layla Moran: You have lots of investigations into individual things that have gone wrong in various Bright Tribe schools. You alluded to one reason that you did not want to release the reports as being that, to summarise what I heard, you do not want others to see it in case they start hiding stuff, because there will potentially be the same things in other schools. Do you feel that a set of principles was at work there that was actively trying to take money away from where it was meant to be—on the frontline with the kids and the teachers—and channelling it elsewhere? Is that what you feel was systematically happening at Bright Tribe?

Angela Barry: I would not want to make such a sweeping statement because I do not want to be seen to prejudge or predetermine something that I do not know the answer to.

Q86 **Layla Moran:** But if there were such a systematic approach, are you hoping that it would be drawn out in the individual reports? Or are you planning to do an overarching report that draws it all together at the end?

Angela Barry: I think I would prefer to wait until I have all the reports back, the board has received them and the board decides what action they want to take. The board takes the appropriate advice to make sure that, if action needs to be taken, it is taken in such a way that does not jeopardise anything that may need to happen. I am certainly not going to predetermine or prejudge the outcome.

Q87 **Layla Moran:** Absolutely. Are you confident that the board would take that kind of action, and that it would be determined to root out anything like that?

Angela Barry: The interim board has my 100% backing and confidence, and I do not give my backing and confidence easily.



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Q88 **Chair:** Can I ask how many of the trustees were former trustees? Or did you have a clean sweep of new people?

Angela Barry: There is a totally new board in place.

Q89 **Chair:** When you took over Bright Tribe as CEO and came in to rebroker the schools, what due diligence did you do about what you were taking on?

Angela Barry: I did a little bit of due diligence before I even accepted becoming a trustee. When I became a trustee, I knew that there were possible difficulties. I wasn't sure, at that stage, how those difficulties had arisen. Even though 24 July was quite close to the end of July, by the time I got to the first week in August I had formed my own hypotheses. However, as with any good hypotheses, you test things out and see where they take you and whether things are as you think they might be.

I emphasise that we are an interim team; I am not a superwoman, I am only human, and I work as part of a very good team. We are independent individuals. We are not best buds. We are working very hard. My focus is to make sure that children and staff get what they need.

Q90 **Chair:** Did you ask for any guarantees from, or make any particular requests of, the ESFA or the Department before you agreed to take over as interim CEO?

Angela Barry: No, I didn't. Do you mean in terms of personal liability?

Q91 **Chair:** Personal liability, access to information or anything, given your degree of due diligence before you became a trustee, as you said. Knowing what you then learned as a trustee, did you ask for any particular support or access to information?

Angela Barry: We are well supported by the ESFA. There is a weekly KIT—keeping in touch—phone call that takes place absolutely every week. The time or day might change, but it takes place once a week. That is very supportive. I do not feel as though I am out on a limb, and I know that my chairs do not feel as though they are out on a limb. They are also included in that KIT call.

Q92 **Chair:** Did they approach you to take over as interim CEO or how did it work?

Angela Barry: The DFE asked me whether I would be a trustee and then, literally within days, I was interim school support, in terms of the COO having resigned and the CEO at that time being unwell. I was there to add capacity. Then by September, the then chair and the other new trustees asked whether I would be an interim CEO.

Q93 **Chair:** In terms of the transferring out of schools—we went through the list before—how confident are you that schools are transferring out with the correct assets? Obviously, they came together to form one multi-academy trust, with one big budget. How are you disaggregating that as the trusts leave to go to other trusts?

Angela Barry: That is not my role. My role is the day-to-day overseeing of those schools.

Q94 **Chair:** So, whose role would that be in the system? We are trying to work out who is responsible for what.

Angela Barry: That will be the ESFA.

Chair: Okay. We are seeing them on Wednesday.

Q95 **Gareth Snell:** Although I appreciate that it is not your role, have there been times when you have had to challenge the ESFA in terms of what it is allocating to each school as it is transferring them out, from what you understand from the day-to-day operations of these schools?

Angela Barry: The conversations that I have with colleagues in the ESFA are, I think, full and frank. The reason we can have full and frank conversations is that they are between us and things are explained to me because, obviously, I don't understand some things. If you ask me about schools and teaching and learning, I can give you chapter and verse. If you ask me about the machinations of what goes on in terms of the ESFA and how things are organised, that is not my specialism. Sometimes I do ask questions and I am told the answers and might have a discussion, but that is not my focus. That is not my role.

Q96 **Sir Geoffrey Clifton-Brown:** Ms Barry, knowing what you now know about these trusts, are you making any representations to the DFE on how governance arrangements for them, and for trusts in general, could be improved?

Angela Barry: The "Academies Financial Handbook", alongside the Ofsted handbook, the governance handbook and the competencies for governance—if when you are running a trust you have those four publications you will be set up to do well, and your schools and your trust will do well. What I love about the "Academies Financial Handbook"—maybe this is a bit sad and I need to get a life—is the fact that it is updated annually. I like the fact that every year, as an accounting officer, we get a letter saying, "This is what the new things are." In the current "Academies Financial Handbook" there are certain changes about related party transactions, the reporting on wages of any staff above £150,000, and things like that. The way that has improved, year on year, shows that the system is evolving.

Whatever system you have, it is only as good as the people leading it—leadership in a trust, leadership in a school that is an academy, leadership in a school that is not an academy. It is the leadership that really makes the difference. What I would say on improvements is that I think the "Academies Financial Handbook" has improved each year. It is vital that the annual letter from the chief accounting officer is read and understood. You are always going to have people in every walk of life who somehow do not fully understand their roles. It happens in every walk of life; it is not limited to academies or MATs.

Chair: We are going to come back to your views as a panel on what could

be done better, but I am going to bring Ms Moran in first.

- Q97 **Layla Moran:** What I am chasing goes back to the question the Chair asked earlier: where does the buck stop? It is not just who is responsible, but who takes responsibility when things go wrong. In particular, I would like to ask Mr Wentworth and Mr Boyle—and maybe give Ms Barry a break just for a second—about the role of the regional schools commissioners in the rebrokering process. How did that work? How was that interaction? Was it useful? Let's just start there.

John Wentworth: The role of the regional schools commissioners in the rebrokering?

Layla Moran: Indeed.

John Wentworth: I think there was a particular history in the Durand case, and there was a set view that it needed a particular type of trust to come in. Originally, it was identified that the Harris academy trust would be the preferred—

- Q98 **Layla Moran:** It was identified by whom?

John Wentworth: I assume by the regional schools commissioner. I am not fully aware of the process. Is there a headteacher board that makes those decisions?

David Boyle: Yes.

John Wentworth: Harris were identified. I did not necessarily agree with that, but it was not for me to agree or not.

- Q99 **Layla Moran:** Why did you not agree with that?

John Wentworth: I thought there was a far better local alternative—the Dunraven Trust—which I thought was in a better position to deal with those children and to get the support of the community. They were running a very successful and highly regarded school locally, and given all the issues of confidence that the parents of Durand had been through, having a known quantity locally that was successful and that they aspired to was the best option. It turned out to be that way, but it was only after we went halfway through the process with Harris and they withdrew, as you know, that we were able to re-approach Dunraven.

- Q100 **Layla Moran:** Why do you think Harris was chosen initially over Dunraven?

John Wentworth: I assume because of their size and reputation.

- Q101 **Layla Moran:** Mr Boyle, do you want to take us through your happy memories of the rebrokering process?

David Boyle: Very happy. They were very quick, really, because time was very short. The Durand Academy Trust had the notice to close in the middle of June, so Harris's decision not to take the project forward provided some challenges for the RSC and the DFE.



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We had already expressed an interest in working with Durand previously, before we got to the point where there was a notice to close and Harris had been identified as a potential sponsor, so it was not as if our selection was out of the blue. However, we had not expected to be asked to work with the school once we knew that Harris were involved.

We were asked prior to the May half-term if we were interested, and we had to do a fairly intense and speedy bit of due diligence in order to decide whether we felt we had the capacity. We had done some work previously, so it was not from a standing start, and together with assurances from the DFE and the ESFA that we would be supported in taking the project forward, we felt that we could go ahead.

Q102 Layla Moran: Given how it ended up, do you feel that the regional schools commissioner had a handle on what was actually the best thing for the school in the end, at the time that the Harris selection was made? Benefit of hindsight—fine—but were they close enough to the ground to be able to make the right decision?

David Boyle: The particular issue with Durand, as John alluded to, was that there had been an ongoing issue prior to the creation of the regional schools commissioners. The story around Durand pre-existed that decision-making process. The RSC and his team had been in contact with the school over time, and consequently had a reasonable view of the issues surrounding the school and the kinds of processes that would be necessary to help it to move forward. Harris's capacity clearly suggested that they would be able to do that.

Q103 Layla Moran: By the time they got to you and said, "Please take on the school," what was the tone? Did you really feel that you had a choice? What sweeteners did they offer you? Did they help to make that decision worthwhile?

David Boyle: They were clear that, because we had expressed an interest previously, we were being asked to consider it, but that if we said no, and I understood that it needed a rapid decision, they would move on—

Q104 Layla Moran: How long did you have to make that quite big financial decision?

David Boyle: It was about 48 hours.

Q105 Layla Moran: What kind of due diligence were you able to do in that 48 hours, bearing in mind that you had already done a bit?

David Boyle: We had done some previously, and the Harris Federation provided for us all the information that they had gathered. Consequently, it was a more informed process than would otherwise clearly have been feasible.

Q106 Layla Moran: But did you go over it?

David Boyle: Yes, we did. We met with the person who led their procurement process taking academies into the Federation. His experience was evident from the meeting, and consequently there was a recognition



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from all parties that the school, the children and the community deserved something better than perhaps it had been receiving thus far. Consequently, all aims came together.

Q107 **Layla Moran:** Did you take it on exactly the same basis on which Harris had rejected it?

David Boyle: Yes; that is what we understood. The information available and the support available was, we were told, the same for us as it had been for Harris. Nothing changed. So there were, to use your phrase, no sweeteners on top of it at that point. It was not as if anybody had said, "Because Harris hasn't taken it we'll give you extra." It was the same offer.

Layla Moran: It was the same basis—

Q108 **Chair:** What were the sweeteners that were offered originally to Harris? Were there things to smooth the path, if you don't want to use the word "sweeteners"?

David Boyle: I am sure that Harris would say similarly that they have never had any sweeteners from anybody.

Q109 **Chair:** "Sweeteners" has other implications. What did the Department or the ESFA offer as inducement—well, as extra support? Was it financial, was it—?

David Boyle: A sum of money was made available that was taken from the existing school reserves—not the full amount of the reserves but sufficient to do capital work that needed doing—

Q110 **Chair:** How much was that?

David Boyle: It was a very significant difficulty with boilers and asbestos, and a complete refresh of the windows. It was £918,000.

Q111 **Chair:** That was from the Durand Academy Trust's existing reserves.

David Boyle: Yes.

Q112 **Chair:** And they hadn't spent it on those things? They obviously hadn't spent it on those things in order to pass it over. They had that money.

David Boyle: I cannot answer for that at that point.

Q113 **Chair:** Mr Wentworth, just before we let that point go, have you any understanding about why those works—windows, asbestos and other major capital works—were not carried out, in spite of reserves of that scale being available?

John Wentworth: Durand Academy Trust still retains its reserves.

Q114 **Chair:** It's a lot more than that.

John Wentworth: It's around about £1 million. We are in the process of wrapping up the trust, going through the legal process.

Q115 **Layla Moran:** Where will that money go when that is done?



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John Wentworth: It is not clear whether it goes back to the ESFA or to Dunraven Educational Trust, but whatever is resolved that is where it will go.

Q116 **Chair:** It will go back to taxpayers.

John Wentworth: It will go back to taxpayers, yes, absolutely.

Q117 **Chair:** You were involved as a consultant in 2014-15 and again in 2017-18 with headteachers. There was that level of reserves and that level of capital need at the school. Can you explain to us why it wasn't being spent?

John Wentworth: I can. The reserves went down very significantly between 2014 and 2017, through the boarding school project. When I arrived in 2017, the reserves were down to about £240,000, which was very low for a school of that size. The boarding project had swallowed up a huge amount of the income; in fact, they were running an in-year deficit, drawing down on the reserves every year. With the closure of the boarding project in July 2017, we were able to set a new budget for the whole of those reserves to restabilise the school's finances. That was the first thing I set about doing. My whole intention was that at the end of 2017-18 the school would be handed on to a new trust, safely and in good financial shape. Most of that surplus—about £800,000 to £900,000—was generated from the 2017-18 school year. It was an in-year surplus, with the reduction in staffing, decisions we made regarding the boarding school and in-year decisions. The boarding school was sucking money out of the school enormously.

Q118 **Chair:** So sucking out of a school money that would otherwise have been spent on crucial maintenance.

John Wentworth: The asbestos issue didn't really come up until halfway through the 2017-18 school year, so that was recent, but certainly the windows—wholesale investment really had been held back to support the boarding project.

Q119 **Chair:** I want to go back to you, Ms Barry. You talked about a number of inquiries that are under way. You said that two have completed. Can you run through when you will have that full suite of inquiries delivered on your desk, ready to pass on?

Angela Barry: This side of Christmas.

Q120 **Chair:** So how many in total have you got under way? You talk about two that are complete. How many others are under way?

Angela Barry: Wherever there was a capital grant or a Salix loan, we have commissioned an investigation by a different company. The company that we used for Fowey River and for Whitehaven was for LED lighting and boilers, whereas the other Salix loans and grants were not for such work. That investigator was a specialist in those premises, and our other investigations are being undertaken by a company specialised in those

particular areas. This side of Christmas, I should have a full suite of investigations to put before the board.

Q121 **Chair:** Who chose the companies doing the investigation?

Angela Barry: The investigators for the batch that I am waiting for at the moment were suggested by another academy trust, which had used the company for premises work related to undertaking that work—not an investigation. The company that is doing the investigation is literally doing an audit of what was commissioned and what has been completed.

Q122 **Chair:** You have had a free hand to select all the companies doing the investigation.

Angela Barry: Yes.

Q123 **Chair:** Have you done due diligence to check that they have got no contact with the companies that were originally bidding for the work?

Angela Barry: Companies House is on redial on my mobile. I am not a suspicious person—perhaps I am—but the due diligence I undertake is to make sure I check who the directors are on Companies House. I look at the filing information, the filing history, the people and any link companies. I do it like that.

Q124 **Chair:** You are doing that on your own.

Angela Barry: I don't do it on my own.

Chair: Who else is helping you with that due diligence?

Angela Barry: My interim chief operating officer.

Q125 **Chair:** So it is all within Bright Tribe. What about the ESFA and the regional schools commissioner? Have they got any oversight over it?

Angela Barry: The ESFA are there if I need them, but I prefer to do it myself because it will be me who takes it forward or commissions an investigation through the board if I need to.

Q126 **Chair:** You have got Companies House on speed dial. Do you have the ESFA or anyone in the Department on speed dial so you can say, "We are thinking of bringing in this company to do this investigation. Do they pass a clean bill of health with you?"

Angela Barry: I would have access to that. Yes, I do have contact emails and phone numbers. If I needed to contact anyone in the ESFA or the DFE, I feel I could.

Q127 **Chair:** When will the information from these inquiries be available to the public—if not to the whole public, to stakeholders, parents, teachers and others at the school?

Angela Barry: I would say that it would be up to the board to decide any actions that they or the ESFA wish to take, and where they wish to take those investigation findings.



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Q128 **Chair:** Do you think it is important that the people whose children are at the school and teachers who teaching in the school—I am thinking particularly of Whitehaven and the asbestos problems—are aware of the problems in the school as soon as possible?

Angela Barry: I do believe in the freedom of information, and I do believe that people should have access to information. I need to balance that against the fact that if I put things out there in the public domain, I am not just letting the right people know about that information. I could be letting others know that information. The board and the ESFA may want to take that information and use it in some sort of further action.

Q129 **Chair:** You said earlier that you haven't referred anything to the police. Have you had any contact from the police or the Serious Fraud Office about any of the activities you have been investigating?

Angela Barry: No.

Q130 **Chair:** May I just ask Mr Wentworth and Mr Boyle about public information? You have heard Ms Barry highlight what she thinks is good practice, which is to put information out there. Mr Wentworth, do you think that is the right approach?

John Wentworth: Yes, I am sure it is.

Q131 **Chair:** So when Durand Academy Trust closes, how will the information from the academy trust be stored? Who will it belong to at that point? What will happen to it?

John Wentworth: There will certainly be a record on Companies House.

Q132 **Chair:** Companies House records don't tell you a great deal, really. I am thinking of minutes of meetings, invoices for contracts let and so on. Does that information still exist now?

John Wentworth: It certainly does. The minutes are there in paper form. There is no designated website for Durand Academy Trust at the moment.

Q133 **Chair:** Who is responsible for that paperwork? Is it you now?

John Wentworth: Yes. There are still directors of the trust. It is the directors of the trust under advice.

Q134 **Chair:** Presumably that information has to be kept for a certain period of time.

John Wentworth: It will be kept, yes. It has to be kept.

Q135 **Gareth Snell:** You said that there is no active website. If I were a member of the public who was watching this and was particularly interested to do some further investigation, how easy would it be for me to access that previous information? How easy would it be to find the relevant individual—other than yourself—in order to track the information down?

John Wentworth: It would have to be through Companies House—the end-of-year accounts are the only information that is publicly available.



Q136 **Chair:** I can feel a recommendation coming on.

On public information, Mr Boyle, from your trust's point of view, what information do you think should be in the public domain? Do you think you adhere to the standards that Ms Barry highlighted as best practice?

David Boyle: We would aim always to do that. One key element is the sense of local accountability. Strong governance is key. Local boards, where there is community representation, also help ensure that the right questions are asked at the right time—not that one would ever want to cover up information; that is not how schools should operate, ever.

Q137 **Chair:** So if I was a parent of a child at Van Gogh Primary School and I asked for information about something to do with the budget—and it was not being tendered right now, as I understand that that one element might be tricky—would I be able to get that information?

David Boyle: Yes.

Q138 **Chair:** Would I be able to find that on your website, or would I have to do a mystery shop?

David Boyle: You will not find it currently as the website is in development. The governance of Van Gogh is currently in process, with a small interim board working towards a fully accountable elected board, hopefully for September.

Q139 **Chair:** But if, as a parent, I came and knocked on the headteacher's door to ask for information, would that be provided to me?

David Boyle: Yes.

Q140 **Chair:** That is heartening. May I move on to the issue around asbestos? One concern we have as a Committee is about the Government's handling of asbestos. In Whitehaven, there were serious problems with asbestos, which parents were reporting. What is the situation now with asbestos management in Whitehaven Academy?

Angela Barry: The service level agreement with Cumbria Education Trust has allowed Bright Tribe, the board and me to get knowledge of what is happening in terms of health and safety there. The asbestos management in all the Bright Tribe schools was not as it should have been. That was partly because, as I alluded to at the beginning of the meeting, the facilities management has been taken out of the hands of the local schools and into Bright Tribe facilities management. We have now put that back into the schools. The fabric of Whitehaven is not acceptable; it is not good. It is professionally embarrassing that it has got into that state. The school leadership not having ownership, because the trust has taken it away, is part of what contributed to its becoming in poor condition. Under the Cumbria Education Trust, one main driver, as well as school improvement, has been looking at the fabric of the building and trying to making sure that all the necessary management plans, including the asbestos management plan, are up to date and as rigorous as they should be. That is across the piece now in Bright Tribe—



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Q141 **Chair:** Has enough money been provided to deal with the asbestos problem—the Government do not guarantee extra funding—to all the schools that have been rebrokered out? We are aware it is very expensive.

Angela Barry: Any work that needs to be done in any of the schools, and that can be applied for through grants, will be or has been applied for.

Q142 **Chair:** There is no guarantee that you will get the grant for asbestos funding because you are competing against other priorities bidding into the Government for that central pot?

Angela Barry: It is a bidding process but the accuracy and detail in the information provided should make sure that those projects that truly need to be grant-funded are grant-funded.

Q143 **Chair:** Have you had any special dispensation or agreement by Government that because of the previous problems at Bright Tribe some of your schools will be fast-tracked to getting support because of the dereliction of duty of the previous trust?

Angela Barry: I can't say that I have received such information.

Q144 **Chair:** There is no guarantee that the money will be there, but do you feel confident that the process is fair, and that if they are in highest need, your schools will get it?

Angela Barry: Yes, I do have confidence that the process is fair.

Q145 **Chair:** We won't dig too much into the ins and outs of the asbestos management, but, Mr Wentworth, you say that asbestos arose at Durand Academy only in '17-'18. What suddenly made it come up the agenda?

John Wentworth: What really made it come to the top of the agenda was the due diligence being undertaken by Harris Academy Trust. It really came to the fore then. There were elements of asbestos before, which were not deemed to be serious, but it was Harris's due diligence that brought it forward.

Q146 **Chair:** That is sobering and makes you wonder about what is happening in other schools. Mr Boyle, what about in Dunraven? How do you manage asbestos? What is your approach to it, and do you have problems in your school?

David Boyle: Our asbestos survey makes sure that we know what's where and what's what, although we are fortunate at Dunraven to be in mainly new buildings. Consequently, the issues that other schools historically have—

Q147 **Chair:** So really it is only the one that you have taken over—the Durand—that has been a problem for you.

David Boyle: Another school that we are working with, which will come into the trust in December, has some issues as well. Again, we have had an up-to-date survey done, so we are aware of what needs to be done.



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Q148 Chair: We will deal with asbestos in more depth at other sessions. Briefly, with related party transactions, do you think that the Government's changes to the thresholds have made a material difference, or would you prefer them to go further in restricting related party transactions? Ms Barry, as you inherited a trust with rather a lot of these, what is your take? What would you recommend to Government if you had a hotline to them—I think you do anyway—about related party transactions?

Angela Barry: If you adhere to the "Academies Financial Handbook", it states what you need to do to report on related party transactions, and the procedure and tendering around that.

Q149 Chair: But some of those were worked around—you don't want to talk about the investigations—at Bright Tribe, where there were bids by companies owned by the same person. Do you think that there is a place for related party transactions? It would be very hard to do in some other businesses, but do you think that there is a place for them in academies and schools in general?

Angela Barry: If they can show best value—I mean true best value—and rigour in the process, I would not be against it. Where there isn't rigour in the process and where there might not be best value is where it goes wrong. Certainly, if there was a related party—if you could show that the services you were getting were from a related party—as long as it has been passed through a full, tendered and minuted process, that is appropriate. It is where the waters become muddy and things are given to friends or relatives that it is wrong. It needs to be transparent.

Q150 Chair: What do you think of the thresholds that the Government have set? Jonathan Slater, the permanent secretary, reduced the threshold for reporting. Do you think that it is in about the right place, or do you think that it should be lower than it is?

Angela Barry: Personally, if you want my own opinion, I think it should be any related transaction, and there shouldn't be a lower level; it should be anything.

John Wentworth: I agree. I think it is very difficult. No matter how much due diligence you do, no matter how much transparency there is, when there is a related party transaction in an academy or an academy trust, it is always difficult to show that that really, truly was the best value. I think it is best avoided. The lower the threshold the better, in my opinion.

Angela Barry: I have an example from when I was a substantive CEO. My husband was a plasterer before he retired. Some plaster fell off the wall in one of my schools. I went to Wickes and, on local purchase, I bought some bonding. He did it, and I said, "You're not getting paid for it; it's because you love me." He didn't get paid for it—though the school paid for the bonding that was put on the wall—because as a CEO, or when I was a head, I would not think it right that he got paid work. It is not appropriate.

Q151 Chair: Thank you for that clear position. Possibly you are more in accord with the Committee on that than on some of the other things we are



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talking about. Mr Boyle?

David Boyle: I concur largely, but there is an issue with increasing bureaucracy and centralisation of funding. Among the difficulties is that schools are left to suffer the consequences of political decisions taken in—if you will forgive me—what sometimes appears from the outside to be a not very co-ordinated way. It would be helpful for there to be cross-party agreement that sets the tone and procedures over a longer period of time, because what is happening currently is the product of decisions taken a number of years ago—by different people in the seats that you are now sitting in, possibly—and that means that schools continually have to respond to things that are not of their making. I still believe that the schools that we are discussing are outliers of what is generally a system that is run by very principled people, all of whom would sign up to the Nolan principles without question.

Q152 **Chair:** But on related party transactions particularly, how do we do it? Personally, I would be in accord with Ms Barry's position. Are you saying that that is too difficult and hair shirt for schools actually to deal with?

David Boyle: No, I believe that there should be transparency and robust accountability, but where best value can be shown, for schools with very limited resources, best value is right. However, I can see that increasingly any kind of related party transaction becomes questionable, but that is not always the case. The difficulty is that outliers—people who intentionally or unintentionally corrupt the system—cause difficulties for everybody else. Then everybody is bound by the increasing layers of bureaucracy and scrutiny that are usually required.

Chair: If it is any reassurance to you, we think carefully about our recommendations to ensure that we do not create lots of bureaucracy and knots for people to tie themselves in if we recommend something to Government. In the end, Government decide, not us. Ms Moran, Let us move on from things being paid for to people.

Q153 **Layla Moran:** I have done a little grid and I hope you can help me to fill it out. Mr Wentworth, how many people in your trust are paid more £100,000?

John Wentworth: None. I am not being facetious—it does not operate like that.

Q154 **Layla Moran:** Are there no salaries being paid out of that trust at all?

John Wentworth: No.

Layla Moran: Okay, I understand. Forgive me.

John Wentworth: The school closed on 31 August.

Q155 **Layla Moran:** Ms Barry?

Angela Barry: None, because although my day rate is £800, I charge only for the days I work. For instance, with Christmas coming, there will be a fortnight school closure. Unless there is something that really needs



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me, apart from answering the odd email and phone call, I will not charge over Easter.

Layla Moran: That is for the school—

Angela Barry: That is for the school as well, yes. My projects are very short lived, so by 31 March—if not before—it will be an empty nut. After that, it will be the odd meeting here and there. I will keep my accounting officer log going, so it is not a full-time post.

Q156 **Layla Moran:** Before you took over, how many had been on more than £100,000?

Angela Barry: I believe it was one.

Q157 **Layla Moran:** And at Dunraven?

David Boyle: One.

Q158 **Layla Moran:** Just the one. Is that you?

David Boyle: It is.

Q159 **Layla Moran:** There are other schools where that is not the case and there are many who are on more than £150,000. Do you feel that £150,000 as the first threshold above £100,000 to be declared is enough? Would you like higher than that to be declared?

David Boyle: My sense is that it is an arbitrary figure. Previously, it was £142,000, which presumably was because of the Prime Minister's salary. I think it depends on the circumstances of particular trusts and schools. For individual schools there are clear pay scales and suggestions. If those are adhered to, there should not be an issue. The difficulty is a consequence of creating the new world where there are not just individual schools but individual MATs large and small, and there has been very little guidance on that. It would be helpful to have some benchmarking. Then it should be up to the trust board and governors to make decisions based on their own circumstances, which they can be held accountable to, based on a clear rationale rather than a random sense of—

Q160 **Chair:** We talked earlier about if I asked about financial information. Is your pay in the public domain?

David Boyle: It is.

Q161 **Chair:** So parents can see it? Do you all think that should be in the public domain for all academies and schools?

John Wentworth: I do, certainly.

Angela Barry: I think across not just academies but all schools.

Q162 **Layla Moran:** Would I be right to say that you feel the new guidance is not enough, Mr Boyle? You want more benchmarking and guidance—is that correct?



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David Boyle: Some clear lines are very helpful, but lines rather than compulsion. As soon as you begin to set specifics you are back to centralisation, and the academy system is premised on independence from the centre.

Q163 **Chair:** Do you think that there is a risk of a gilded staircase of pay? If you tried to recruit somebody they would say, "At my last one I was paid this much," or, "My neighbouring head is paid this much and I think I am worth a bit more," and you end up with an escalation of pay. We are not a hair shirt in this Committee about paying people the rate for the job—we may be the Public Accounts Committee, but a well-paid professional can achieve more and it is good for the public purse if they do their job properly. We are hard on them if they do not. Do you think that there is that risk of the gilded staircase, where people keep being paid more?

David Boyle: I think there might have been previously. In the current circumstances that schools find themselves in, where resources are increasingly tight and where overall funding has fallen significantly over the last six to eight years, I think it is unlikely that that would be the case. It should level out. Schools and trusts mostly take an appropriately level-headed view on pay, but there are outliers. It is difficult to justify a sum of X or Y. As a starting point, £150,000 doesn't feel so bad.

Chair: We could talk about pay forever.

Q164 **Layla Moran:** I have one more question on pay for Ms Barry. You have had experience of several trusts. Do you ever feel that the ESFA would come back and say, "No, you're not allowed to pay that executive that much"? Who would stop a trust paying such a high salary, or is it simply a case of: "Here are the rules. How do we say the right things to justify it"?

Angela Barry: When a trust or a school appoints senior staff, they will have their pay ranges and their individual circumstances as regards recruitment, retention, the expertise that is sought, the depth of experience and whether it can afford—not just financially, but in terms of the school's position and performance—to take someone on who is maybe less experienced and cheaper and then develop them. I believe that there is accountability in the system. Where it works, it works well. As Mr Boyle said, where it does not work, the outliers are the exception, not the rule.

Q165 **Layla Moran:** So what is not working in those outliers, Ms Barry?

Angela Barry: It is not about it not working. The systems are there, and these things happen. The reason that we are here today is because something that does not feel right or is not appropriate has happened within trusts that we have been involved in. I truly believe—this is not a rehearsed answer—that if you stick by the "Academies Financial Handbook", your trust or school will be safeguarded.

Q166 **Layla Moran:** But ultimately, isn't it the board of governors that is meant to be making sure?

Angela Barry: Yes, the trustees.



Q167 Layla Moran: The trustees. So is there not enough accountability by the governors to the schools, since all of this is going wrong in each case? Would that be fair?

Angela Barry: An update for this year's "Academies Financial Handbook" is the strengthening of governance and the expectation that chairs will follow the hyperlink in the handbook to find out what they are supposed to be doing and reporting and how to hold their executive to account. I honestly believe that, with the governance handbook and the competencies for governors, there are a lot of resources out there to make governance as effective as possible. This isn't the norm that we are talking about; as Mr Boyle said, we are talking about the outliers, which are the exception and not the rule.

Q168 Chair: You have been generous with your time, and we have another panel. As you said, Ms Barry, you are here because you have been involved, to one degree or another, in multi-academy trusts that have had problems and that have been involved in some very questionable financial activities, which of course has an impact on the children's education in those academies. What do you think should change—if anything—in order to ensure that this sort of thing does not happen again or, if it does, that it is picked up more quickly than it has been in some of the examples we have discussed?

John Wentworth: I would like to go back to my experience at Durand. What went wrong was a catastrophic failure of governance, and there was a leadership there that had a very firm view of themselves and a clear view of their own abilities. They didn't see the need for effective governance, which was particularly short-sighted. Any good academy leader would be working to ensure that there was effective oversight and governance, because it is in everybody's best interest.

Q169 Chair: Should we get wind of another governance review being undertaken by one of our public bodies, do you think that would be a good thing?

John Wentworth: I think it would be very helpful.

Chair: Ms Barry?

Angela Barry: I would like to be candid. My background is in teaching, and what I have found when working with children—and with parents and colleagues, actually—is that if you are firm but fair, you have the respect of everyone, but most importantly the children. I do not wish to cast aspersions on anyone in the academy movement—or indeed the non-academy movement, since what I am going to say applies to those within and outside academies. When I was a teacher, and indeed when I was a child, I respected the firmness but fairness of the people I worked with, including the teachers. I am not predetermining or prejudging anything, but if it is proven beyond doubt that something has happened that should not have happened, I think we need to see those people being dealt with firmly but fairly.



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That will do two things. First, the majority of people who work in education are hardworking. It is the same as in all public services: they are not there to do wrong, they are there to make a better world. If people who have not done so are treated firmly but fairly, it will give motivation to those who are doing it right all the time and show them that there is fairness. Also, if anyone is thinking of doing something not quite right or of not adhering to the handbooks that I have quoted from today, it might make them think twice.

Coming from a background in teaching, I have always tried to be firm but fair. I think what we need to see in society is everyone being treated firmly but fairly. If they need to be treated firmly, that should be done.

Chair: To be held to account.

David Boyle: It is true that these issues are not just the province of academies. I know that that is why the group is here, but I think that there are schools maintained by local authorities in which individuals have got involved in the kinds of things that we have been discussing here. I still believe that they remain outliers; the system is mostly populated by very strong people.

Q170 **Chair:** I think the difference is that in this case we are talking not about stand-alone schools, but about multi-academy trusts. That is one of the reasons why we are discussing this.

David Boyle: Bigger and smaller. Governance is key. It raises an issue in a system where governance has become professionalised but is expected to be carried out by—in the best sense—amateurs. The gap is increasing between the experience and availability of people who can be great governors, and the responsibility and accountability for the kind of things that governance is meant to look after, as we have talked about. That is the biggest challenge for the sector. If we can get governance right, it will make things better. Where are those great governors going to come from?

Chair: Mr Wentworth, do you want to come in?

John Wentworth: Is it time to have professional chairs of governors, particularly with the larger trust boards? As Mr Boyle said, the professionalisation and the standard required are ever increasing. It is possibly time to think about that.

Q171 **Chair:** It is interesting, and we do not discount the fact that you have all raised governance as an issue. What about due diligence on the people who set up trusts? The difference from local authority schools is that people can bid; they are businesspeople with sponsorship. Is there an issue about how those people are chosen to run schools? We have seen some interesting characters—to put it very politely and in a very restrained way—and they are running schools and children's education into the ground. Do you think that there is an issue there, Mr Wentworth?



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John Wentworth: I am not sure. All my experiences have been from converter academies—existing, successful schools that have converted. I do not really have experience from set up schools.

Angela Barry: I believe that one of the positive moves with regional schools commissioners and headteacher boards has been their work on due diligence on people who have been putting themselves forward to be sponsors. I think an extension of their work would be a good idea. I know it goes on now—it does happen—but it needs to be extended.

Q172 **Chair:** Do you think that there needs to be an extension of financial oversight of schools? Ofsted does not look at that; regional schools commissioners sort of do, but they are a bit remote; and ESFA comes in if there is a crisis. Do you think that there is a gap there?

Angela Barry: When I first trained as an Ofsted inspector in the mid-1990s, when Ofsted was set up, section 7 of the Ofsted inspection was about financial probity and regulation.

Q173 **Chair:** You are looking at me as if you think that was a good thing that should still be in place.

Angela Barry: I would not want to comment on something like that; that is not my place. I am just saying that in the mid-1990s—

Chair: The inference is there.

Angela Barry: You may want to say that; I couldn't possibly comment.

Chair: The inference is there. We infer what we infer.

David Boyle: I think Ofsted has got enough to do. With very limited resources and an increasingly complex world, adding that would simply create additional problems. I do not disagree, though, that something—

Q174 **Chair:** It could be resourced for it, perhaps.

David Boyle: If it was resourced, that might be helpful, but again that is not Ofsted's expertise. We talked about the things that we are experts in, and that is not what Ofsted is strictly for.

Q175 **Chair:** So who is responsible for the financial health of schools and trusts?

David Boyle: Again, you would hope that having an external audit would provide a certain level of comfort in ensuring that things were being carried out appropriately. I am clear that that is not always the case, but it is a triangulation that should provide reassurance both within and without the school. Presumably, however effective any system is, it can always be undermined. The difficulty is that we try to run a system that is designed to stop outliers, as opposed to ensuring that the majority do what they need to do in the right way and at the right time.

Chair: But in some of these cases the outliers have made good money and run children's schools into the ground.

Q176 **Chris Davies:** Very briefly, we have listened to a lot of information over the past hour and a half, but Ms Barry, may I ask for the record whether you have actually attended the Whitehaven Academy?

Angela Barry: No, that is the academy that I have not been to. That is the one that Lee Miller, my interim COO, went to on my behalf.

Q177 **Chris Davies:** Can I ask why you did not?

Angela Barry: I have been interim CEO since 1 September. We have divvied up the academies between us. We have been there. The other big reason is that that is the only academy that has got a full-time service level agreement in place. It has got leadership in place on a daily basis through that agreement. I deemed that the interim team has had a presence there with Lee going there.

Q178 **Chris Davies:** You knew that this Committee would spend some time on this, whether it was this panel or the next panel. Do you think you should have gone there before you came here?

Angela Barry: I don't do things because of my appearances before panels; I do things for the right reason. It does not make any difference whether I am appearing in front of this panel. What is important is that the Whitehaven Academy, just as the other academies, has had the proportionate amount of time that it needed. That is why Whitehaven has a full-time SLA in place. It is the only academy in Bright Tribe or ALAT that has that.

Q179 **Chris Davies:** And you feel confident that everything is running well. You did not need to visit and you have spoken with authority on that academy without a visit.

Angela Barry: Yes.

Chris Davies: Okay.

Chair: Thank you, Mr Davies. We are now going to finish this section. Thank you for your time. The transcript will be up on the website uncorrected in the next couple of days—our colleagues at *Hansard* are very good, so it is always good. We are not quite sure of our timings on our Report. It may not be before Christmas, given the timescale. Obviously we will send you a copy. You are very welcome to stay for the next session if you wish, but thank you very much indeed for your time.

Examination of Witnesses

Witnesses: **Councillor Julie Rayson** and **Judy Davidson**.

Q180 **Chair:** Welcome back to the Public Accounts Committee on Monday 19 November 2018. We have just heard from some of the academy trusts that have had difficulties, and we are delighted to welcome our second panel today. Councillor Julie Rayson is a parent and campaigner and now an independent town councillor in Whitehaven. She was a parent at Whitehaven Academy. Julie Davidson is, I think, a parent as well and a



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school governor.

Judy Davidson: No, a former teacher.

Q181 **Chair:** Sorry, I have different things here. Are you a former school governor, too?

Judy Davidson: Absolutely.

Q182 **Chair:** But as a staff governor?

Judy Davidson: I was staff and then I went on to be a community governor.

Q183 **Chair:** How long were you a governor for, Ms Davidson?

Judy Davidson: Probably about 12 years. I then went into Bright Tribe, and stayed in the drive team.

Q184 **Chair:** So you have literally seen it all the way through. That is one of the reasons you are here.

Judy Davidson: Absolutely.

Q185 **Chair:** Councillor Rayson, I think you were elected unopposed on the back of what the problems have been.

Councillor Rayson: That's right. I do not have any children in the school at the moment, but I am a member of the action group.

Q186 **Chair:** Can I say to both of you that we applaud the work that you have done in trying to hold Bright Tribe to account? We really applaud your bravery in getting out there and sticking with it when it was very difficult to get information.

Please feel relaxed. We are just asking questions, and want answers from you to get a flavour of what it is has been like, and what the impact has been on children. It is easy to have discussions here about Whitehall and how all that works, but we heard in the last session that, startlingly, the future of the children at Durand Academy was basically decided in a 48-hour fire sale. A 48-hour fire sale for our children's future does not seem to us a good way of running things.

Could you outline first of all what your experiences have been at the school—we will start with you, Councillor Rayson—and when you first began to realise that there were problems and what you began to do about that? Do take your time answering that.

Councillor Rayson: We engaged with the headteacher in 2016 and prior to that as an action group. We could see that things needed to be done in the school but there wasn't the money there. We were set up as a little fundraising committee. We got charitable status. We just wanted to have some coffee mornings and things like that.

It became apparent that quite a lot of work was needed in the school, and we were aware that funds had been made available for that. As a parent I had concerns that there weren't any resources. There wasn't a



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photocopying budget, or textbooks and things like that. It then went on to the bigger things. We did a bit of investigation into the massive amounts of money that we could see just had not been spent.

While all that was going on, I had a child there going through his GCSEs. Staff were on strike and there were issues with the school. The safety of it was coming into question—and again last year. It has been ongoing for a couple of years and nothing was getting done. It was all on the back of the headteacher just disappearing overnight, which yet again happened on Friday.

We feel like we have not moved forward at all. Nobody knows what is happening with the staff. Compromise agreements are put in place so that nobody knows what is going on, because members of staff are being forced to sign these agreements. I am not saying that that is what happened because, apparently, Mr Turner has resigned, but we just can't get any answers. We feel like he has just disappeared, and that is totally out of character. A #WhereisWarren campaign has been set up. Parents are just back to square one. We feel like everything that we have done in the last two years has been a waste of time.

Q187 Chair: Before we go to Ms Davidson, you said that you saw that money had not been spent on the buildings. Were you just looking at the buildings when you were there at parents' evenings and things? How did you get that understanding?

Councillor Rayson: Bright Tribe will say that they inherited a bad building, but they did due diligence so they knew what they were taking on. It was going downhill rapidly. We were looking at starting to FOI because when we were asking questions of the estates team there were just no answers. When we started submitting freedom of information requests we could see that the work was not being done because windows didn't shut, or if they did they were bolted shut because they were not safe—just general day-to-day maintenance things like the playing fields being underwater when funding had been put into drainage. It was from going round the school, and what the children were coming back telling us as well.

Q188 Chair: So it was very evident just to the eye of a teenager. Ms Davidson, do you want to give us a bit of your background and when you began to see problems?

Judy Davidson: I started teaching at Whitehaven School when it started in 1984, and was elected as a teacher governor shortly after. I served as a governor for the entire time, except for about two years towards the end when I retired. We used to have sub-committees that met and as governors, we would discuss things—finance, teaching and learning, and, I think, child support in those times.

Finance—if that's what you really want me to talk about—was in very fine detail. At the end of the year, a file would be presented to the governors with virtually every pound that the school spent. It was in many, many,



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many different categories. That went on right until the end of Whitehaven School.

I was interviewed by Bright Tribe to go into their governance, and I was allocated chair of the teaching and learning group, I think—they called it a different name. It was fine for two years, inasmuch as we met and discussed things. Unfortunately, those discussions were probably taken out of our hands, because the decisions had already been made at a Bright Tribe level, and we were just ticking the boxes.

Then they decided to take away the local governance, and they produced something called the ARC group, which was for governors outside the school. We were allocated into the northern region. Nobody from Whitehaven was on the ARC group in the northern region, and we were mixed with schools from, I think, Manchester and Newcastle, then there was us. Basically, we didn't know what was going on. That is the honest truth.

They said they were going to set up a local body called the drive team. That didn't happen for about a year, so our school was totally without governors for about a year. Then the drive team was set up, and I was chair of that. Virtually all it was the headteacher, Mr Turner, giving very good accounts of what was happening, but after the event.

Q189 **Chair:** No numbers?

Judy Davidson: The finance report that we got at the end was half of a sheet of A4 with no figures—well, maybe a figure, rounded up or down. That was all we knew.

Q190 **Layla Moran:** Sorry, what was the timeline? When was the year—

Judy Davidson: Gosh—this is what I'm not very good at. Chronology. I can do it with a bit of thinking.

Q191 **Layla Moran:** But it was a number of years that you didn't have the figures.

Judy Davidson: About a year, virtually before the drive team was set up.

Q192 **Anne Marie Morris:** Ms Davidson, what impact did that have on the teachers in the common room?

Judy Davidson: Well, the teachers didn't really know. When I was head of the PE department, we were allocated an amount of money and we could spend it. My cupboard was full of netballs, footballs, etc. I knew each year how much I had to spend, and I spent it on textbooks—we did the exam subjects as well. We had a very good resource bank.

My friend went in to teach a cover lesson on football just before all this kicked off. He was given one ball—a netball—for a full group. The staff were paying for photocopying themselves. I think one teacher actually bought a sewing machine herself, and the kids were using their phones instead of computers because the computer system had broken down.



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Q193 **Anne Marie Morris:** Presumably the teachers had raised it with the headteacher.

Judy Davidson: Yes. We raised it when we were in the governors, when the local governing body was there. I had been all the way through the school, and I knew what it looked like. I knew that we used to have lots of football, rugby and redgra areas. I kept saying, "What is happening to them? Why is there no maintenance?" There were weeds growing everywhere, and none of the bushes were cut down. It looked like a mess when you walked into school. We passed it on to the head, and the head came back next time and said, "I am getting nowhere with your questions." We were not in control of any of the things after it left the local governing body of Bright Tribe.

Q194 **Anne Marie Morris:** How much control do you think the headteacher had? It sounds like even he was fairly powerless.

Judy Davidson: Presuming that the ARC met—we didn't get their minutes until the next time, so there were months before we knew what the ARC was doing—I do think he was powerless, yes, in that respect. They never came to me. But they were paying monthly for maintenance.

Q195 **Anne Marie Morris:** Did any teachers leave as a result of this?

Judy Davidson: I am sure they did. Some teachers actually left because they were—I was used to staffing being discussed because I was in the governing body's staffing group, and one day we were asked to go and present a bouquet of flowers to our deputy head who was leaving. Nobody knew anything about it. She left that day without the governors even knowing. The chair of governors presented this bouquet to this teacher who was the kingpin of the school and I was absolutely devastated. I wrote a letter afterwards saying, "Why has this happened? Why has she been removed?" She was one of my very close alliances there. I had worked with her for a decade, easily, and she could not tell me why she was going.

Q196 **Anne Marie Morris:** Councillor Rayson, as you are a parent, it would be particularly interesting to hear what the impact on the children was. By all means, cover some of the ground that Ms Davidson has.

Councillor Rayson: I was just going to talk about the recent developments—last Friday. With the AMC that we have set up now, the two parents that sit on it found out about the resignation of Mr Turner through social media. So even now, the governance is not adequate.

Q197 **Chair:** What we heard earlier was Ms Barry saying that she has been engaged with local stakeholders on this, but what you have just told me is that that wasn't quite—

Councillor Rayson: The letter came out signed by Ms Barry and rightly so. She hasn't been in the school. She summed up what she just said about fairness and I'm sorry, but I disagree with what she said. She signed a letter saying that Mr Turner had resigned. I know I keep going on about this, but that man would not just walk about from the community



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after what he has done. It is really upsetting that he has been made to do that, for whatever reason. If the incoming trust have anything about them, they will walk over hot coals to ask him to rescind his resignation and come back under them to have some stability in that school for the children.

Chair: We have to be careful not to go too much into the detail of the actual case.

Q198 **Anne Marie Morris:** What has the impact on the children been?

Councillor Rayson: Over the last couple of years, it is obviously the exam results—they haven't had the study information there. As Judy said, they were looking on their phones. Parents were having to print out exam papers at work, if they were able to do that—some of them couldn't. Personally, I know a number of children who either had to change the sixth form or further education college they were going to, or change their vocation totally, because they hadn't achieved what they should have achieved at GCSE level.

Q199 **Anne Marie Morris:** Did this lead to a different level of behaviour?

Councillor Rayson: I think the children have been very resilient, because the staff have been absolutely amazing throughout all this. Despite everything, the behaviour has been absolutely fine. They have just taken it in their stride. Some of them have felt low self-worth or undervalued. There is another school being built locally—the Campus Whitehaven. They are seeing this brand new school coming up, all singing, all dancing, and some of them think, "Why?" It is just across the road, literally. People might live next door to each other and might have been to the same primary school and some of them are going to go to the new school and some of them to Whitehaven. We have even had instances when they would take their blazers off walking to school, until they got to the school gates because they didn't want anybody to know that they were at the Whitehaven Academy, the reputation was that bad.

Chair: That's really sad.

Judy Davidson: The year after I retired, which was 2011, I went back to be deputy head of the sixth form, and at that time it was probably one of the best in Cumbria. It had gone through being the best, even compared with Keswick, Cockermouth and so on. There were about 150 pupils in the post-16—I keep calling it the lower sixth, but you know what I mean.

Chair: Me too.

Judy Davidson: Let's call it year 12. There were about 100 in year 13, all of whom had successful sixth forms. Lots went off to university. At this moment in time, we have no sixth form. Our children are going to Keswick and to Cockermouth, and CET has offered Workington. For those people who do not know our area, there is a great rivalry—usually in rugby but in lots of other ways, too—between Workington and Whitehaven. Even though Whitehaven and Workington are a very short distance apart, it is



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highly improbable, given the history, that they would go to Workington. If we had two hundred and something kids in the sixth form six years ago, the potential is still there. It has just gone, virtually.

Q200 **Chair:** Did that go as a decision of the trust, or did it go because of numbers across the county?

Judy Davidson: It may well have gone because the numbers dwindled in some way, but there were very definite mistakes made. For example, physics was stopped—*[Interruption.]*

Chair: You are speaking to a physics teacher.

Judy Davidson: That ruled out all the children who wanted to do physics as one of the—

Q201 **Chair:** It is incredible that you are on the doorstep of Sellafield and you were not teaching physics.

Judy Davidson: Absolutely. Don't even get me going on this subject. We lost the chemists, we lost the biologists and we lost the mathematicians. The year physics was stopped, the governors really argued against that. Just before the end of term it was brought back in, but all the kids had already—

Q202 **Chair:** This was under Bright Tribe?

Judy Davidson: This was under Bright Tribe.

Councillor Rayson: There was a lack of investment in training for the teachers. We wanted a local trust, but there is the rivalry there between Whitehaven and Workington. At the time, under Bright Tribe, there was just no investment in any personal development for the staff at all.

Q203 **Chair:** You would have thought it would be in their interest, because of the per-pupil funding, to maintain the sixth form.

Judy Davidson: Absolutely. The thing about physics is that, as you rightly said, there are jobs galore for physicists in our area. In fact, I think Westlakes—not the college but the actual technology place—is actually running a degree or something now. Kids who had done that could have stayed within our county. Before, they had to leave the county. The signs were there that there was a hub of pupils who could actually have gone there, but it was stopped.

Q204 **Chair:** I am very aware, because I have visited Whitehaven a number of times.

Judy Davidson: Well done. Did you come out safe?

Chair: The first time was in 2010 or 2011, and then there was the argument about making sure you had the necessary equality of education so that your young people could benefit from and contribute to the local very high-tech economy. It was heartening that it got there and then very discouraging—



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Judy Davidson: Well, a lot of the Whitehaven children are west Cumbrian children and they would have done really well by staying there, but it wasn't to be, I'm afraid.

Anne Marie Morris: Ms Rayson, given this complete lack of communication—events just seemed to be happening—who was in control?

Councillor Rayson: We don't really know, because at trust level and school level people sometimes changed weekly. We would just get to the point where we knew who we could to speak to about a certain thing and then they would disappear, with no explanation—they would have gone off the website and somebody else's profile would have cropped up. It was just so difficult.

Once we started realising that we did not just want answers but wanted to start complaining, we found that there was no process whatsoever for complaining about a multi-academy trust. The complaints policy is aimed purely at the individual school. You have to speak to the member of staff first, and then to the headteacher. There is nothing there. If you have no problems with the school—everything is running fine—but you have a problem with the management, you cannot go to a trust and just say, because they just do not want to know.

Also, something that is worth noting on Ofsted's Parent View website is that when you can do your survey, there is a question that says, "Are you happy with how the school is led and managed?" To me, they are two separate questions, and that should be set out separately on Parent View, because—

Q205 **Chair:** Parent View is only open to comment at the time of inspection as well, is it not?

Councillor Rayson: We commented when Whitehaven was Ofsted inspected. We handed letters in. We did not get any responses to indicate whether they had been read, or anything at all, but I do believe—

Q206 **Chair:** Had you complained to Ofsted before they came to inspect?

Councillor Rayson: I think what happened was that there were a lot of parents all at one point who started filling in Parent View to say that they were not happy, and that is when the Ofsted inspection—

Q207 **Chair:** I was asking partly because it is supposed to trigger an inspection.

Councillor Rayson: Obviously, two years ago I personally contacted the regional schools commissioner to highlight that there were problems at the school, that we wanted to speak to her and meet with her, and that it was based purely with Bright Tribe and not with Whitehaven Academy. The response we got was that she was working with the trust on that—

Q208 **Chair:** Did she offer to meet you?



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Councillor Rayson: No, she did not offer to meet us. We met her last year—12 months ago—after the trust had stepped away. We were promised quite a few things then that, again, we are not seeing happen.

Chair: We will come back to that in a minute.

Q209 **Chris Davies:** We have talked a lot about physics, which was not my top subject, but as a Welshman, rugby was, so I am delighted that you are playing rugby up there—well done.

Judy Davidson: We are not at the moment. We have not got enough rugby balls.

Chris Davies: Ms Davidson, you mentioned the circumstances related to your deputy head leaving. Has anybody else in the top management team of your school left recently?

Judy Davidson: There are a lot of teachers. Well, of course, Mr Grant—

Q210 **Chris Davies:** Why has your head gone, out of interest?

Chair: We kind of covered that earlier. We have to be a bit careful about the individual involved.

Judy Davidson: Can I join it together? Another of the jobs that I have is that I have been a relationship counsellor for Relate for the area for 23 years, so I am very aware of children and their need to have stability, mainly from an attachment point of view and mainly for their good mental health.

We had Mr Grant, and one night he was talking to us at the Oscars—they are the presentations. I was a governor and he was making an appointment with the governors for Tuesday. The day after that, he vanished. He just went. He has never been seen since, and never acknowledged by anybody. The letter we got—we are not sure where it came from—said it was personal circumstances. The area went into a very low way, because not only were we not getting the resources, but a man who was building the school up and giving everybody hope had just vanished. That was a low point.

We then got Mr Turner, who took over from Mr Grant, and I remember being there at his first meeting with the parents. The poor man was thrown into the cage, I tell you, because nobody was there from Bright Tribe to help him and the parents were very hostile. He stood up to them and, ever since, in my estimation, after 30 years of teaching, he has been one of the finest leaders I have ever come across. He is honest, forthright and so on.

I was fortunate enough, with Mrs Harrison, our MP, to write an article last week in the *Cumbria Crack* praising his efforts, because last year our school was “the second most improved school in Cumbria on Attainment 8 and the third on Progress 8”. Given that two years before he had had virtually no resources, and virtually no help, and the staff were brilliant and had all pulled together, the school felt as if it was coming back. So we



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felt as if we ought to write an article, and we did. I think everybody was very pleased with it.

Virtually the day after, having been told that Mr Turner was on sick leave for quite a long time, we heard that he had resigned. It took us all by surprise. That was the very day of Children in Need and there were children crying in school and teachers crying in school. So I am pretty pleased I am not there at the moment, because that is how I felt on Friday, having gone through two years and built the school up to be that good with its academic progress. We feel, as Julie says, that we are back where we started.

Chair: I think we should pause that there, because we have covered this—

Judy Davidson: I was going to stop there anyway.

Chair: And we know what Ms Barry said—you have clocked what she said; you were in the room, and I think we have to be careful about discussing an individual case, because, although I hear what you are saying, and everything you have said is fine, if we go any further we are in danger of discussing—

Judy Davidson: I was just trying to explain how the children feel.

Chair: I know, and I completely get it. I am going to ask Ms Moran to come in. We need to be quite quick in our questions and answers, please.

Q211 **Layla Moran:** Ms Davidson, in relation to the deputy head removal, you asked her why she had to go and you said that she couldn't tell you. Is that because she had signed a non-disclosure agreement or something?

Judy Davidson: Yes, and I know what that is. She just wouldn't say.

Q212 **Layla Moran:** She just blanket wouldn't say.

Judy Davidson: Yes.

Q213 **Layla Moran:** So you are not aware if she had or hadn't.

Judy Davidson: I am not aware.

Q214 **Layla Moran:** Do you think she had?

Judy Davidson: I think that is speculation.

Q215 **Layla Moran:** Are you her friend?

Judy Davidson: Yes, I am a very good friend.

Chair: But if someone has signed a confidentiality agreement they are not actually allowed to tell anyone about it, so I think you are putting Ms Davidson and the deputy head—

Judy Davidson: She seriously didn't tell me.

Q216 **Layla Moran:** We know that you raised issues with the regional schools commissioner. When did you do that?

Councillor Rayson: July 2016.

Q217 **Layla Moran:** So before that, Ms Davidson, when you had sat on the drive team, what was the mechanism by which you could raise issues to the powers that be? Who were the powers that be, as you saw it then?

Judy Davidson: It is like sending something into the ether.

Q218 **Layla Moran:** Literally how would that happen? Was there an email?

Judy Davidson: Yes, we would hold a meeting and we would make recommendations on that meeting and they would go, I guess, but nobody from Bright Tribe was ever there, so it was just basically the people on the drive team, in which case there were some parents, there was myself, there was Mr Turner, and other people that came to present things. We would make recommendations and they would be passed on to the ARC.

Q219 **Layla Moran:** Who sat on the ARC? Was it head teachers?

Councillor Rayson: Maybe I could come in there, because that is one of the things I had to send as a freedom of information request. You would think that you would know from the website, or that if you didn't you could just ring up and find out who you went to if you wanted to speak to somebody—one of the governors. This hasn't come out before and I think now is the time that I need to say this, so that it is in the public domain. I am aware of an email that was sent from a senior Bright Tribe trust member to a senior member of Whitehaven Academy telling them to send me down culs-de-sac, not to reply and to think very carefully about my son's place at sixth form—

Chair: That is outrageous.

Councillor Rayson: Because they wanted me out of the school. I have a copy of that email and it hasn't come from anybody from the school. Somebody had to send me it because it was part of another procedure and I had to give my permission for that to be used and that is when I found out about it.

Q220 **Chair:** Have you done a subject access request?

Councillor Rayson: I did a subject access request to Bright Tribe and that information was not there. I asked them again to check the records to see if there was anything else, and it hasn't come back from them, so they have denied—well, got rid of it. But, as I say, I did get it from somebody else.

Q221 **Chair:** We asked earlier what information is kept from trusts. Are you worried? Do you think there is information that would be secured and sealed—

Councillor Rayson: Again, Ms Barry said that the freedom of information requests had all been sent, but they haven't, because I have still got one outstanding. Also, the complaint she mentioned, that Mr Miller dealt with, hasn't been concluded either; that is still ongoing. A lot of the answers that were coming back said, "Unfortunately, we do not hold that



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documentation,” not because they did not have it and they couldn’t give it to us—they should have had it—but because it has been lost. There have been documents that they cannot locate, which they should have—that we are aware that they should have.

Chair: It is actually a very serious issue if they say that they have not got it but they have.

Councillor Rayson: Yes. With my outstanding FOI at the moment, I already have the information, but I have asked them for it and they say that they cannot locate it.

Chair: It is always good to know the answer to the question before you ask it.

Councillor Rayson: Yes, I have found that.

Q222 **Chair:** You take a leaf out of our book there. Just going back to raising complaints, one of the things we are trying to do is ensure that this sort of thing does not happen again. I am afraid that it is a bit late for your son, Ms Rayson. What do you think needs to be done to improve the ability of parents to get information? You heard some of the questions that we asked the panel earlier. What would make a difference?

Councillor Rayson: Just knowing who to speak to would be a start. Having robust governance. Having a procedure for our policy purely for the trust, not just for the individual school. Especially with Bright Tribe and Adventure Learning the schools were so far away from each other, in totally different situations, and in areas with different types of people and cultures. I think that what works in one might not work in another. I don’t agree with across-the-board policies for every single school in that trust.

Q223 **Chair:** Bright Tribe is not an unusual trust, but it is not that common that you would have schools so geographically spread apart, from Cornwall to—were you the furthest north?

Judy Davidson: Suburban Newcastle. They did actually try to get Workington. That is one of the reasons that we went in, because I was a governor when Bright Tribe took over. The problem with that was that when they did their presentation they brought with them amazing educationalists, who gave really good speeches about everything that they were going to do, but within six months they had all vanished.

Q224 **Chair:** So it was window dressing, Ms Davidson?

Judy Davidson: They virtually all vanished within the six months after we had signed.

Q225 **Chair:** Ms Rayson, you looked at some of the contracting stuff that went on. We had some information—certain people and documents— which we will put towards the National Audit Office, to see if there is anything it can do to look at this. Is there anything you want to say about the contracts? You mentioned some schools earlier. We have a list of safety concerns—I think you provided that to us originally, but it has been doing the rounds



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in the Committee. It is a long list.

Councillor Rayson: I am concerned about the length of time of the investigation, considering I found all that information—yes, I did put a lot of time into it—within a matter of months. I had all the documentation. Again, if Ms Barry had been up to the school and seen the state of it, she would be able to compare the buildings with what is supposedly being done. That would have been a quick fix as well, if somebody had been up. Even from the ESFA on the Salix loans, completion statements were not sent in, not even months, but years after the work was supposedly carried out.

I think there are some shortfalls with regard to what Ms Barry was saying. Yes, there is the "Academies Financial Handbook", and it keeps updating and everything. There are things like publishing the £150,000 salaries. But there are ways around that now as well. People are getting cleverer, because all they will do is up their pensions and give themselves company cars. That's not picked up. There is the £150,000 cap, but there are other ways people are getting benefits. I think that that is one thing that needs looking at.

Also, Ms Barry talked about checking at Companies House. You can look at a director and there may be no links with Bright Tribe. There is a pitfall there, because if you're just a middleman, if you're a sole director of a company, but you also have a job and work for one of Mr Durand's companies, there is no immediate link; there is nothing at Companies House. There is nothing directly linking that director to one of those related parties, but unfortunately that is what has happened.

Q226 **Layla Moran:** I'm curious: 1 December is meant to be the day of the transfer. Councillor Rayson, how do you feel about that? Do you have hope for it?

Councillor Rayson: As I say, I don't have a child there now, but I have many friends and neighbours who are concerned. A lot of them are year 6 parents who went to an open evening and put their child's name down based on what they saw on the night from Mr Turner and what they know of him. I think they have been duped to a certain extent. They have had false promises. Again, they thought this was going to be happening and now it is not. In my opinion, the rebrokerage should be delayed and there should be further investigation into what is going on with the staff and how the parents think. We have a community meeting on Thursday night; such was the response to the news and the feeling in the community that straight away we as the action group have had to—

Q227 **Layla Moran:** So things being done to you rather than you doing things?

Councillor Rayson: It's, "Here we go again."

Q228 **Layla Moran:** Have you been able to contact the regional schools commissioner about your current concerns?

Councillor Rayson: An invitation has gone out to her, obviously. Things happened Friday; we travelled down yesterday to be here. I believe the

invitations have gone out on our behalf to the regional schools commissioner, to Ms Barry—

Q229 **Layla Moran:** I'm sure we all hope she responds quickly.

Councillor Rayson: —and to the incoming CEO of the trust.

Q230 **Chair:** Do you have the name of the new headteacher yet, or someone who is going to be taking over?

Councillor Rayson: We have the interim, a lady who has been working in the school, but with no disrespect to her, as far as I know, she has not had the experience of being a headteacher.

Chair: But there is a named person in charge—I just wanted to check that. I think we are nearly at the end; does anyone have any other questions?

Q231 **Layla Moran:** Ms Davidson, did you have anything to add about the future?

Judy Davidson: From a child point of view, it worries me that it seems that MATs get executive heads and interim heads in place at the expense of relationship building with the community, with staff, with students and with whatever. We have done a very big check on all the academic results that have come out of our county in the last year, and that is not working. It absolutely and utterly is not working.

Q232 **Chair:** What we seem to have got from you is that this lack of local connection, understanding of governance and the ability to raise issues directly about what is happening in your school is one of the problems underpinning all the financial, academic and staffing issues. Is that a fair summary, or some of the summary?

Judy Davidson: Sort of. If I can just say something about the community when I first started there, the community is very strong, and I have taught most of the parent group. They have children coming through and they remember what it was like. In those days, everybody was very much together. There was a street of people who either went to St Benedict's, which was the Roman Catholic school, or came to us. Today, you can have a street of people, some of them going to West Lakes, some to Netherhall, and some 11-year-olds getting on a bus and travelling an hour to Keswick and then an hour back at night. There is no community in that street, because the school as it was has disappeared and it is very disjointed.

I think what you are saying is absolutely right: a lot of what has happened is because of the disjointed governance and disjointed knowledge of what is going on in the school, whereas before the headteacher was there and the teachers knew what they were doing. They are lost at the moment. They do not know. We're losing all the good teachers, because they are scared about their mortgages and scared about whether they will be in a job. One of the things about MATs is that they get rid of quite a lot of teachers within the school. Don't get me wrong, maybe some need to be got rid of, but for some of them it is very frightening.

Layla Moran: It's often the ones you don't want to lose who go first.

Judy Davidson: Absolutely. That is exactly what happened this last year.

Councillor Rayson: It is resulting in fragmented education as well; there is just no continuity of education. Could I ask a quick question about the cost of rebrokerage? We heard what people are being paid to work on that. Where do those costs come from? Do they come from Bright Tribe, with the salaries they pay to consultants or whatever?

Q233 **Chair:** That is one of the things that we are looking at. We are asking questions of the Department for Education on Wednesday. As you will have picked up from the questions we have asked, we will ask them about who is paying for what and what they are being paid for. With Bright Tribe, as we understand it, it has yet to be a concern. However, we have to be careful about who asks the questions here.

Councillor Rayson: Sorry. I am just thinking that, if Bright Tribe disappears, I presume that any deficit will be written off. They are clocking up all this money for consultancy.

Layla Moran: We will definitely be asking questions along those lines.

Chair: One concern of the Committee is when we see multi-academy trusts formed and schools with big surpluses are mixed with schools with deficits. When they break up again, where does that money go? Where is the accountability? That gets lost in the mix. We have been raising concerns about some of these issues since I joined the Committee in 2011. However, it has increased in recent years.

I thank you both warmly for your efforts. It is hard work digging out this sort of information from an organisation that has not been willing to reveal it. You have been really dogged in doing that, and it is great of you to come here today and speak up for Whitehaven. There sometimes seems a long distance between Whitehall and Whitehaven.

Judy Davidson: It is very scary. There aren't any sheep around here. It's still raining though.

Chair: A bit more Whitehaven in Whitehall might be a good thing. My point is that all of us in politics and in government should remember who we are here to serve. It is the citizen, the taxpayer and, in this case, the children. We heard a startling revelation in the earlier session that it was a 48-hour decision about the future of our children. That underlines some of the real challenges when these multi-academy trusts, in particular, go the wrong way.

Judy Davidson: Can I just make one statement? My worry is that some MATs are taking on more and more schools without having proven that they are an effective MAT.

Q234 **Chair:** You raise many of the questions that we repeatedly ask of the Department. We will keep you posted. We will make sure that you are on



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the list to receive the transcripts and the reports that we produce.

Judy Davidson: That would be great. Thank you for your time.

Councillor Rayson: Thanks for the opportunity to speak.

Judy Davidson: Thank you for being so nice.

Chair: It is not very often that people say that about politicians at the moment. Thank you very much indeed.