Part 3
The Clarke Report: Recommendations and BCASE comments


Our comments are in italics.

Recommendations (pp98-100)

1. The Department for Education should review the process by which schools support individuals to gain and award Qualified Teacher Status to ensure that there are no systemic vulnerabilities to abuse.

   This is already well regulated. Do we need more regulation to deal with only a very small minority of cases?

2. The Department for Education should ensure that the governing body of every school extends the responsibilities of the teacher designated Child Protection Officer to include Prevent within his/her role. The mandatory Child Protection bi-annual update training undertaken by these responsible teachers should include the Prevent Strategy. This training should then be cascaded by the Child Protection Officer to every member of staff, governor or volunteer as an adult involved in the protection of children at the school.

   The issue here is the Prevent strategy itself and how it is being used. Following Gove’s agenda, Ofsted used it for the first time in Birmingham as an instrument to fail schools. But the 2011 Prevent policy itself warns against the danger of misuse.

   ’We regard Prevent work with children and with schools as an important part of the strategy. But this work needs to be proportionate. It must not start from a misplaced assumption that there is a significant problem that needs to be resolved. We have seen some evidence of very limited radicalisation of children by extremist or terrorist groups. …. But these issues must be kept in perspective.’ (para 10.44)

   The report offers little advice on what schools should actually do. It simply says ‘Schools can help to protect children from extremist and violent views in the same ways that they help to safeguard children from drugs, gang violence or alcohol.’ (para 10.45). Many schools treat Prevent largely as a tick-box exercise, relying on a one-off input by the police and perhaps some tutor-group follow-up. But the Labour government’s original 2008 Prevent policy document recommended a very different approach by schools:

   ‘creating an environment where all young people learn to understand others, value and appreciate diversity and develop skills to debate and analyse. Through the curriculum, schools can help young people learn about and explore the values shared by different faiths and cultures, the historical context and issues around citizenship, identity and current affairs. Young people see schools as a safe place where they can explore controversial issues, and teachers can encourage and facilitate this.’

   This is the approach that schools should take to Prevent, ensuring that it is subsumed into an ongoing process of education for critical social understanding, including critical engagement with the government’s conception of ‘British values’. Any training in Prevent should be based on this educational approach.
3. The Department for Education should consider taking action against teachers who may have breached the teacher standards.

*Normally schools deal with this through existing capability procedures. But this recommendation is aimed at some of the teachers in this investigation. Morgan has said it will be dealt with by the National College for Teaching and Leadership, which has a procedure. No objection.*

4. Birmingham City Council should review its systems, processes and policies regarding the support it provides to maintained schools to ensure that they are more strategic and joined-up across the range of functions (including HR, governor support and school improvement). In particular, it should ensure that:

- concerns are considered not just on a case by case basis, but reviewed to ensure that any emerging trend is identified and addressed;
- intervention is considered in all cases;
- the appropriate balance is struck in all cases where there is an actual or perceived tension between community cohesion concerns and educational or safeguarding issues, and that decision-making is not overly influenced by a vocal minority; and
- there is effective information sharing – including on criminal issues and safeguarding concerns – between all parts of Birmingham City Council and with other agencies such as the police, the Education Funding Agency and the Department for Education.

*Agree. The problem is whether BCC has the capacity as a result of the huge government budget cuts.*

5. Birmingham City Council, the Department for Education, the Education Funding Agency and Ofsted should review their respective existing channels for raising issues of concern and ensure that they:

- are robust, responsive and provide proper protection for those coming forward with sensitive concerns; and
- judge properly whether there are indications of extremism, and refer the cases to the relevant authority to consider.

In particular, Birmingham City Council should consider the establishment of an independent process for teachers and governors to raise concerns. The Department for Education should ensure that the receipt of sensitive complaints forms part of the new Regional Schools Commissioners’ responsibilities, and that the Regional Schools Commissioners are able to refer complaints and concerns to the relevant agency for further investigation.

*Agree with all this.*

*NB the Regional Schools Commissioners only concern academies and free schools. Is this part of their remit already or additional?*

6. Birmingham City Council should review all compromise agreements signed with headteachers in the last five years to consider whether they were appropriate and whether Birmingham City Council should have done more to exercise their duty of care.
Agree.

7. The Department for Education should review the process by which schools are a) able to convert to academy status; and b) become Multi Academy Trusts, to ensure that appropriate checks are conducted on the group and key individuals and that there is an accurate assessment of the trust’s capability and capacity. It should also consider urgently how best to capture local concerns during the conversion process, and review the brokerage (and re-brokerage) system through which schools are matched with academy sponsors to ensure that the process is transparent and understood by all parties.

Agree – and especially regarding small groups of academies. Critics of the academies policy have been saying for years that the whole academy conversion process is flawed, as well as the policy itself.

8. The Department for Education should consider the benefits of requiring academies to notify changes in the governing body to the Department, along with stronger powers for the Secretary of State to bar an individual from taking part in the management of any type of school (including maintained schools and academies).

LA schools have to notify the LA of changes. So this is a problem only for academies. The ‘stronger powers...’ is a blank cheque for the SoS. What criteria and procedures?

9. Ofsted should consider whether the existing inspection framework and associated guidance is capable of detecting indicators of extremism and ensuring that the character of a school is not changed substantively without following the proper process. This includes ensuring that the appropriate boundaries for a non-faith school are not breached. It should also ensure that headteachers’ responsibility for ensuring that bi-annual Child Protection training is undertaken is reflected in the inspection process.

How is ‘extremism’ defined?
The Ofsted framework is not designed for this. Its concern for governance is in relation to ‘improved teaching’: ‘Inspection examines the impact of all leaders, including those responsible for governance, and evaluates how efficiently and effectively the school is managed. In particular, inspection focuses on how effectively leadership and management at all levels promote improved teaching’ (para 58).

10. Birmingham City Council should take immediate steps to improve the running of its governor support services, so that it makes effective appointments following a suitable vetting process, and provides effective support to governing bodies where issues arise. In particular, it should ensure that:

training is suitable and delivered by appropriate individuals, so that new governors in particular understand the role of the governing body in setting the strategic direction of the school and holding the head to account in appropriate ways; and

it is able to intervene effectively where the governing body is failing to conduct itself in the expected manner, including where it is making unrealistic demands on the headteacher or seeking to make fundamental changes to the character of the school without proper consultation with relevant parties or statutory permission.
This work should be completed before it reinstates the process for making Local Authority governor appointments.

None of this applies to academies. *What mechanism will play the same role for academies? This is a massive support and policing job for the Governor Support Service. Does it have the capacity?*

11. The Department for Education should review guidance on governor appointments to make clear the expectations of the role, including:

the difference between setting the strategic direction and running the school; and

the skills and expertise required, and what appropriate training to improve these skills should look like.

The Department should also consider the benefits of an accreditation scheme for governor training providers.

*Agree, but would this have prevented the governance abuses in Birmingham?*

12. Unless there are genuinely exceptional circumstances, there should be a presumption that an individual will only be a governor at a maximum of two schools at any one time. All local authorities and multi-academy trusts should review their current governor arrangements, and where they identify an individual holding multiple positions they should consider the appropriate steps to ensure that a wider range of people are able to hold governor positions and that no single individual has undue influence over a number of schools.

*Many governors have more than two schools without there being any problems. Would applying a blanket ceiling of 2 schools debar governors unnecessarily and create a shortage?*

13. All schools should include details on their website of their governing body. This should include the full name of the individuals, along with any committees they attend; the method of appointment (eg whether a local authority appointment or an elected parent governor); and the expected period of the appointment, in order to promote transparency over the running of schools.

*Agree. But better if the Governor Support Service held this information and put it on its website for all schools.*  
*Governing bodies are public bodies and should publish the agenda and minutes of meetings, subject to the usual confidentiality provision.*

14. The Department for Education should consider whether there is a case for preventing certain individuals from being involved in the management of schools.

*Does ‘management’ refer to heads and other senior leaders? Again, this is a blank cheque for the SoS. What criteria? What procedures?*

15. The Department for Education should continue to review and analyse the evidence gathered during the investigation; take further steps to understand issues of concern (including potential financial malpractice); and consider appropriate further actions. It should also consider whether other areas of the country may be similarly vulnerable, and respond promptly and effectively if concerns are raised, ensuring that there is sufficient resource and capacity to do so.
Agree.