Part 5
The response of Birmingham City Council

How has Birmingham’s Labour Council responded to the Trojan Horse claims and Gove’s attack? The Trojan Horse document was actually in the hands of the Council in November 2013, and rumours of malpractice by Muslim governors in a number of Birmingham schools, mainly concerning the removal of a number of headteachers, had been circulating in the city for years. Tim Boyes, a secondary head, reported it to the DfE in 2010. But the local authority had taken little or no action.

In 2014 the council took some initiatives. In April it commissioned Ian Kershaw to carry out an inquiry into the Trojan Horse allegations. And on 14th April the council set up its own Inquiry. The remit of the Review Group was as follows:

‘To review the findings of the Chief Advisor – and any other reports that may be made available by DfE, Ofsted or others – with a view to publishing a report (in July 2014) that, insofar as is possible, explains the authenticity or otherwise of the Trojan Horse allegations and makes recommendations to the city council and any other relevant bodies to ensure effective future governance and safeguarding arrangements in all schools.’

The Review Group had 15 members: 4 councillors, the director of children’s services, 2 MPs, 2 headteachers, 1 police, 1 Birmingham Central Mosque, 1 bishop, 1 representative of all headteachers’ professional associations, 1 Birmingham Governors Network, 1 National Governors Association. Of the 15 4 were Muslims and 5 were women. What is striking by their absence is any representatives of parents, or of the local community, or of teachers and other school workers and their unions.

On 9 June the Council published a 4-page response to the Ofsted reports as a Briefing paper at http://birminghamnewsroom.com/2014/06/trojan-horse-briefing-june-9/. Essentially it accepted the Ofsted framing of the situation and committed the local authority to working with the DfE, including on academisation and changing sponsors. In that context it proposed a number of measures, including drawing up action plans with the local authority schools in question, improving recruitment and training for governors, and making closer links with academies through reintroducing an induction programme open to all new headteachers including academies and free schools, and appointing school improvement link officers for academies and free schools – but without specifying what powers they would have, if any.

Birmingham City Council Response to the Ofsted Inspections of Birmingham Schools and Trojan Horse

Headlines
• We are reassured that Ofsted has presented no evidence of a plot or conspiracy but there have been unacceptable actions by a few people in a few schools
• We are here to ensure that our children and young people get the very best education possible
• We take Ofsted’s reports seriously and will act where we need to
• It is clear that some governors and governors bodies have failed in their duties
• There are areas in which the council’s support needs to be reviewed and strengthened
• We have a clear set of measures, many of which are already in hand
• We will work hard with our communities to restore any lost confidence in their governors, as well as ourselves and Ofsted and DfE.

Specific actions to be taken by Birmingham City Council
3.1 In relation to governance of schools:
• individual action plans will be drawn up with each community school that has been inspected
• in respect of Saltley school, which has been designated as requiring special measures, the
  necessary statement of action will be produced and it is also the Council’s intention to work with the
  school and the DfE to secure an Interim Executive Board (IEB) as fast as due process allows.
• we will continue to work jointly with DfE to complete the process of ‘Academisation’ for Alston.
  This should be achieved by July
• the greatest concerns expressed have been about Park View and Oldknow. We are very concerned
  about what Ofsted has reported and, whilst both are academies, will work closely with the
  Department for Education on any plans it brings forward to redress the situation
• we recognise that both Ofsted and the DfE have serious concerns about the Chair and overall
  governance of Park View and, in the light of this, we will need to review his involvement in the
  governing body at Highfield School, along with any other role undertaken on behalf of the local
  authority in accordance with due process

In addition to these key actions, we will be:
• continuing suspension of recruitment to local authority governor posts for the immediate future
  whilst we work to introduce a new policy from September
• revising the process for the recruitment, appointment and training of governors using the expertise
  of the National Governors Association with whom we are already engaged. This review is close to
  completion and we expect to publish the findings shortly. The new procedures will become ‘live’ in
  September 2014
• using the best practice seen in some of our secondary schools to support other schools across the
  city. Where there is further outstanding practice in the school community we will ensure that is
  available to all by building this into the training provided by the council and signposting schools to it
• publishing a good governance guide for all schools which includes a defined process for quality
  assurance including regular external review of governance (via the National College for Teaching and
  Leadership)
• publishing a revised whistleblowing arrangement (consideration is being given to establishing a
  dedicated confidential point of contact) for schools to raise awareness and to strengthen the
  management and security of the process. This work is nearly completed and has been carried out in
  consultation with all the professional associations, the National Governors Association and the City
  Council HR team. It will be notified to the school community and come into practice from September
  2014
• producing regular six monthly reports to the Safeguarding Board and Birmingham Education
  Partnership (BEP) and other relevant bodies (eg academy chains and free schools) with regard to the
  effectiveness of training relating to the prevention of radicalisation and extremism in all settings
• making sure that all senior managers in the Directorate for People will regularly refresh their
  understanding of the prevent agenda and their role and responsibilities in relation to it
• consulting with the Home Office on rolling out of further Prevent training. To ensure adequate
  capacity is available, the Council will appoint in readiness for the new academic year a dedicated
  school Prevent co-ordinator to be jointly funded by the Home Office and the Council
• ensuring that the previously mentioned good governance guide will set out clearly the
  responsibilities of governors, heads and principals, define their training needs and agree a city wide
  programme to ensure appropriate participation

3.2 In relation to local authority school improvement functions:
• we will ensure all schools are allocated a school improvement link officer whatever the designation
  of the school
• we will continue to work with Teaching schools and National Leaders in Education to provide challenge and support to those schools with the greatest need  
• we will work with all City Academy and Free Schools sponsors through a twice yearly meeting with the Strategic Director to make sure that Academies are aware of, and able to access, training and support  
• we will direct schools to where there is outstanding practice both locally and nationally  
• we will reinforce regular reporting and monitoring to the Education and Vulnerable Children Overview and Scrutiny Committee on school improvement practice, with the next report scheduled for October 2014  
• we will reintroduce the local authority led induction programme for headteachers, making sure it is available to all heads and principals irrespective of school type  
• we will improve the record keeping monitoring and scrutiny of significant changes in staffing and governors, through each school’s school improvement link officer  
• we will review and agree expectations for schools in Birmingham in relation to spiritual, moral, social and cultural development, and set that into a context that celebrates the values of diversity, fairness, multi-culturalism and democracy.

These have largely remained the response and plan of action of the council.

Following the publication of the council-commissioned Kershaw report in July 2014, Albert Bore, Leader of Birmingham City Council, accepted its criticisms of the council’s failure.

“The report has highlighted areas where we have either taken no action, were too slow to take action, or have simply done the wrong thing. The report further states this has often been because of the risk of being seen as racist or Islamophobic. Our proper commitment to cohesion in communities sometimes overrode the need to tackle difficult questions about what was happening in a small number of schools.”

But the council was also critical of the government’s agenda. Mark Rogers, chief executive of Birmingham City Council, said:

“We’ve had to deal with a national political agenda that has deliberately conflated religious conservatism with an extremist agenda that is all to do with radicalisation and violent extremism...It doesn’t reflect the issues that are going on in our schools.”

Review Group Recommendations and comments

The Council’s Review Group reported in July. Below are its recommendations and our comments. Comments are in italics.

There is evidence of serious governance malpractice

2.2 The Investigation Report [ie Kershaw] summary speaks for itself. It is a powerful, hard-hitting and credible exposition of inappropriate activity by a small number of governors in a small number of schools in East Birmingham. It makes clear that such “activists” have regarded the role of being a school governor “as a means to end”. It also makes clear that there is little evidence of a systematic plot and no evidence of a conspiracy to promote radicalisation or violent extremism.

2.6 ... we endorse the ICA’s conclusion that these issues relate to risks of small groups of activists seeking to subvert a small number of schools...
How will the Council ensure that academies conform?

One of the principal causes of the governance problems was the lack of accountability of academy governing bodies. The report calls repeatedly for the Council to take the lead in ensuring appropriate action in all Birmingham schools, but avoids mentioning that over half of the secondary schools and nearly one-third of all primary schools are academies and free schools over which the local authority has almost no powers. The report does not address the key issue of how the Council will ensure that these schools, many of them run by chains based outside Birmingham, will conform to its policies.

3.... to run separately two independent investigations of the same issues has unquestionably served to reinforce suspicions that there are “parallel universes” between central and local government. In the interests of all Birmingham school children, this tendency towards “parallel universes” must cease forthwith.

2.6. ...Good governance across schools in Birmingham requires a strong central support – and where appropriate – challenge mechanism. While other partners have a role to play, it must be the overriding responsibility of Birmingham City Council – as “place leader” - to ensure that each and every child’s interests are properly safeguarded by the education system across the city, a responsibility the Council has not gripped effectively over a period of time. All of our recommendations are therefore based on an approach that must extend to each and every school across Birmingham, irrespective of its specific legal status. The Group also considers that transparency of intelligently analysed information direct to parents and communities is the best protection against any governance “takeover” from any quarter.

The Council and all key partners, including faith based institutions – and preferably including Ofsted itself – need to agree key actions now that can rapidly deliver confidence in a collective commitment to effective governance across all Birmingham schools, so that there is visible progress by the start of the next school year (September 2014).

The report stresses the vital necessity of community involvement

4... The Group cannot overstate the importance of the Council and a much wider range of credible and independent civic leaders now engaging directly with communities across Birmingham to determine swiftly a profound and radical shift in this great City’s approach to educating all of its school children and building integrated communities for all.

2.7 ii. For Birmingham City Council to develop a clear plan to implement these recommendations by September 2014, with sustainable capacity and capability, effective and transparent sharing of information and intelligence, clear visible leadership in raising school standards and appropriate involvement of the wider Birmingham education community, for example an annual advisory conference.

2.7 xii. For all of this work to be taken forward now in direct engagement with communities across Birmingham - particularly in working up any mobilising campaign around securing a brighter future for Birmingham’s children – and overseen by a civic leadership group to ensure effective and sustainable implementation, chaired and strongly represented by credible independent voices.

3.7 ... we want to see a more structured level of engagement with parents across all communities in setting, sustaining and protecting the right ethos for schools, building on where this has already worked, for example in relation to specialist schools.
3.15 ... We see the creation or development of a strong civic leadership group overseeing this work – chaired independently and with a range of credible and independent voices within it – as being the best means of ensuring the momentum is sustained, in turning a serious crisis of confidence into a substantial opportunity for our children and our communities.

2.3 ... we agree with the direction of the Investigation Report’s recommendations, which should be read and acted upon alongside ours. We expect our proposed civic leadership group to be at least as important in progressing all of these recommendations as the Overview and Scrutiny Committee process proposed here.

We strongly agree. We also welcome the proposed ‘civic leadership group’ as a top-level body, provided it is inclusive of representatives of all the stakeholders, including parents and communities and teachers and their unions. We also call for the Overview and Scrutiny Committee to be opened up to stakeholder participation, and similarly for the BEP to include community participation:

3.11 ... the Birmingham Education Partnership is a significant and still relatively new body developing collaborative approaches to working with schools across the City including safeguarding, and its impact is likely to grow with the appointment of its first Chief Executive. The Group would welcome the commitment from the BEP to the broad recommendations of this Group, and sees it as a key partner in developing strong and confident executive leadership working within this environment.

Issues of gender are central to the problems identified in the Kershaw report and need to be a priority in addressing them

3.9 Birmingham Schools should develop as a clear expression of the increasingly cohesive and integrated communities across the city to which all but the most ideological and culturally isolationist aspire. An exemplary test of how genuine this expression is relates to the treatment of all girls across all our schools. We share the concerns in this context expressed by Ofsted and the EFA in relation to a small number of schools, and we expect to see total transparency in governors and others publically accounting for how they are ensuring girls in their schools are getting exactly the same opportunities as boys, and are not being subject to any subtle (or not so subtle) undermining of their development.

The joint Scrutiny Committees meeting on 30 July

The next public council initiative was a special joint meeting of the Education & Vulnerable Children and Social Cohesion and Community Safety Overview and Scrutiny Committees on Trojan Horse on 30 July. It lasted over two and a half hours. (You can watch it on the BCC webstream archive. There is a second joint Scrutiny meeting on ‘Trojan Horse’ on Tuesday 9 September at 2pm.)

Essentially the discussion added little to the proposals in the 9 June Briefing. There were two main additions. One was the proposal for a new Civic Leadership Group. The other was the need to engage with and involve the community, a dimension which was absent from the Briefing paper.

There was some discussion about the differences between the Kershaw and Clarke reports in terms of methodology, scope and language but agreement that their, and the Review Group’s, conclusions were largely the same. There was a general acceptance of the failure of the Council and the need to establish new procedures, to create much more integration of services, and to work more in partnership, including with the community. James McKay, the Cabinet member for social cohesion,
supported the Putting Birmingham School Kids First campaign aims: reject Islamophobia and fix problems fast.

In that overall context the discussion had three main focuses. One was on immediate and near future measures to improve procedures, for example for governor recruitment. The second was on relations with government. The third was on relations with the community.

**Improving procedures**

The proposed improvements in procedures reported by Brigid Jones, Cabinet member for education, had largely already been published by the Council in its 9 June Briefing document (see above). McKay made the point that although the immediate concern was a small number of schools they indicated ‘a generalised failure of governance’ across the school sector.

The fundamental problem underlying the LA’s response is its lack of capacity and power as a result of the combination of academies and huge cuts in its budget. For example, the LA will set up a new procedure for appointing governors. But this will only apply to LA schools, it will not apply to academies. Jones suggested a voluntary agreement with academies, with a kitemark.

The overwhelming immediate priority was only once briefly mentioned in the meeting: to ensure that there are enough teachers in the schools, especially the five in special measures, at the beginning of next term. (It seems that many teachers have left the schools – e.g. around 20 at Golden Hillock.) Of course the new school leaderships will be tackling this, but the LA should be playing a coordinating role. The first step should be for the Council to identify, if they haven’t already, the shortfall, keep the community informed, don’t hide it from them, and in collaboration with the school leaderships trawl reputable supply agencies to fill the gap, as well as offering full-time posts with whatever incentives are needed to attract good applicants. The Council should also offer a high quality professional development programme tailored to the teachers in the five schools, not to rectify shortcomings but as a sign of esteem, to recognise, share and develop good practice which other schools can learn from.

**The Council’s relations with government**

The Council seems to be placing its hopes in a change of approach by the DfE after the dismissal of Gove. It was claimed in the meeting that Nicky Morgan, the new SoS, favoured a partnership model with BCC. While it is true that she has been appointed to enable a more emollient face for government education policy, the policies themselves – which were the cause of the governance malpractices – remain in place: the dictatorial abuse of power by the SoS, the use of Ofsted as an arm of government policy, the use of Prevent as a stick to beat the schools with, the unaccountability of governors as a result of academies and the disempowering of local authorities, and the anachronistic polices about religious worship in schools. To what extent there a more negotiated, less dictatorial, approach by the DfE remains to be tested in practice.

The first test will be the role of the new Education Commissioner for Birmingham which Morgan is going to appoint to oversee the Council’s action plan to address the reports’ recommendations. Is this another instrument of command and control by central government? It is also a test for the city council: how willing will it be to assert itself against government where needed as well as seeking to work with it if and where possible on the basis of its own policies?

Morgan also announced a wider review of governance in the city council, led by Sir Bob Kerslake, due to report its findings by December. A commissioner – Lord Norman Warner - has already been
appointed to oversee Birmingham’s children’s services department after a string of poor Ofsted inspections. So Birmingham council’s provision for children is being heavily directed and controlled by government appointees. They could be the first step towards a more drastic attack: the privatisation of the whole education and children’s services department of the Council. Gove and Wilshaw have both been scathing critics of the local authority in the past and if Morgan shares their views she may seize this opportunity to hand over the department to one or more private companies or trusts.

**The Council’s relations with the community**

There seems to be a recognition by the Council that it needs to establish much more integrated and intelligent governance systems and to work more effectively in partnership with the community. But there is a big question over how far it is prepared to go in integrating these two policy strands, in particular in opening up local government to more public participation. Mariam Khan, the chair of social cohesion Scrutiny, asked the key question: what plans are there for a new education framework with communities? There was general agreement that the Council needed to adopt a more participative partnership approach, but it was clear from the discussion that as yet the LA, and individual councillors in the meeting, are short of practical ideas. The only specific proposal by the LA was that it intends to set up a new Civic Leadership Group, comprising councillors and independent members. No further detail was given about its composition, function and powers. Who will these ‘independent voices’ be? Just the usual elite figures, or will there be representatives of the community? And if so, what structures will connect this new top governance level with the local, the area, the neighbourhood – or will it be selected and largely unaccountable ‘community leaders’?

The Council will be urgently revising its action plan for and with the schools in the light of the reports. But who will be doing this? Just the handful of officers and the Cabinet member? Will members of Scrutiny be involved? But even more importantly, what about the teachers, the parents, the communities that the schools serve: will they have a say, and if so how? Or will they yet again be just the recipients of policies decided elsewhere, in which they have no say, in spite of the fine words about ‘partnership’?

The role of the Birmingham Education Partnership was also mentioned. Councillor Valerie Seabright called for the BEP to be opened up to wider participation, not just headteachers – a demand that Birmingham CASE made many months ago in its Briefing paper on the BEP.

Mariam Khan mentioned community involvement via ward committees. They should be one of the key structures of local democracy, but they aren’t. The Districts and Public Engagement Scrutiny Committee is organising a public inquiry beginning in September on “Are Ward Committees fit for purpose?”. This is an opportunity to argue for their democratisation. But it also raises the question of their relation to District Committees and the Council House, including the Civic Leadership Group. In short, if the Council is serious about a new partnership with the community it has to create the democratic structures which make it possible, so people can have a real voice in and influence over policy.

**Tristram Hunt has failed to stand up for Birmingham**

Finally, what role has the national Labour leadership played? Tristram Hunt has completely failed to stand up for Birmingham and the Muslim community and offer a vigorous challenge to the government’s attack. The problems in the schools only blew up because of the government’s policies on academies and local authorities. Yet he has deliberately failed to give any commitment to restore a monitoring and interventionist role for local authorities, as the Local Government Association has
recently called for. He has been more concerned about scoring points about the dispute between Gove and May. And of course he has not visited Birmingham to show solidarity with the community.