

**MINUTES OF THE 30<sup>th</sup> ANNUAL TRUSTEES' MEETING  
HELD ON WEDNESDAY 17<sup>th</sup> NOVEMBER 2021  
HELD ON ZOOM @ 11.00**

**Present:** Lord Ashcroft KCMG (Chair), Ms A E Entwistle, Mr S Harris, Mr P Gaze

**Officers in Attendance:** Dr R D B Whitcutt – Chairman of the Executive Board, Mr D G Mitchell – Principal  
Mr R J Perry – Vice-Principal & Clerk to the Trustees.

**Minutes:** Mr R J Perry

Lord Ashcroft, welcomed all to the meeting.

**Item 1 Election of Chairman and Vice-Chairman**

The meeting opened with the election of the Chairman and Vice-Chairman of the Trustees.

Lord Ashcroft was re-appointed as Chairman and Principal Sponsor and Lord Ashcroft appointed Angela Entwistle as Vice-Chairman for the year.

**Item 2 Trustee Appointments & Resignations**

There had been no new appointments or resignations since the last Annual Trustees Meeting.

**Item 3 Declaration of Interests**

There were no declarations of interest requiring noting.

**Item 4 Apologies for Absence**

There were no apologies for absence.

**Item 5 Minutes of the Previous Meeting**

The Minutes of the meeting held on 18 November 2020 were agreed as a true and accurate record of proceedings and would be signed as such by the Chairman on behalf of the Trustees.

**Item 6 Matters arising**

There were no matters arising that were not covered later on the agenda.

**Item 7 Ofsted 2021**

Trustees expressed their delight at the outcome of the Ofsted inspection in September and congratulated Douglas Mitchell and his team. Douglas Mitchell stated that at present 20% of secondary schools are judged to be outstanding, following an Ofsted visit, but, with the abolition of the exemption rule for outstanding schools, all outstanding schools will be inspected this year and, as a result of these inspections, and the fact that the new framework is more stringent, the number of outstanding schools will drop to 10%. He confirmed that the Academy had received extensive feedback from the inspection team at the end of their visit but the written

report is greatly summarised, although he was extremely happy with the outcome. Despite this outcome, the Academy will continue to seek to improve.

There is no higher award than being graded outstanding and the Academy was also given no points against which they needed to look to improve. Dr Whitcutt confirmed that the award had been outstanding against all five graded criteria which made the achievement even more impressive as schools are still able to be classed as outstanding overall with just three of the five criteria met at this level. Douglas Mitchell added that so far this year only one other school had achieved this grading across all five criteria. Angela Entwistle considered this a fantastic achievement especially when the visits take place with very little notice.

The Trustees repeated their congratulations to Douglas Mitchell for this achievement.

### **Item 8 Governance**

Richard Perry reminded Trustees that a new Funding Agreement was now in place: a requirement in view of the increased student roll from a previous funding capacity of 1,300 students to a revised capacity of 1,450 that will be reached by September 2023.

He also informed Trustees of the commitment from the Department for Education (DfE), through the Education and Skills Funding Agency (ESFA), on encouraging more schools to become part of a Multi-Academy Trust (MAT) as opposed to remaining as single schools. The Trustees remained keen that the success of the Academy should not be diluted.

### **Item 9 Report of the Chairman of the Executive Board**

Dr Whitcutt had submitted more of a data report in advance which provided coverage of the membership and meeting cycles of both the Executive Board (EB) and the Finance and Resources Committee (FRC). He spoke about one colleague who had been only able to attend one EB and two FRC meetings. This had been in large part down to technical difficulties resulting from meetings being held virtually, but that the person in question wished to retain their membership going forward and that he had also previously been a great support in Discipline Review Committee meetings (DRCs).

Dr Whitcutt further referenced the additional meetings held outside of the termly EB and FRC meetings, both on matters of curriculum and on policy. He explained that two discipline reviews had taken place in the year in respect of students permanently excluded from the Academy by the Principal. The DRC for each exclusion met formally with the students, parents and other representatives along with senior staff at the Academy and upheld the decision to permanently exclude which had been taken by the Principal. However, both sets of parents appealed these decisions to independent review hearings and were supported by legal professionals working pro-bono for charitable organisations, where they were overturned more by way of procedural and documentary technicalities, including the production of written statements, and potential appetite for judicial review, rather than focus on their respective behaviours leading to the decision to exclude.

Trustees were in agreement that it was clear that the Academy had exercised the duty to permanently excluded correctly. Lord Ashcroft was concerned at the apparent push and pressure on schools towards zero exclusions but acknowledged that the life chances for excluded students were poor. Dr Whitcutt cited the days of the former City Technology Colleges where they had received much criticism for high levels of exclusion and the increased attention paid nowadays to statistics on backgrounds and ethnic origin.

Douglas Mitchell had recently undergone training to become a member of the local authority's Independent Review Panel to both assist and develop wider background knowledge of the operation of these panels.

Dr Whitcutt was thanked for his update.

### **Item 10 Report of the Principal**

Lord Ashcroft commended Douglas Mitchell for the excellent report issued to Trustees and that it had been a joy to read. He added that he would love a report like it each year. Despite all the positive elements within it, he admired the fact that it still gave coverage to the 'further things to do' aspect.

All trustees were of a similar view in their reading of the report and praised Douglas Mitchell for both this and the success of the Academy.

Douglas Mitchell thanked Lord Ashcroft and his fellow trustees for their supportive words.

### **Item 11 Report of the Vice-Principal**

Richard Perry talked through his report which touched on a number of the remaining items on the agenda.

He explained the need to formally adopt the Annual Report and Financial Statements for the year to 31 August 2020, which had been signed off and filed after the last annual meeting. He then added that although there were elements of the financial performance from the past academic year still to be confirmed, the final statements were due to undergo external audit later in the week and that he hoped for these to be circulated in draft for final comment from Trustees and FRC members in the first week of December and for these to be signed off before the Christmas break.

Capital investment had been minimal in the year to 31 August 2021 but he added that the Academy had gratefully received close to 200 computer devices from the DfE to support learning during lockdown and the catch up learning post periods of lockdown.

Revenue spend had outstripped income once again and was further estimated to do so over the coming years, but the impact of COVID had both eased spending pressures in some areas, such as those associated with exams, and had also brought in areas of additional financial support totalling £120k to both help with students' academic catch up and to support schools in meeting the additional costs associated with the COVID testing of staff and students. Per capita funding had increased by around 2.6% in 2021-21, but was disappointingly low in the current year, working out at around 1% after the absorption of previously ring-fenced funds to support teacher pay and pension provision into main per capita funding levels. The number of students qualifying for the additional Pupil Premium funding had dropped by around 25% over the past 5 years, with some 340 students attracting this funding in 2021-22, having been 455 students in 2017-18.

Richard Perry added that despite the Academy being more than 5 times oversubscribed, the current year's funding had been impacted by a shortfall of student numbers at the start of the previous academic year. As main Academy funding is based upon student census numbers from the previous autumn, funding in respect of some 50 students has been lost this year as the Academy was unable to fill these spaces prior to the census date. Those living within inner city areas had become more transient, both as a result of the Coronavirus and Brexit, and frustratingly, the Academy isn't always informed either by parents or the local authority when families move away. Much effort has gone into ensuring this situation is minimised going forward and that it is not an issue for next year because all but 13 places were filled on census date this year. The shortfall in the current year funding amounted to some £275k.

The use of census figures also leads to the retrospective funding of the increased student numbers of 30 per year that has been happening since September 2019. Despite the final year of increase in numbers being 2023-

24, the full funding for the final phase won't be received until 2024-25. The overall additional 150 students at this point will have improved the Academy's funding by £1m per year at this point.

Staffing costs continue to absorb an increasing percentage of annual expenditure with this approaching 90% of total funds. Trustees noted the reasoning behind this and the Academy's efforts to minimise this creepage.

Turning to the trading subsidiary, Richard Perry commented that this had once again been affected by lockdown arrangements, with letting of sports facilities again hit early in the New Year. The annual audit for the company was also taking place shortly and it was envisaged that a similar surplus to the previous year would be able to be covenanted to the main Trust once concluded.

Trustees were updated on discussions surrounding the future use of Openview sports ground and that work was being undertaken on both future use by the Academy and its retention, or otherwise, for continued letting to other user groups.

Lord Ashcroft thanked Richard Perry for his comprehensive report.

### **Item 12 Annual Report and Financial Statements to 31 August 2020**

The Trustees formally adopted the Annual Report and Financial Statements for the year to 31 August 2020.

### **Item 13 Responsible Officer Report**

The report from Stewart Harris had been circulated to his fellow Trustees and they thanked him for the work that he put into this role of reassurance on their behalf. He stated that the role had been enhanced in recent years with the range of reassurance checks required by the ESFA extended as stated within the newly termed Academy Trust handbook. He was grateful to Richard Perry and his team for the submission of documentation to enable him to carry out his checking processes remotely again this year

### **Item 14 Review of Auditors**

The Academy continues to utilise Buzzacott for its external auditing arrangements who fulfil this role for a large number of academies in which they have particular expertise. The Audit Partner with responsibility for the Trust's accounts continues to make herself available for a discussion with the Responsible Officer prior to sign off of the financial statements and remains willing to attend Trustee meetings should this be requested.

### **Item 15 Trustee Approvals & Authorisations**

- **Annual Salary Reviews**

The Trustees once again noted the holistic decisions made by the Remuneration Committee on pay for the year on behalf of the Trustees and the subsequent decisions made for individual staff members through the FRC, having received the same detailed background as part of the papers for the annual meeting including the updated Staff Pay and Pensions Policy.

- **5-Year Budget Plan**

This had been largely covered in earlier discussion, but the Trustees noted the further comments from Richard Perry who had produced the updated 5-year budget plan that a deficit was forecast for each of the 5 years, which, if accurate and if maintaining the full operations currently in place, would reduce the current level of reserves brought forward by some 70% by the end of that period.

- **Risk Register Update**

Richard Perry had issued the current risk register to Trustees as part of the paperwork for the meeting.

Richard Perry had proposed the addition of a new risk to the main register with regard to payroll including the change of key personnel and the move to using the services of Wandsworth for the actual payment to staff. Trustees noted that to maintain this in-house would have required additional staffing owing to increased complexities and reporting requirements and the identified vulnerabilities over the past 18 months of COVID in having just one person responsible for ensuring the payment of salaries is made to staff on time each month.

He also added the following as suggested changes to the risk scoring outcomes:

5. *Significant failure of child protection arrangements* – likelihood increased from 1 to 2, revising the total risk score upwards from 4 to 8. The revision was considered to be a more accurate reflection on the likelihood of this happening in view of societal pressures brought on by the impact of COVID.

17. *Loss of all computer data* – likelihood increased from 1 to 2 revising the total risk score to 8. The experience of a ransomware attack in May 2021 had demonstrated the increased possibilities of such an event happening despite high-level controls in place.

21. *Utility disaster* – impact increased from 2 to 3 revising the total risk score to 3. The view was that a scoring of 2 had perhaps been too low in the past with the risk referred to as a disaster.

24. *More litigious society threat to the Academy* – likelihood increased from 2 to 3, revising the total risk score to 6. The Trustees noted that in general more people were prepared to exhaust avenues of complaint and to seek legal support in doing so.

25. *Poor Ofsted report* – likelihood reduced from 2 to 1, leaving the total risk score at 3. This was adjusted in view of the recent inspection which found the Academy to be outstanding on all 5 criteria.

33. *Non-compliance with Academy's Trust Handbook* – likelihood increased from 1 to 2, moving the total risk score to 4. The Trustees noted that this is increasingly aimed at MATs and some required aspects are harder to fulfil as a SAT.

41. *Outbreak of life-threatening communicable disease* – likelihood was increased from 2 to 5 last year, leaving the total risk score at 5. It was felt that the impact score should increase from 1 to 2 this year, moving the total risk score to 10. The unfortunate events of the last twenty months had given stark examples of the impact that COVID-19 can have in many ways, not just with children's education and well-being.

44. *Gang culture in the Academy* – impact score increased from 1 to 2 this year, moving the total risk score to 4. Whilst the likelihood still remains relatively low, it was felt that should such a culture develop it could well impact upon standards of behaviour and educational attainment, leading to a less successful school.

Once again, there were no risks removed from the register.

- **Reserves and Investment Policies**

In taking stock of the revised five-year forecast continuing to indicate a yearly deficit in annual funding provision, the Trustees wish for maintaining the current levels of service provision with the likelihood of future income levels from central government still anticipated to be relatively restrained in the medium term, the Trustees reviewed existing policy and believe it justified to keep to the same arrangements with the aim of maintaining unrestricted reserves at a level sufficient to at least cover 3 months' worth of Trust expenditure.

Trustees noted that the level of such reserves remained above the stated threshold of this, but that taking account of financial projections, this would clearly alter in the medium term and broadly be in line with stated levels within three years.

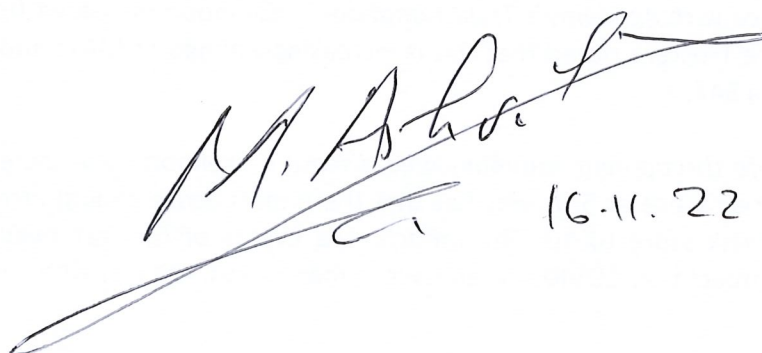
Investment returns continued to be poor at present. Despite this, the Trustees remained of the firm view that any investment of surplus reserves should remain in secure fixed interest arrangements when meaningful to do so, but should take account of any upward move on current returns which were pitifully low. They further noted that no such investment was being made at present.

#### **Item 16 Any Other Business**

Peter Gaze wished to state that he had been impressed with the Academy and the way in which it operated since his joining as a Trustee in early 2020. He expressed a wish to revisit the Academy in the near future, having last visited just prior to becoming a Trustee.

He did add that he would be in touch in due course with an interest in the provision of some statistics with a particular focus on staff churn.

There being business Lord Ashcroft brought an end to the meeting.



16.11.22