Memorandum: Request from the House of Commons Education Committee on Trojan Horse inquiry

Background

Dr Lynn Gardner, Clerk of the Education Committee, wrote on 19th May asking for a memorandum from BCC in relation to its investigations into the “Trojan Horse” allegations.

The table below summarises where the requested documentation can be found.

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If there are any queries on this material, in the first instance please contact:

Jason Lowther, Head of Strategy

Email Jason.lowther@birmingham.gov.uk

Telephone 0121 303 4960
Appendix 1: Trojan Horse Inquiry (the “Inquiry”)  
Updated Terms of Reference - 20 May 2014

You are asked to report to the Leader, Councillors Brigid Jones and John Cotton, Director for People (Peter Hay) and the Chief Executive (Mark Rogers) on the following:

In an attachment to an anonymous letter received by the Leader's office on the 27th November 2013, known as "the Trojan Horse letter", it is suggested that schools within Birmingham have been targeted "to be taken over", to ensure that they are run on strict Islamic principles. Certain schools are specifically named.

1. Do you believe that there is any substance in the allegations made in the letter?

2. If so, does the evidence you have assembled lead you to recommend that Birmingham City Council should take any specific steps to prevent or reverse any adverse impacts?

3. Based on the information obtained during the course of your Inquiry, are there any other recommendations that you wish to make to Birmingham City Council in respect of further investigations which may be required, in relation to the Trojan Horse letter or otherwise, following the conclusion of your Inquiry?

There are other current investigations instigated by other bodies. In particular, Mr Peter Clarke has been asked by the Department of Education to investigate the same issues on a wider geographical scale. Some schools that were recently local authority maintained will fall to be investigated by Mr Clarke as they have now attained academy status. To the extent that it will assist both your and Mr Clarke's investigations, and in the interests of efficiency, and to reduce the burden on witnesses, you are asked to coordinate your investigation with Mr Clarke in relation to such schools if they fall within the remit of both investigations.

You are asked to report no later than the end of July 2014.
Appendix 2:  
TROJAN HORSE REVIEW GROUP

Scope

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 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.

Membership

The Review Group will be chaired by the West Midlands Director for Preventing Violence to Vulnerable People (PVVP) – Stephen Rimmer. Stephen is on secondment from the post of Director General, Home Office.

Review Group Membership

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The Review Group membership is as follows:

Birmingham City Council:

Councillor Brigid Jones  
Councillor John Cotton  
Councillor Ansar Ali Khan  
Councillor Habib Rehman  
Peter Hay

Birmingham Partners:

Kamal Hanif (Headteacher, Waverley School)  
Liam Byrne MP  
Andrew Mitchell MP  
ACC Gary Forsyth (West Midlands Police)  
Bishop David Urquhart (Bishop of Birmingham)  
Amra Bone (Birmingham Central Mosque)  
Christine Mitchell (Primary Headteacher, Clifton Primary School)  
Fran Stevens (Birmingham Governor Group)
National Partners:

Rob Kelsall (National Association of Head Teachers – representing all headteachers’ professional associations)
Emma Knights (National Governors Association)
Paul Rowsell (Deputy Director Department for Communities and Local Government – participant observer)
Mela Watts (Director, Department For Education – participant observer).

Ofsted was invited and has declined to be part of the Group.

Ian Kershaw will report to the Group on a regular basis.

Independent Chief Advisor

See Appendix 1 for the ToR of the Independent Chief Advisor.

The Chief Advisor will be accountable to the Leader, Councillors Brigid Jones and John Cotton, Director for People (Peter Hay) and the Chief Executive (Mark Rogers).

Deliverables and communication

The Review Group will have two outputs:

- An initial update
- A final and public report to the Leader of the Council

Other than these two publications, the Review Group will operate on a strictly confidential basis, to ensure integrity of the process.

The joint Scrutiny Board will be convened to:

a) receive, in public, a briefing on the intended approach to the investigation of the Trojan Horse allegations.

b) make suggestions that might assist the Chief Advisor’s further investigations;

c) consider whether or not there are any immediate recommendations to be made to the Leader and Chief Executive in respect of securing the highest standards of good governance and safeguarding in schools.

The Joint Scrutiny Board was due to meet on 5th June 2014. However, the Chairs of the Board were informed that the independent Chief Advisor had received legal advice not to report in public at an interim stage. The Chairs therefore took the decision to stand down the Joint Scrutiny Board meeting and await further progress in the investigations.
Appendix 3: The statutory responsibilities engaged

The review is being undertaken under the Council’s general power of competence pursuant to section 1 of the Localism Act 2011.

Ian Kershaw is reviewing intelligence relating to Trojan Horse in order to understand what has and has not been happening in respect of the discharge of statutory and ‘best practice’ governance and safeguarding responsibilities in the schools concerned.

In terms of the responsibility the Council has in law for the issues covered by the inquiry, these include the duty under section 175 of the Education Act 2002 to make arrangements for ensuring the Council’s education functions are exercised with a view to safeguarding and promoting the welfare of children. Also, the Children Act 2004 requires the Council to make arrangements to promote co-operation between the authority and other relevant partners including those who exercise functions in relation to education, in order to improve well-being. The requirements in respect of governance in maintained schools are contained within the Education Act 2002 and associated Regulations.

The Council has a general duty under section 13A of the Education Act 1996 to ensure that its functions relating to the provision of education are exercised with a view to promoting high standards, ensuring fair access to opportunity for education, and promoting the fulfilment of learning potential for every child.

In relation to Academies, statutory guidance provides that local authorities should raise any concerns they have about academy performance directly with the Department for Education.

DfE statutory guidance\(^1\) also makes clear that: "Academies are accountable to the SoS Education. Therefore, local authorities should focus their school improvement activity on the schools they maintain".

Appendix 4: Steps taken to ensure co-ordination with other investigations

The Review Group maintains close engagement with related work - notably the DfE/Peter Clarke investigation – and will of course be fully considering the Ofsted report on publication. DfE is represented at a senior officer level on the Review group itself; Ofsted were also invited but declined to participate.

The relationship between the Independent Chief Adviser – Ian Kershaw - and Peter Clarke is clearly critical. They meet regularly and are committed to joining up their investigative processes where appropriate. They are looking to make their conclusions and recommendations based on a shared understanding of the evidence available to both of them.