



Department
for Education

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Email enquiry form:

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9 September 2024

Mr. John Vickers
Chair of Trustees
The Arthur Terry Learning Partnership
The Arthur Terry School
Kittoe Road
Four Oaks
Sutton Coldfield
B74 4RZ

Company Number: 07730920

By email: john.vickers@atlp.org.uk

Dear Mr. Vickers

Notice to Improve: The Arthur Terry Learning Partnership

We are writing to you in your capacity as the Chair of The Arthur Terry Learning Partnership (“the trust”) to inform you that the Education and Skills Funding Agency (ESFA) has assessed that the trust is in breach of paragraph 2.10 of the Academy Trust Handbook (ATH) as it is unable to approve a balanced budget for 2023/24. The ESFA has also provided the trust with exceptional financial support.

We are issuing your trust with a Notice to Improve on financial grounds, on the basis of the above. This letter and its annexes serve as a written Notice to Improve financial management at the trust (Notice to Improve or “the Notice”). We understand that this decision may be disappointing and we want to assure you that we recognise the open and constructive way the trust has engaged. We recognise the positive action the trust has taken to date to address concerns and mitigate the forecast deficit position, such as:

- commissioning an external governance review;
- appointing an experienced SRMA to the board;
- bringing about efficiency savings with plans to secure further savings across all the trust’s schools.

While we acknowledge the actions undertaken so far by the trust, the Notice provides a framework to robustly capture and evidence the impact of those actions.

The trust is required, pursuant to the provisions of the Academy Trust Handbook (ATH) and the Funding Agreement (FA), to comply with the terms of the Notice. These terms are set out in Annex A and Annex B.

Trusts that have been issued with a Notice have certain delegated authorities, as defined in the ATH, revoked. You must seek approval in advance from the ESFA for all transactions previously covered by these delegations, regardless of their size, specifically:

- special staff severance payments
- compensation payments
- writing off debts and losses
- entering into guarantees, indemnities or letters of comfort
- disposals of fixed assets beyond any limit in the funding agreement
- taking up a leasehold or tenancy agreement on land and buildings of a duration beyond any limit in the trust's funding agreement
- carry forward of unspent GAG from one year to the next beyond any limit in the funding agreement
- pooling of GAG

The ESFA will send further details of the approval process to the trust's Accounting Officer once the trust has acknowledged receipt of this letter. Please be aware that if the trust seeks retrospective approval from ESFA this will be deemed a breach of the ATH. These delegated authorities will be returned to the trust once we are satisfied that the requirements of the Notice have been, and will continue to be, complied with to the satisfaction of the Secretary of State.

ESFA will work with you as you progress towards meeting the requirements of the Notice and will keep us updated. We will take a decision to lift the Notice when we are satisfied the requirements set out in the Annexes have been met in full.

We will support the trust as it implements the required changes through regular contact and clear routes of escalation to resolve any questions or queries you might have. If the trust is unable to deliver the necessary improvement or does not make sufficient progress against the original conditions, we reserve the right to issue a revised Notice and add further specific conditions. Should it become evident that the trust is unlikely to fulfil the conditions and / or requirements set out in the Notice and / or within the agreed timescales, we will explore the contractual intervention options available.

If the trust does not meet the requirements of the Notice to our satisfaction, we will consider the trust to have failed to comply with the terms of the ATH. This will be deemed a funding agreement breach and may lead to termination.

If continued non-compliance with the ATH occurs, we may also refer the case to the Charity Commission and/or Insolvency Service for further investigation, as deemed appropriate in the circumstances.

We should be grateful if you would acknowledge receipt of this letter by email by Thursday 12 September to Sue Randall (sue.randall@education.gov.uk), who will be your main point of contact related to the Notice to Improve. Sue will be in contact to answer any questions you may have, and to discuss the next steps in more detail including any support the trust may require to drive the necessary improvements.

We recognise that this may be an uncertain time for the trust and its staff. We are mindful of creating additional pressures on individuals involved. Therefore, we ask the trust to ensure appropriate provision is in place to support all its staff, as necessary. You may find the Education Staff Wellbeing Charter (<https://www.gov.uk/guidance/education-staff-wellbeing-charter>) helpful.

Please ensure this letter is copied to all trustees and the trust's members upon receipt and confirm to Sue that you have done so.

The trust is required to publish the Notice on its website within 14 days of it being published on gov.uk and retain it on the website until the Notice is lifted.

We look forward to hearing from you.

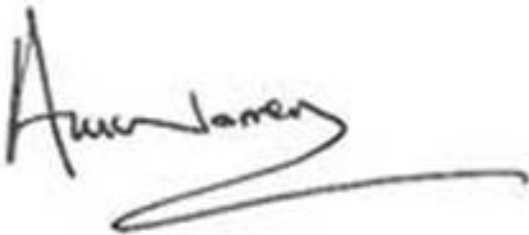
Yours sincerely

Lindsey Henning

A handwritten signature in black ink, appearing to read 'Lindsey Henning', with a stylized, flowing script.

Director, Schools Financial Support & Oversight, ESFA

Andrew Warren

A handwritten signature in black ink, appearing to read 'Andrew Warren', with a long, sweeping horizontal stroke at the end.

Regional Director for West Midlands, DfE

CC. Richard Gill, Accounting Officer

Notice to Improve

This Notice to Improve (the 'Notice') is a consequence of The Arthur Terry Learning Partnership (the 'Trust') having

- breached the Academy Trust handbook 2023 (2.10) in being unable to approve a balanced budget for 2023/24.

Conditions

1. The trust is required to comply with all the conditions set out in Annex B.

Financial management and governance requirements

2. The trust is responsible for its own financial management, control and governance and is expected to take appropriate action to strengthen the weaknesses identified and return to compliance with the ATH.
3. The trust should take all appropriate actions to ensure the action plan agreed with ESFA is fully implemented.
4. ESFA must be satisfied that the trust is doing everything it can to rectify the weaknesses identified.

Monitoring and progress

5. The trust is required to submit the evidence for the specific conditions to the timescales outlined in Annex B to enable ESFA to monitor compliance and progress.
6. Should it become evident that the trust is unlikely to fulfil the conditions and / or requirements set out in the Notice and / or within the given timescales, ESFA will begin to consider and explore the contractual intervention options available.

Compliance and the end of the notice period

7. As outlined in Annex B, the trust is required to submit evidence to demonstrate compliance with the conditions of the notice, which ESFA will use to monitor the trust's progress. Annex B sets out the detail of the evidence required to fulfil the condition and the timescales to submit this evidence to ESFA.
8. When the trust meets all the conditions outlined in the Notice, is fully compliant with the most recent edition of the ATH and no other breaches have been identified, we will write to the trust to confirm that the Notice has been lifted.

Annex B - Conditions

Table of conditions

The table below summarises the conditions that have been placed upon The Arthur Terry Learning Partnership (“the Trust”). It sets out the evidence the trust must provide, and the timescales the trust must meet, to show that they have complied with the Notice to Improve (“the Notice”). All conditions set out in the table must be met before the Notice can be lifted.

Condition	Evidence required to show compliance with the notice	Timescale
1. The trust must fulfil all formal, future, additional conditions imposed, in particular those associated with the provision of any exceptional additional financial support, including the preparation of a full and comprehensive action plan for returning the trust to a balanced budget over a reasonable timescale.	The trust must comply with and show appropriate evidence of other formal conditions being met, in particular those associated with the provision of any exceptional additional financial support.	In line with deadlines of other formal conditions, in particular those associated with the provision of any exceptional additional financial support.
2. The trust is required to: a) Comply with the funding agreement requirement to submit all audited reports, accounts and audited financial statements to ESFA on time and without qualification. b) Submit an Academies budget forecast return (BFR) by the deadline required by ESFA.	a) ESFA receives the trust’s audited financial statements by 31 December each year until the Ntl is lifted. b) ESFA receives the trust’s BFR by the date required, each year until Ntl is lifted.	a) Submit audited reports, accounts, and audited financial statements by 31 December 2024, and each year thereafter until the Ntl is lifted. b) Submit BFR by date required, each year until Ntl is lifted.
3. The trust must continue to review its financial management and monitoring structures with a view to further strengthening budget and financial management.	Submit written report to the ESFA of actions the trust has taken to strengthen the financial management and monitoring structures, including, but not	This will be evidenced by a written report submitted by 8 weeks from the date of the letter.

	limited to financial governance, ownership, responsibility and accountability by 8 weeks from the date of the letter.	
4. The trust must fully participate in the external review of governance it has commissioned.	<ul style="list-style-type: none"> a) The trust must participate in full in an external review of governance. b) Where non-compliance or improvements are identified by the external review of governance, an action plan will be created by the trust for approval by ESFA. c) The trust must provide evidence of having met the actions set out in the action plan. 	To be completed within 4 months of the commencement date.
5. The trust requests approval from ESFA, in advance, for any actions under the revoked freedoms in paragraph 6.18 of the ATH 2023. These requests should be sent using the Customer Help Portal . Retrospective approval will be deemed as a breach of the ATH.	The trust must submit a request for approval for any actions relating to the delegated freedom revoked under the terms of the Ntl.	Until the Ntl is lifted.
6. Ensure that all necessary trustee contact details are up to date.	All fields specified in Get Information About Schools (GIAS) for the individuals must be completed before the Ntl can be lifted. The trust must ensure its record on GIAS for the individuals remains up to date.	Update GIAS within 4 weeks of the date of this letter.