

HACKFORD ROAD  
STOCKWELL  
LONDON SW9 0RD  
TELEPHONE 020 7735 8348  
FAX 020 7793 0605  
Email [headteacher@durandprimary.com](mailto:headteacher@durandprimary.com)  
[admin@durandprimary.com](mailto:admin@durandprimary.com)

Acting Executive Head Teacher  
Mr Mark McLaughlin B.A. (Hons)



1<sup>st</sup> August 2016

RT Hon Justine Greening MP  
Secretary of State for Education  
Department for Education  
Sanctuary Buildings  
Great Smith Street  
London  
SW1P 3BT

Dear RT Hon Justine Greening MP

I further write to you to raise the issue of the £1.8 million held in DET's account on behalf of DAT.

I think it is important that you understand the full context surrounding these funds rather than the edited version you have undoubtedly heard from Peter Lauener and Lord Nash.

I hope you bear with me as I try to provide you with the fullest picture as possible within this letter, which has brought us to this position.

Our school has consistently over the years achieved outstanding results ensuring that the children, when they enter the secondary phase of their education, are fully literate and are therefore able to access Key Stage 3 effectively. A significant number have and do achieve level 5's and level 6's. You might be aware this year's SATs results were exceptional and do great credit to the parents, children and staff at the school.

Against this background, we were dismayed that so few children went on to fulfil their true potential. We therefore decided we wanted to open our own secondary school so that we could build upon the success of the primary school.

To this end, I found a former school in Midhurst, West Sussex, which had been run by the local authority. It seemed the perfect place and size and distance from London. So the concept of weekly boarding with all the benefits that that would bring to the children, was born.

The former Secretary of State, Michael Gove, was very enthusiastic about this project, as you may well be aware, and we were offered and accepted a grant of £17.4 million.



We had obligations placed upon us as a condition of this grant, which we willingly accepted and have fulfilled. For example, we were required to fund the cost and deliver a middle school on our Hackford Road site. This we achieved at a cost of around £700,000 and the middle school was duly opened with consent in 2012. We were expected to and have done, pay for the St Cuthman's site as a cost of £3.4 million. We were required to commit to funding the boarding costs by the income generated by the company I created. This we have done.

Further we were required to contribute £2 million as the cost of building the new boarding school by Balfour Beatty was estimated at £19.4 million.

We generated this £2 million as agreed and to demonstrate that this money was earmarked for the boarding project, we placed it in DET's account so that it could be clearly seen as separated from the schools account so that no one could say we didn't possess the funding as agreed.

It needs to be remembered at this time, Peter Lauener and Lord Nash were insisting (wrongly as it has turned out) that DET and DAT was 'one and the same thing', and therefore they had no concerns that the money was lodged in DET's account for this purpose. And indeed it has been placed there for a number of years for this purpose, which has yet to be resolved.

Regrettably, we failed to get planning consent for the project and I have to share with you the appalling behaviour of some of the local people.

I attended many consultative meetings and listened to with shock and disbelief, some extraordinary bigoted and racist comments.

It is my belief that the campaign waged by local people against this great project has nothing to do with 'saving their National Park' but everything to do with our children and their perception of them.

It was a regret to me that Lord Nash or indeed any senior civil servant failed to support us during this process, and a regret that Lord Nash's letter of support came too late to be considered by the planning committee.

I was also hugely disappointed with the parks planning executive, Trevor Beatty and the chief planning officer Tim Slaney. Both made promises to us, Mr Beatty in writing, that if we modified the design of our project, they would support it.

We did exactly this at a cost of £340,000, which we had to pay, only for both Mr Slaney and Mr Beatty to renege on their promises.

Our option was to appeal at a cost of £600,000, which we were expected to pay without the support of the EFA. Nevertheless we lodged the appeal.

At this point I approached Lord Nash and put it to him a plan whereby I would seek to find an alternative site, such as a failing private school, which clearly would not be the purpose built project we had planned for, but would enable us to progress this great project.

I subsequently found a site, Stanbridge Earls, which would have fulfilled our needs and allowed the boarding project to progress quickly and would have cost significantly less than the £17.4 million promised.

This is when things started to become unpleasant when Lord Nash and Peter Lauener made increasingly threatening demands of DAT. These demands were made with the threat of withdrawing the money if they were not complied with.

These demands, which they sought, to place upon DAT were not within the powers of DAT to comply with. They also effectively imposed onerous conditions, which had not been part of the original agreement.

In short Lord Nash and Peter Lauener sabotaged this project from having any chance of success.

Whilst I was looking for suitable alternative sites, and whilst the planning appeal was progressing, the EFA and Lord Nash wanted us to establish a boarding presence on the ST Cuthmans site, which they called 'the Creep model'.

This required significant capital expenditure on the main house, something close to £1million. In order to achieve this build, we were promised draw down from the £17.4 million. We undertook the necessary capital works, which were agreed by and signed off by the EFA, and permission was given for the boarding school to open on the St Cuthman's site in 2014. To date we have received not one penny of the promised £17.4 million grant.

Meanwhile the disagreement and arguments relating to the Stanbridge Earl site were becoming more fraught, with Peter Lauener and Lord Nash refusing to accept that the governors of DAT were simply not able to comply with their demands. So to punish the academy, they refused to buy the Stanbridge Earls site and withdrew the £17.4 million grant. They then went on to further threaten the governors of the academy and ended up with the issuing of the unlawful and irrational 'financial notice to improve'.

This has lead in turn to the wholly unnecessary forensic examination by PWC, which of course found no wrongdoing. This then has lead onto the notice of the intention to remove our funding, which is largely unlawful and unreasonable, as you will have seen from our legal advice.

In order to progress the boarding school project, bearing in mind the children have been there for 2 years, going into their 3rd year, with no support whatsoever from the EFA, DET trustees decided to fund a revised funding application starting with a temporary application for this September 2016. This planning application is to be heard on 19<sup>th</sup> September 2016. We are hopeful this will be successful and if it is, we propose to use the £1.8 million placed in DET's account for this purpose, which is part of our original agreement and one which we have always adhered to.

If this application isn't successful, DAT will require the return of these funds, which the trustees of DET have in writing to confirm they will do.

Our concern is the unreasonable behaviour of Peter Lauener in removing funds from our school. You will be aware there was an alleged overpayment of a small schools grant, which Peter Lauener, in my view, unreasonably demanded, returned.

A repayment schedule was agreed with the EFA in relation to the repayment of this grant.

Peter Lauener has ignored this reasonable schedule and has proceeded to take £98,000 per month from the school, which nobody could consider reasonable.

Further, he alleges we owe an additional £1.1 million. It is our firm belief that if we were to transfer back the £1.8 million which he is demanding by threat of removal of funding, he will simply remove £1.1 million, even though it is disputed it is owed and no evidence has been provided to support his claim.

So we would like to ask your permission for the £1.8 million to remain safely in DET's account until such time as the planning issue is resolved on September 19<sup>th</sup>. If however you require us to transfer the £1.8 million immediately, we will of course do so, but would urge you to confirm that Peter Lauener will not be allowed to take £1.1million without consultation and evidence why it is owed. If it is owed, it would yet again be grant wrongly paid by the EFA. Surely then surely a proper and reasonable payment schedule should be agreed. It cannot be right that schools are punished in the manner that Peter Lauener is punishing us for financial mistakes made by the EFA.

In conclusion Secretary of State, this is a school, that provides outstanding education for its children and has done for many years, despite Peter Lauener and Lord Nash's attempts to destabilise us.

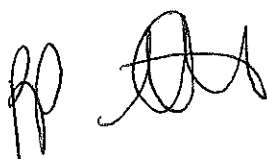
This is a school that has honoured and delivered on all its financial commitments. In relation to this boarding project we are yet to receive one penny from the promised grant of £17.4 million, despite the fact that the boarding school has been operating successfully for the past two years.

Nobody could believe this is a reasonable or fair state of affairs.

I once again urge you to meet with us so that you are in possession of all the facts before you make hugely important decisions in relation to our school. .

We will await your direction in relation to the £1.8 million, which of course as stated, we will follow.

Yours truly

Handwritten signature of Sir Greg Martin, consisting of a stylized 'G' and 'M'.

Sir Greg Martin  
Chair of Governors DAT

Cc RT Prime Minister Teresa May MP  
Ms Kate Hoey MP