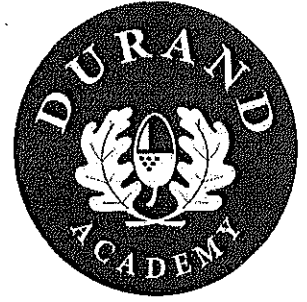


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Acting Executive Head Teacher
Mr Mark McLaughlin B.A. (Hons)

27th October 2016

Mr Neil Carmichael - MP
House of Commons
London
SW1A 0AA

Dear Mr Carmichael

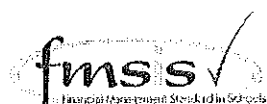
I write in order to raise my concerns about the conduct of the Education Funding Agency towards Durand Academy as referenced in your PAC on Tuesday 25th October 2016.

I first would like to comment on Sir Amyas Morse's (Head of National Audit Office) comments. He was quite right in his opinion that the Durand Academy case has been going on "*for quite a long time*". This is indeed true for a number of reasons I will detail for you.

I am disappointed Sir Amyas Morse failed to mention the National Audit Office's report into Durand Academy was largely based on false information provided by the Education Funding Agency. He failed to mention we advised the National Audit Office of this before the report was published but the National Audit Office did not consider it to be material and therefore did not change any of the false information contained in the report (please see enclosed legal letter).

It has been very material for us at Durand Academy as it is being used by Lord Nash and Peter Lauener to mount their campaign against the school.

Peter Lauener claimed that the case for Durand Academy was particularly "*complex*" due to a private charitable trust owning the land. It is not in the slightest bit complex. Peter Lauener and Lord Nash have been given very clear legal advice, as indeed has the National Audit Office (see letters from our lawyers) but have chosen to ignore this advice.



We understand and appreciate that some academies may well have been financially badly managed, but we are not one of them. Lord Nash and Peter Lauener issued the Financial Notice to Improve as a punishment because the governors of Durand Academy Trust would not, indeed could not, hand over the charitable assets belonging to Durand Education Trust. They have essentially weaponised their extraordinary powers and the reason it has been going on for "*quite a long time*" was because the Financial Notice to Improve was both irrational and unenforceable. Please see enclosed legal advice which again has been ignored by Lord Nash and Peter Lauener.

However, it does not surprise me Lord Nash has ignored it because at the meeting with our lawyers, when he threatened us with the Financial Notice to Improve, he made it very clear he had no regard for the law regarding trusts. I wonder whether you could request the minutes of this meeting so you can hear them for yourself. Sadly Lord Nash has refused to provide the minutes of this meeting.

As the Financial Notice to Improve was both irrational and unenforceable, Peter Lauener decided to commission Price Waterhouse Coopers to undertake a forensic examination of the school's finances. This took seven months and must have cost significant amounts of public money. Peter Lauener refuses to advise the exact cost of this wholly unnecessary investigation, the first of its kind into a Primary Academy. Perhaps you could ask Peter Lauener to disclose to the committee the reasons and cost for the forensic examination, which yielded no concerns of any material consequence.

It is my belief Peter Lauener instigated this forensic examination to justify the wholly unnecessary, irrational and unenforceable Financial Notice to Improve. How can this possibly be considered a good use of public money?

Lord Nash and Peter Lauener have now decided to serve a termination of funding notice based upon vague and unsubstantiated claims. Having had twenty five internal and external audits over the last five years, all of which found no material issues, plus of course the Price Waterhouse Cooper investigation for over several months, there clearly is not a financial issue here to justify this funding termination notice.

A cursory glance at our record of outstanding academic results shows that there cannot be an issue about educational achievement, which makes Lord Nash's claim that they are doing it to "safeguard" the children's education somewhat puzzling. Maybe Peter Lauener or Lord Nash can advise your committee what lies behind this termination of funding. One would hope they would not pass off the reason for this with vague and unsubstantiated allegations. Surely they have significant evidenced

concerns, which would justify serving such a unique notice on such a successful school.

We are naturally challenging this completely unjustified and unnecessary termination notice. You will appreciate, as governors of the school, we must do everything we can to safeguard the children's education and hopes and aspirations.

I look forward to receiving your thoughts on this extraordinary turn of events.

Regards

A handwritten signature in black ink, appearing to be 'G. Martin', with a long horizontal line extending to the right.

Sir Greg Martin
Chair of Governors

Enc

**Cc Secretary of State, Ms Justine Greening - MP
Ms Kate Hoey - MP**