



Education Committee

Oral evidence: [Extremism in schools](#), HC 473

Tuesday 2 September 2014

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Members present: Mr Graham Stuart (Chair); Neil Carmichael; Alex Cunningham; Bill Esterson; Siobhain McDonagh; Dominic Raab; Mr David Ward; Craig Whittaker

Questions [144-307]

Witnesses: **Mr Peter Clarke**, Education Commissioner, Birmingham; **Mr Ian Kershaw**, Independent Chief Adviser Birmingham City Council, gave evidence

Q144 Chair: Good morning and welcome, gentlemen, to this session of the Education Committee, in which we are looking into extremism in schools. Perhaps I will start with an easy question for you. Was the Trojan horse letter authentic or a brilliant parody used by a whistleblower finally to alert the authorities to a longstanding problem, or neither of the above? Mr Clarke?

Peter Clarke: The simple answer to that is I do not know, because I did not spend too much time trying to answer that question. It seemed to me a question that could be a diversion from the real issue, which was to explore whether or not the contents of that letter actually reflected the reality in any way of what had been going on in schools in Birmingham. I did not spend a lot of time trying to answer that question.

Q145 Chair: How about you, Mr Kershaw? Did you?

Ian Kershaw: No, it was not part of my brief to look at that question. My focus was on the contents of the so-called Trojan horse letter. I was asked to look at whether there was any truth in some of the claims that were made in that letter.

Q146 Chair: This letter started this whole thing. Why was no-one asked to establish whether it was authentic or not, who the author was and what the purposes of the writer might have been?

Peter Clarke: To follow on from there, I made the decision very early on that the most important thing was to try to establish the central allegation in that letter, which was that there was a deliberate course of action being undertaken to undermine head teachers in schools. That seemed to me the important question. The motivation for whoever wrote it did not seem to me the most important thing at that time.

Q147 Chair: You chose your words very carefully there: “course of action” rather than the more typical word, “plot”.

Peter Clarke: Yes, and I suspect we may return to the question of whether there is a plot or not later on if you so choose to do.

Ian Kershaw: The answer for me lies in the choice of Birmingham City Council, whom I work for, and their focus upon wanting an answer to the question of whether there was any truth in the claims made in the letter rather than who the author was.

Q148 Chair: To what extent did political self-interest play a part in the City Council’s failure previously to act? Crudely, did some people fear losing Muslim votes if they did their duty?

Peter Clarke: I did not see any obvious evidence of political self-interest coming into play. What certainly did appear to influence the approach that was taken to the whole issue by Birmingham City Council was the fear that social cohesion would suffer if the issues were actually confronted. That seems to have been a theme for some considerable time. Indeed, when I interviewed senior officials from the Council, they did admit that there was some lack of joined-up-ness across the Council. Some departments were looking at it as a question of education management, while others were more concerned about social cohesion issues. It would appear—

Q149 Chair: Ultimately, an elected body is driven by politics, and the people at the top will decide on the key decisions. There was a lack of appetite to do the right thing, even with whistleblowers pointing out what was happening, head teachers complaining and the issues coming up again and again. The failure to act does suggest some lack of political will. Was it cowardice, the fear of being accused of racism—this damage to community cohesion is rather a difficult idea to get one’s head around—or was it political self-interest? Surely trying to understand the dynamics by which political leaders failed to act even when evidence of serious wrongdoing came to their attention is something that if we do not get to the heart of that, we are not going to get to the heart of the problem, are we?

Peter Clarke: I entirely agree. Certainly, the evidence I received and the impressions I gained were that fears of being accused of racism or Islamophobia were at the forefront of people’s minds. I have to say it was made very clear to me when I spoke to 10 Members of Parliament representing constituencies in Birmingham that, indeed, I was stepping into a very political environment. I did my very best throughout my inquiry to keep out of the politics of it. I wanted to try to fulfil—

Q150 Chair: Is that not a problem then, Mr Clarke? The problem is that if politics is the heart of it—and I would suggest it is because normally they are the people who make the key decisions—and you keep out of it because it is too difficult, you end up making some process recommendations that do not get to the heart of the problem. You can change and re-order the furniture, but you are not going to get to the heart of it until you get a political

culture that is prepared to do the right thing, even if it costs them votes and risks them being accused of Islamophobia or racism. They have got to do the right thing and have the courage to do so. If they do not, it does not matter what you do. You can have all your changes in governance and you can have all your other recommendations, some of which we will discuss, but you are not going to get to the heart of it. Is that not the risk?

Peter Clarke: There is another way of looking at this, which is that, at the beginning of this, the air was full of assertion and counter-assertion. Arguably, that is part of the stuff with politics. What I think the former Secretary of State was very keen that I should try to do was to cut through all that assertion and actually, as he put it to me, get to the bottom of what has happened.

Q151 Chair: I am just putting it to you that you did not. You just told us that you averted your gaze from the political realities because it was difficult. You learnt from the beginning how political it was from talking to Members of Parliament. And if you do not get to that, you do not get to the heart of the problem.

Peter Clarke: I am not sure that the political realities sit behind the problem. I think it is more a question of people being willing to confront some of these issues. Whether that is political or not is perhaps a matter for others to judge. I just wanted to find out what had happened. Were the central allegations in the Trojan horse letter true?

Q152 Chair: But if you were not prepared to get into it—we come to an employee of Birmingham City Council. It must have been much more difficult for you, Mr Kershaw, to look at the harsh political trade-offs, some of which will have been explicit in conversations you do not have access to and some of which may just have lain in someone's heart. Trying to get to the heart of that is what we need to do if we are going to change the culture in Birmingham so that the interests of children are put before political correctness or political necessity.

Ian Kershaw: I think my report makes clear that there was a climate within the staff of the Council that made them fearful of taking action in a context where they thought it might affect perceptions about their management of people in east Birmingham. Bluntly, that was constrained by their beliefs in the Council's position, with the political leaders of the city, over a period of time. As far as I am concerned, back until at least 2007, it was clear that people, either politicians or their employees, were not prepared to take difficult decisions. That is quite clear in my report.

Q153 Alex Cunningham: Mr Clarke, the Chief Constable of West Midlands, Chris Sims, condemned your appointment as “desperately unfortunate”. He went on to say that you had many qualities, but that people would inevitably draw unwarranted conclusions from your former role as national co-ordinator for counter-terrorism. What qualifications and experience did you actually bring to the task of investigating the activities in Birmingham schools?

Peter Clarke: Obviously Chris Sims was entirely entitled to say what he wished to at the time, although I might say that I found it slightly surprising for a Chief Constable to comment on another public appointment. In terms of the qualities I bring, the former

Secretary of State invited me to consider taking on this role because he thought that, with an investigative background, I would, indeed, be able to cut through, as I have said, the assertions and counter-assertions and get to some of the facts. I suppose it is inevitable that I am somewhat characterised as a former head of counter-terrorism. My name does not seem to appear in the press without that tag immediately after it. What that perhaps misses is that, for much of my police career, I actually worked in diverse communities in senior positions in the inner-city—in Haringey, Hackney, Tower Hamlets, Wandsworth and, indeed, I was the borough divisional commander at Brixton.

Q154 Alex Cunningham: And with schools?

Peter Clarke: Inevitably I was working with schools when issues arose that required police intervention.

Q155 Alex Cunningham: If you were not expressly looking for evidence of terrorist activity—“radicalisation or violent extremism”, in your own words—what did you actually set out to look for?

Peter Clarke: Quite simply, facts. My terms of reference made it clear that I was to find out what had actually happened in the schools of concern. I made that very clear statement about not setting out to look for counter-terrorism, radicalisation or violent extremism to try to counter the allegations being made by a considerable number of people that that was inevitably the prism through which I was going to look at these issues in schools in Birmingham. It was not. I was simply trying to find out what had happened, gain evidence from witnesses, review the evidence that had already been gathered by others and work together with Ian in a collaborative way to try to establish the facts of what had actually happened.

Q156 Alex Cunningham: So you did not have any particular concerns around those particular issues?

Peter Clarke: The counter-terrorism?

Alex Cunningham: The counter-terrorism, the violent extremism—

Peter Clarke: I said to every single person whom I met throughout the inquiry that I was approaching it with an entirely open mind. I simply did not know what I was going to find and I certainly had no preconceptions about what I was going to find.

Q157 Alex Cunningham: But you had already ruled those things out though?

Peter Clarke: No, I had said that I was not specifically looking for them. That did not mean that I had ruled them out. If they had been there, of course I would have investigated on them and reported on them.

Q158 Alex Cunningham: What was the value of having two concurrent investigations on top of the Ofsted and the EFA inspections into the same issues? Do you agree that that might perhaps have perpetuated a suspicion of a split between central and local government, Mr Kershaw?

Ian Kershaw: It is difficult to answer a question when it was not my decision to make. I was invited to come and carry out an investigation on behalf of Birmingham City Council, with specific questions to answer for them. Part of my brief was that I was asked by the City Council to make sure that I worked with Peter Clarke and his team from the DfE. I believe we worked that extremely well. Our communication network between the two of us worked extremely well. We were careful not to overburden schools, head teachers and the leaders of the schools in the process because we did not want to have to go through a process of interviewing people twice unless it was absolutely essential.

Interestingly, it was the bringing together two perspectives. My skill set is clearly slightly different. I am not claiming it is wholly different, but it is slightly different in terms of experience, from Peter's. Interestingly, I came to my conclusions based on the evidence that I had collected, some of which is the same evidence base as Peter's, but it is not the same. I am sure that Peter would say the same. However, we have collaborated. It is interesting that we have come to, broadly, similar conclusions.

Q159 Alex Cunningham: So did you discuss your draft conclusions in advance of the publication of the report?

Ian Kershaw: Not at any point.

Alex Cunningham: You did not even do that.

Ian Kershaw: No.

Q160 Alex Cunningham: Mr Clarke, do you think that the impression was of a split between central and local government? Maybe people were saying, "Where does the buck rest here?"

Peter Clarke: Some people may have tried to draw that conclusion. From the very beginning, as Ian has said, my ambition was to try to minimise the disruption to children and young people, their families and schools in Birmingham. Clearly, it must have been very unsettling to have all this public debate going on about what was or was not happening in schools in Birmingham. In the end, the fact that we were actually working on parallel tracks proved to be very important because what happened over time was that a number of witnesses started coming forward to give evidence to me on the condition that I did not share what they were telling me with Birmingham City Council—that meant not to share with Ian in those circumstances. The reason they gave was that they had simply lost all faith, trust and confidence in the City Council. Some of them were genuinely afraid for their careers, for their personal safety and the safety of their families.

Q161 Alex Cunningham: Does that not compromise the ability of the City Council to effectively investigate the issues?

Peter Clarke: It meant that Ian was working from a slightly different evidence base from me, which means that some of my conclusions are a little firmer perhaps because I was working from different evidence.

Alex Cunningham: You did not even look at the same schools in fact.

Peter Clarke: We did to an extent. We shared quite a few interviews. The point is that if we had been working entirely together, if there had only been one inquiry set up by the City Council, some of the crucial evidence that has emerged in this investigation would not have been made available.

Q162 Alex Cunningham: Mr Kershaw, did you feel that when you were doing your investigation that information, evidence or whatever was being withheld from you and, therefore, that affected your ability to carry out a comprehensive report? In other words, are there bits missing because there was information given to Peter Clarke that was never available to yourself?

Ian Kershaw: In any investigation there are going to be people who are reluctant to come forward to speak to the investigator. I have experienced that previously in other inquiries and I was not surprised to find that there were some people who were not prepared to speak to me because they saw me as representing the City Council, although I did not represent the City Council. I was quite clear that I was an independent investigator, but I understand the perception. The counter-side of that was that, interestingly, there were people who did not want to speak to Peter Clarke because of what they perceived as his past history. I got to speak to some people whom, no doubt, Peter did not speak to. There was a cross-over advantage to that, interestingly. Some of the people who came to speak to me were vehement in their view that they would not speak to someone with the past experience of Peter.

I did not see that as a disadvantage either to Peter or to me because I was asked to look at the broad base of evidence. I interviewed 76 witnesses. I went through something like 23,000 reams of paper to read. I had a team of four people constantly looking at that data, which ranged from data from individual schools and the minutes of their meetings, to the minutes of Council officers' meetings and so on. I was looking at them in the round and, having talked to 28 head teachers from a variety of schools—both present head teachers, as well as head teachers who had parted company with Birmingham City Council and their schools—I felt, at the end of it that, in the timescales that we had, from April through to end of term, to complete our reports, the team achieved a remarkable amount in terms of collecting evidence.

Q163 Alex Cunningham: All that said, were four investigations into the same issue really justified?

Ian Kershaw: It is not for me to justify it or not. I think it is an interesting comment to say that Ofsted was able to go into schools, talk to children and see schools in action, so they got a perspective of what was going on actually inside schools. Peter and I got perspectives from slightly different sides: me from inside the Council in the sense of gaining access to all their data, of which I am very confident that nothing was held back

from me. All the data I received I had permission to pass on to Peter and where Peter had permission, he did the same. We shared a lot. The EFA, inevitably, when they were looking at their responsibility for auditing what was going on, clearly came up with information that was also valuable to us, for both Peter and me to look at.

Alex Cunningham: Maybe you should all have just got together and had one report. Sorry, Chair. I will leave it there.

Q164 Mr Ward: As a Bradford MP, I must say that my heart sank—and I said this publicly—when I heard about your appointment. It did send out a particular message, although you may judge that to be unfairly so. Something has been left lingering in the air, which is the anonymity that was sought on the basis of what people perceived as being the ramifications for them. Did you come across any evidence that that was founded on anything and whether that was justified? Was there any evidence at all that if people came forward and honestly gave you their views, and it was known, that there would be any comeback on those people in any way? It is quite a damning indictment that was left lingering in the air and is there any evidence that that was justified?

Peter Clarke: I have not come across anybody who has said, “If anybody speaks to this investigator, they will be subject to retribution”, but over my working life I have met an awful lot of people who have either been in distress or have been afraid. I was surprised and shocked actually to find that when interviewing senior teaching professionals, they were exhibiting signs of evident distress, anxiety, nervousness and what I could only interpret as genuine fear for the consequences should it become known that they were giving evidence.

Mr Ward: Based on what?

Chair: Craig—

Q165 Craig Whittaker: Can I ask you why your reports have had such different receptions, particularly from the head teaching profession?

Peter Clarke: You are asking me to speak for others. All I can say, really, is that, from the staff association and union perspective, there has been a huge divergence of attitude towards what, certainly, I was trying to achieve, ranging from total hostility and arranging and supporting demonstrations against what was going on, all the way through, at the other end of the spectrum, to proactive support and helping me to find and interview witnesses.

Q166 Craig Whittaker: In your report in particular you seem unquestionably to take the evidence of former head teachers. Has that had an effect, do you think, on the reaction to your report?

Peter Clarke: I cannot say; I really do not know. All I do know is that, certainly, two of the main unions have been pretty hostile throughout.

Q167 Craig Whittaker: Why do you think that is?

Peter Clarke: I do not know.

Q168 Craig Whittaker: You have not analysed it. You have a background in research and investigations. Are you saying that you have not investigated the reasons why they have been so hostile towards your report?

Peter Clarke: I have not specifically asked them the question, “Why is it that you don’t like what I am doing?” I could draw some assumptions, but I have tried not to draw assumptions or speculate so I would rather not do that, if I may.

Ian Kershaw: In a similar way, I cannot speculate on why. I read a report in, I think, a BBC review that said the head teachers apparently, or one union, were not happy with my report. I am conscious that the NAHT, who are on the review group of the City Council, did not sign up to my report, but I am conscious that all other members did and the two senior head teacher members who were on that review group did sign up to it. That is a question for the City Council to answer, really, because they were party to the discussions that took place, which I was not party to.

Q169 Craig Whittaker: Going back to the anonymity of witnesses, can I ask you why you both obviously had separate decisions on whether to allow anonymous witnesses and whether to name those individuals in your reports?

Ian Kershaw: When I arrived at the City Council, there was evidence already available to me on information that had been provided to the City Council that made it clear to me that there were people who were nervous about talking. There were emails coming into the City Council that made it quite clear that they were only prepared to talk on the basis of anonymity. I had to make a judgment with the team and with our advisers from Eversheds, who were a part of my team, to make sure that we had the confidence of the people coming to talk to us. That was first of all. We needed to help them to understand that the information they gave to us would be as secure as possible, unless they revealed to me something that was completely illegal, and that they might be subject to a further inquiry such as this. I cannot offer guarantees, but I can go as far as I can. The other part of it was in relation to the Data Protection Act. The advice that I received from the lawyers was quite clear: we had to be extremely careful about handling other people’s data. Therefore, my report ended up being heavily redacted, which I understand makes it difficult for people to read the detail, but, in the interests of getting to the truth, I believe that that was the right judgment.

Q170 Craig Whittaker: Okay. What about you, Peter?

Peter Clarke: Very similar, but from purely an investigative point of view. Even before my appointment, there had been a lot of public comment and debate in the newspapers. There had been quite a lot of vitriol about the motivations of people, both in the political world and in the media, in relation to looking to see what had been going on. There were words such as “witch hunt”, “Islamophobia”, “racism,” and so on. In that environment, to try to persuade people who might already be feeling vulnerable, either for

themselves or for their careers, to come forward and then to say to them, “And by the way, your name is going to be in the public domain and you’ll potentially be subject to this sort of personal attack” would seem to be very unfair on either them or their families. That would probably inhibit them from coming forward. From my perspective, I wanted to do all I could to encourage people to come forward. I could then, on the basis of the evidence, make a judgment whether it was credible or not.

Ian Kershaw: Can I just add a comment? I should add that the experience of interviewing people demonstrated to me and my colleagues that it was the right decision because there was genuine fear about people’s families, their personal careers, their futures and whether they would, indeed, be able to hold onto their jobs if they were found out. I do not believe that we would have got to the information we needed without taking that step.

Q171 Craig Whittaker: I accept what you have both said. Mr Clarke, having said what you have just said, you then went ahead and you repeatedly referred to certain governors or members of staff in your report, and a lot of it is published without redactions. Can you understand the criticism that came about your report because of that?

Peter Clarke: Yes, some people did give permission for their testimony to be shared with Birmingham City Council, not in an anonymous way. Indeed, I remember one senior teacher I spoke to said, “Please feel free to say that I have said this.” I said, “Are you sure? Are you satisfied that you understand the implications of that?” He said, “Yes, I shall probably lose my job.” So that was a conscious decision on his part to go down that particular path. The people who have been named in my report are those who are subject to significant criticism and, in fact, have been less than truthful with me during the course of the investigation.

Mr Ward: This is crucial in terms of lessons learnt. Was anybody citing threatening, bullying, intimidating—

Q172 Chair: Mr Clarke has already answered that question. He has no evidence of that, but he does have evidence that they had the fear. Mr Kershaw, do you have any—

Ian Kershaw: I have no further comments on that. I think I have made my comments clear.

Q173 Neil Carmichael: I am basically going to ask a similar line of questioning. To both of you: have you found any evidence of extremism in schools in Birmingham?

Peter Clarke: I will start this. Of course, the first question is: what is extremism? I have worked with the definition in the Prevent strategy and also by reference to the Prime Minister’s speech in Munich in February 2011. I believe I have found very clear evidence of people, as I say in my report, who espouse, are sympathetic to or do not challenge extremist views when put forward. I did not find evidence of violent extremism in schools or direct radicalisation.

Ian Kershaw: Again, I will be careful with the definition of the word “extremism” as I do not really want to go down that route. I was not asked to define extremism and I think it is a very complex area to look at. However, I am clear that, in the interviews with a large number of people in senior positions in schools, and teachers and support staff, that there was evidence presented to me, and people actually saying and volunteering to me that they did not have any evidence themselves inside schools of attempts to coerce young people into extremist, violent, jihadist activity. There was no evidence about that whatsoever. That is not to say that there were not examples of very bad behaviour by some individuals in schools that needed to be corrected and addressed.

Neil Carmichael: Again, for you both, a slightly different nuance to the question—

Q174 Alex Cunningham: You said some bad behaviours had to be addressed. What had to be addressed?

Ian Kershaw: When an individual member of staff in any school behaves in a way that is inappropriate and presents evidence to children that is inappropriate, it needs to be addressed by senior members of staff as unacceptable. I came across a couple of examples where that did not happen, but that does not mean—

Q175 Chair: Could you tell us what the behaviour was?

Ian Kershaw: An example would be the showing of a film that is completely unacceptable to young people, when it was known by a senior member of staff that it had happened and that that senior member of staff did not address that as a disciplinary matter with the member of staff.

Q176 Alex Cunningham: What was the film about?

Ian Kershaw: Violent extremism.

Q177 Chair: Was it a jihadist violent extremist promotional video shown to children in school?

Ian Kershaw: Yes. Let me just be clear. It was shown in one classroom at one moment. That should have been stopped and should not have happened.

Q178 Alex Cunningham: How many other examples are there?

Ian Kershaw: I have only got one.

Alex Cunningham: You have only got one.

Neil Carmichael: So when you describe that as, “Being exposed in schools—”

Q179 Chair: Sorry, Neil, I will interrupt—apologies. Mr Clarke, did you come across—

Peter Clarke: Examples of bad behaviour?

Chair: Examples of bad behaviour, moving on towards the encouragement of violent extremism as opposed to inappropriate behaviour?

Peter Clarke: There was some suggestion that that sort of film had been shown or copied by a technician within one of the schools, but I did not come across direct evidence of the promotion of violent extremism, no. There was a lot of other bad behaviour though.

Chair: Mr Kershaw, you have the name of the teacher in whose classroom it took place and the name of the senior manager in the school who failed to act in a way you consider appropriately? Okay.

Q180 Mr Raab: What we are trying to get is an illustration of the kind of behaviour, and here it falls along the spectrum can be judged after that. Mr Kershaw has given one isolated instance. You talked about a lot of bad behaviour and non-violent extremism. Can you just give us a 15-20 second pen picture of the kind of practices that we are talking about?

Peter Clarke: Yes and I list the numbers in my report. We have, in one school, anti-Christian chanting being led by a teacher during an assembly. We have people being—perhaps intimidated is too strong a word—strongly encouraged to join in the call to prayer, even on some occasions when, particularly with female students, that could cause them and did cause them grave embarrassment. We have segregation issues and, of course, that was backed up by what I found on the social media discussions. Some of these teachers were looking to increase the amount of segregation within school. There was a general air of intolerance towards other beliefs or ways of life. What seemed to be occurring was a narrowing of the world view of the pupils, or a narrowing of the opportunities of the pupils to benefit from the broadening experience that one hopes that education would normally provide.

Q181 Neil Carmichael: Do you think that the description of the various events that you have just been talking about—the incident with the film and what Mr Clarke has just been talking about—amounts to being exposed to influences that would make someone become more extreme or prone to radical behaviour?

Peter Clarke: As I say in my report, in itself, it might not necessarily lead to people being more extreme, but I was told by several witnesses working within the schools—teaching staff and others—that, in their view, pushing upon the pupils an unquestioning adherence to a particular mindset or ideology was such that it could render them more vulnerable in the future, taking away their natural inquisitiveness.

Q182 Neil Carmichael: Mr Kershaw, would you like to comment on that?

Ian Kershaw: It was not part of my remit to look at and discover extremism in schools. Part of my remit was to look at whether the descriptions in the Trojan horse letter

suggesting there was a plot to take over schools was true or not. My focus was, in terms of detail, looking at that as the major question. I cannot really come up with an answer to your question. I can only say that I have not got any evidence that has been given to me to suggest that I am concerned about that in those schools.

Q183 Neil Carmichael: Why do you two disagree on whether there is evidence of a plot to take over the schools in Birmingham? What is the central point of disagreement? Who would like to go first?

Peter Clarke: First, there is the different evidence base. Secondly, perhaps because of my background, I have approached the task in a slightly different way. What I did bring in was an analytical capability, which enables you to explore in greater depths linkages and timelines or events, timelines of people moving into particular positions and events following on from that. Of course, I did then, at the end, have the benefit of the social media discussion of the group of teachers from the Park View Educational Trust. That was important to me because instead of public assertion and denial, this was an insight into the way they were thinking and communicating with each other, and their basic attitudes on a whole range of subjects. If you take all that together, you can say that there is a group of people who are associated with each other, who know each other, who share a common world view and who have been seeking to impose their particular world view within the schools where they have influence either as teachers, head teachers, governors or sometimes both.

Q184 Neil Carmichael: Mr Kershaw?

Ian Kershaw: I think you will find that my report makes clear there were a group of people who knew each other, who coalesced together and influenced schools improperly, or tried to influence schools improperly. I choose not to use the word “plot” because the word as I understand it means that there were a group of people who I could pinpoint who were sitting down at a particular time to plan together quite clearly a programme of events, which I could not find. So I could not say that. Like Peter, I can see the linkages and I can see the crossovers between different people in different schools. I am therefore able to say that there were people who were coalescing together to try to improperly influence schools and to improperly manage the senior leaders of the schools and the senior teams of the schools, and to remove those people if they so chose.

Q185 Chair: What was improper about it? Was it what they were trying to do or was it the process by which they sought to do it?

Ian Kershaw: There were a series of improper activities that I evidenced, ranging from stepping into operational matters of schools, which should not be the business of chairs of governors or their vice-chairs or, indeed, other governors.

Q186 Chair: Such as?

Ian Kershaw: Such as demanding answers to questions that it was not their prerogative to have answers to.

Q187 Chair: Such as?

Ian Kershaw: An example of that would be disciplinary procedures with members of staff—insisting that a procedure takes place and that a member of staff be sacked. That is not the business of the governing body. The business of the governing body is to verify whether the proper process has been followed, not to demand the dismissal of staff. That would be one example.

Q188 Neil Carmichael: We will discuss governors later, but I have one more question, which is this: you have both in answer to my earlier question talked about definition. Do you think that your definition of what you were looking for was the same or do you think that is another reason why you disagree?

Peter Clarke: Sorry, definition of—

Neil Carmichael: Definition of extremism and so on in schools.

Peter Clarke: I do not know what the definition of extremism is—

Neil Carmichael: I am trying to prise that out.

Peter Clarke: As I have told you, I was working from the Prevent strategy and from the Prime Minister.

Q189 Neil Carmichael: You both mentioned definition and, so far, I am slightly unclear as to why you did, or is there some difference between your thoughts on definition?

Ian Kershaw: It is not something I have attempted to address in terms of my report. I have not attempted to describe extremism because it was not part of my brief to actually go into that. I had a very clear brief to look at the issues surrounding the Trojan horse letter and that is what I have confined myself to.

Q190 Mr Raab: Can I ask Mr Clarke, first, about some of the evidence that you produced to demonstrate that there was a plot, in particular the WhatsApp group set up by the Park View Brotherhood to look at ideas for assemblies? You highlighted some of the comments that were made on that forum in relation to intolerant attitudes towards education, homosexuality, gay marriage and anti-western sentiment. How relevant was that kind of commentary to what then actually happened in terms of the unacceptable practices? What was the link that you saw, or the evidence of a link, between that swirl of intolerant views and the actual actions that took place?

Peter Clarke: First of all, in the beginning of your question, Mr Raab, you suggested that I had discovered a plot. I have not actually said that—co-ordinated,

concerted action, yes; plot, to me, means something slightly different. As Ian suggested, it is an agreement by a group of people to do something. This is different, I think.

Q191 Mr Raab: Just out of interest, how is that different from concerted action? Is it that they all acted together, but they did not plan it in advance?

Peter Clarke: You could have a continuum. At one end, a lot of spontaneous things just happen; at the other end, you have got a group of people perhaps in a darkened room sitting around a candle deciding to do something in a very furtive way—if you like, the classic plot. Somewhere between them, you will have people, as I believe we have here, who have a common mindset, common objectives, are known to each other and work in the same organisations and in the same profession. They have shared objectives and set about achieving those objectives using a set of tactics that are remarkably similar every time they emerge and remarkably similar, as it happens, to those that are set out in the Trojan horse letter.

Q192 Mr Raab: So the only difference between that and a plot is that you just do not have the intercept evidence or the examples that they sat around a smoke-filled room and set it out and agreed it in advance.

Peter Clarke: I do not want to fall back to the criminal law, but in criminal law, to prove a conspiracy you have to prove an agreement. We are not at that stage, but we are a stage or two before that.

Q193 Chair: May there have been a plot, but you just did not get the evidence for it?

Peter Clarke: Yes. Although I suspect because of the passage of time—

Q194 Chair: It is like the Cosa Nostra. Everyone said it did not exist until they could show that they all met in a room and divvied out the world's heroin trade.

Peter Clarke: I suspect that this has been more of an iterative process over a number of years and that it has been developed as people have thought about how they can achieve their objectives in a variety of ways. I doubt anybody sat down and said, “Right, this is the template for achieving what we want to achieve.” It is more likely that it took place by someone saying, “There are various ways in which we can set about achieving those objectives.”

I return to your question, Mr Raab, on the linkage between the behaviours, or the attitudes, in the WhatsApp discussion group—the Park View Brotherhood one—and actual events within the schools. I think the attitudes exposed in the discussion group were more about displaying the mindset than a specific agenda for action, although there is, of course, a discussion in there about increasing the amount of segregation within the school. In particular, one senior teacher there says how what he really wants to achieve is to increase the amount of segregation in form time with the objective of decreasing the amount of time that is available for girls and boys to meet in a more informal context. That is clearly a demonstration there of an intended—

Q195 Mr Raab: Are there any other examples like that, where you have got something that is discussed that you then see in a more particular form happening? That is a good one; are there any others?

Peter Clarke: I cannot think of any others on that particular discussion group. I would have to revisit it to see. The point is that, Mr Hussain, the acting principal, told me that this discussion group was to look for items that could be included in the school assembly. Whereas, in fact, very little of that discussion group was about school assemblies and lots more of it was about general political events and attitudes towards a whole range of other things, as we know, including gay marriage, the role of women and so on.

Q196 Mr Raab: Was Mr Alam commenting himself on the site? Was he actively engaged or were any of the other decision makers actively engaged?

Peter Clarke: In terms of senior people and the people I have named, Mr Hussain, the acting principal of Park View, was the founder of the group and the moderator, although he did not do much in the way of moderation, other than when the postings criticised other Muslims. There was Mr Faraz, who was the Deputy Head at Nansen Primary. He was a very active member. Mr Alam denied any knowledge of the group at all.

Q197 Mr Raab: A final question for both of you. I think we have made some progress in relation to the difference between bad practices that may be more than just isolated instances and the smoked-filled room with the plot, malice aforethought and all the rest of it. I am reading your views as being closer together than I understood them to be at the start of this. This is a question to both of you. This was more than a few bad apples, and whether it was coalescence or co-ordination. Without being able to prove evidence of actual intent, this was something more pervasive and endemic. Is that correct?

Ian Kershaw: If you look at the table in my report, you will find that there were a number of schools where the steps that were claimed to be taken in the Trojan horse letter were actually being taken over time. My view is that, over time, people in east Birmingham of Pakistani origin—mainly men by-and-large—in a sense have learnt to work through the weaknesses in the systems. They have learnt to manipulate it in improper ways in order to get the outcomes that they want. The outcomes they want are hard to read because they are people's motivations. I was convinced, as my team were, that there were people there who were genuinely concerned about the welfare and the educational standards for children in their community. Some of these people, who I called activists, had genuine, as far as I could read it, desire to see improvement in the children's education.

There were, however, too many instances of behaviours that demonstrated that they did not know how to get there properly by proper means. They were prepared to use means that are, in our culture, totally unacceptable: by manipulating the appointments of staff, and by manipulating the appointment of and the bringing on of governors who had similar views to them in order to replace other governors and so on.

Q198 Mr Raab: Mr Kershaw, before coming onto Mr Clarke, can I just ask about this in a slightly different way? If they had not have been unearthed and dealt with through the reviews and remedial measures that are now in place, is it your view that these bad practices would have spread much further substantially?

Ian Kershaw: I would have said that success would have led to further success from their perspective and that a group of people would have learnt to how to manipulate and manage across schools. I walked away from Birmingham very conscious that there were some head teachers, for example, who did not speak to me and probably did not speak to Peter either who, in other circumstances, would have done. In other words, I was left concerned about other heads who have not revealed to me or to anyone their deep concerns about what is happening in their governing bodies. The answer to your question is complex. Yes, I am concerned. It is possible that it has spread, but I have not got any evidence to say that it has.

Q199 Mr Raab: Mr Clarke, briefly, was this a few bad apples or something more pervasive? And how much worse would it have got if it had gone unchecked?

Peter Clarke: I am not a great believer in coincidence. I would find it very surprising if this was only happening in the few schools that we had the time and the opportunity to look at in east Birmingham. Some of the people who are involved in promulgating these techniques of gaining control and influence in schools have had national roles in various educational bodies and I know have lectured and taken part in conferences in other cities. It is incumbent on the Department for Education and others to take a very careful look now to see whether the sorts of things that we found in Birmingham are, indeed, happening elsewhere. I do not know; I have not looked. But I would be, in a way, surprised if there were not at least some symptoms elsewhere.

Q200 Chair: You suggested, Mr Kershaw, that a number of heads did not give evidence. It might seem ironic to ask after four or five different investigations, but did you have the powers you needed to get to the bottom of this? Did we need to hear from more people and get evidence from them to get the real picture?

Ian Kershaw: I had no powers—people volunteered their evidence—apart from the powers given to me by the local authority to interrogate all the information that they held. On the issue regarding the heads, you have got to understand the atmosphere for head teachers. I was a head teacher for some years. At that point in time in Birmingham, with the number of Ofsted inspections that had been taking place, I believe from the commentaries that I listened to that there were concerns that, “If I put my head above the parapet, I will invite an inspection”. Head teachers were thinking, “I don’t want to go through an inspection process.” There was a fear level about, “If I say something about being concerned about governors in my school, I will be the next school to be inspected.” I believe there was a bit of that going on.

The other part of it is that head teachers are also conscious of wanting to try and manage it. I am hoping, because part of my task was to make some recommendations for the City Council, that actions will be taken to re-energise the confidence that head teachers

need in their local authority, in the DfE and in Ofsted in order to be able to put some of these matters right. That will be no easy task.

Peter Clarke: It was a somewhat novel experience for me to try to conduct an investigation with no powers. It was an entirely voluntary exercise, except for the legal direction that I had from the Secretary of State in terms of receiving information from Birmingham City Council. Other than that, I made a public call for evidence and it was entirely open for people to come and speak to me if they wished. There was an urgency to this. The Secretary of State was very clear that he wanted me to report by the end of term because there were clear safeguarding issues here that had to be identified and addressed.

Q201 Chair: Would you have liked to have had the powers? At the heart of my question is really: were you able to get to the bottom of it or should we have made sure that we had an inquiry that did have the powers to insist that everybody gave evidence and that fear of Ofsted or anything else was not getting in the way?

Peter Clarke: One could go down the public inquiry route, but, unfortunately, we all know that public inquiries take a long time. The urgency of the issues here in terms of the young people's education and their safeguarding were such that it seems to me it was right to at least get to this stage as quickly as possible. Now it is entirely right that everybody involved takes a longer, closer look at what is going on to really understand if there are further issues.

Q202 Chair: Briefly on the topic of compromise agreements, is there any way that compromise agreements with staff who had gone were used in a way that inhibited them from giving evidence to you?

Peter Clarke: No, I do not think it inhibited people from giving evidence. I was genuinely surprised at the use of compromise agreements and the readiness with which they were come to, particularly in the case of Mr Bains. Even though he was named in the Trojan horse letter, the City Council went ahead and agreed one with him some weeks later. I was very surprised by that.

Q203 Bill Esterson: Mr Kershaw, you used the phrase that some people had learnt to work through the weaknesses in the system. How much of what either of you found is due to the massive changes in education and local government? Can we start with you, Mr Kershaw?

Ian Kershaw: It is difficult to quantify. There is no doubt that the reduction in resources in Birmingham City Council were considerable, but, given that these events took place—according to the evidence I got—over time since 2007, I could not describe the lack of resources in 2007 as one of the reasons for it not being handled. My overriding view is that there was a lack, as I say in the report, of putting together the evidence and bringing it together to see, “Are there trends?” and asking the right questions. Therefore, opportunities to understand what was happening in these schools were completely missed by Birmingham City Council. Even where they were not missed and they knew about

them, they did not take the action that was needed to change the conditions within which the head teachers were working.

The answer is complicated. There are weaknesses in system. Ofsted in the past, for example, would have looked much more closely at curriculum and the balance of what was going on, but that has changed. Sir Michael Wilshaw reported to you—I read the report—that he believed there was a need to think about, at least, asking the questions about, “What does the curriculum now look like?” Personally, on the evidence that I looked at, that is a very serious question to look at because if the local authorities have got diminished resources and are not able to look, in the round, at what is going on in each individual school, and if Ofsted is not doing so then each school is independently—no matter whether it is a local authority school, an academy chain or an academy standalone school—only answerable to itself. There are weaknesses in that system.

The other part of the answer to that is about governance itself. I have a concern that was revealed to me rather more radically through this process, which is that we do not focus enough on governance as an issue nationally. In particular, we do not ask the question: how should governors audit and risk assess what is going on in their own schools? There are two parts to audit and risk: one is your internal responsibility as a governing body; the other part is the external bodies like the EFA, local authorities and Ofsted. Prevention is far better than cure. My previous concern coming away from there is: how might I make recommendations to the City Council—I am not allowed to make recommendations to any other body—that suggest that audit and risk ought to be a serious part of governance activity. There ought to be people on the governing bodies who are ensuring that there is proper behaviour taking place with governors and I do not think we have thought that through.

Q204 Bill Esterson: Are your most important recommendations to Birmingham around governance then or are there others?

Ian Kershaw: There are two parts to it. One is the governance side—internal management with governance. How do we as a nation ensure that governors understand, no matter if they are an academy or a local authority school, how to ensure that they are looking at the processes of appointment, the processes of policymaking and that assessing the curriculum is properly carried out. We tend not to have on our governing bodies individuals whose sole job is to review how the governing body is behaving. We tend to think of everybody as equal and having the same role. That may not be the best way to guard against improper behaviour.

The second part is external review. I can only speak for Birmingham City Council. My recommendation is that they do need to have a tight, small group of people who are capable of going in to investigate very rapidly where concerns are raised by a head teacher, by a chair of governors or by a member of the public. Where there is a serious verifiable concern, they should be able to get their act together.

Q205 Bill Esterson: Just before I come to Mr Clarke, if I have understood what you have said, when it comes to schools, the biggest single issues is around governance where it relates to the curriculum.

Ian Kershaw: Curriculum is one issue. Finance and the proper organisation of finance is another issue because we have evidence of mismanagement there.

Q206 Bill Esterson: It is governance as a whole. Coming to you, Mr Clarke, from what you found, is the bigger issue around the cuts in resources faced by the Council or the overall culture within Birmingham, or both?

Peter Clarke: One of problems is the lack of information sharing between all the various players here. Ofsted have got a role clearly; EFA have got a role; the City Council has got a role; the Department for Education has got a role. There is an extent to which some of those roles have changed slightly as schools have changed in their nature, description, accountability and so on. It seems to me that there was and no doubt still is a distinct lack of sharing of information and intelligence in a timely way. If, for instance, Birmingham City Council, with the knowledge that they had of some of the issues that were emerging in schools—as early as December 2012, we know that they were aware of issues that were almost precisely those set out in the Trojan horse letter—had shared those fears with Ofsted, it may be that the focus of Ofsted inspections might have been slightly different and looked at slightly different issues. That is just one example. It seems that if you have got a structure that is inevitably split because of the range of agencies and departments involved, you need to make sure that information is shared in a timely and efficient manner across them.

Q207 Bill Esterson: So the recommendation to the Council is better sharing of information, particularly with Ofsted.

Peter Clarke: No, for all parts of the machinery. If intelligence is held, for instance, within the Department for Education, from their due diligence and counter-extremism division, there needs to be a way of making sure that that is shared throughout the system as well, so that when people are going into schools, they have a better idea of what perhaps they might be focusing on.

Q208 Bill Esterson: The majority of schools that you looked at are academies. Is the speed of academisation partly responsible for the reduction in oversight that has happened as a result? Is that a big part of what has happened here?

Peter Clarke: I am not quite sure if it is right to say that the majority of the schools I looked at were academies. They may have been by the end of the process, but many of them started off as maintained schools and transferred. The process is certainly something that struck me as somewhat opaque. The Golden Hillock School was a good example, where some of the governors I spoke to were taken by surprise when their new sponsor emerged over the course of the weekend, when prior to the weekend they thought it was going to be a different sponsor. I interviewed the broker as well in that case, and no-one could actually set out for me a very clear timeline of decision-making, rationale, and so on. So there is something about that process.

Also, if you are going to expand what is a small or medium-sized business, to put it that way—a single academy trust—into a multi-academy trust, that then becomes a multi-million pound enterprise. It is necessary to make sure that the people who are running that have the requisite skills, whether it be in finance, general management, HR, or whatever, to make sure that it is run properly. Certainly, given more time and potentially different powers, something I would have looked at in much more detail is financial mismanagement, which we saw evidence of in several schools.

Q209 Bill Esterson: That links back to what you were saying, Mr Kershaw, about governance. Do you have any comments to make on this point about the process of academisation and oversight?

Ian Kershaw: There are interesting questions to ask about ensuring that academy chains that are going to take over another school are fit for purpose and able to do so. I happen to be a founding trustee of an academy group, and know full well that the challenge is to make sure that if you are taking on another school, you know what the problems are on their side. Equally, it ought to be the business of the local authority and the DfE to understand whether the organisation that is being recommended as the new sponsor is fit for purpose and able to carry out its responsibilities. I should add that it is a really interesting area of the law, where the Director of Children's Services and the portfolio holder really do have responsibility for all the children in the local authority. Therefore, the interface between that role and the DfE and Ofsted seems to me to be critical. I can only speak for Birmingham City Council, but Birmingham City Council, the DfE, its EFA arm, and Ofsted have worked out how to talk to each other properly. I am just being very blunt about that. I would ascribe responsibility for that to all sides, not just to Birmingham City Council.

If the City Council is held accountable for the welfare and safeguarding of its students, and is actually responsible in law for raising standards, then they have got to be able to have a relationship with the EFA. They have got to be able to share much better the intelligence about what they know—the hard intelligence they have got, which is how schools are improving—because they use Ofsted standards as well as published data. The gap is soft intelligence about what the governance looks like, what the behaviours in the school look like, and what the relationships between the school and its parents are actually like.

That soft intelligence is really quite important, and I think that as the new role of the Regional Commissioners in that interface emerges, it is going to become quite important. I do not understand how that is going to work yet, but I suspect that several matters will need to be very carefully thought through. These include: how they relate with the regional people in Ofsted, how they relate back to the EFA, how the Department takes a view about academisation—which is its proper function—and how the local authority play its proper part in encouraging academisation under the proper process: that is, by achieving improved standards, but at the same time safeguarding everybody in the process. I think it is quite a challenge.

Q210 Bill Esterson: Does Birmingham City Council, which is the authority you are in a position to comment on, have the capacity to carry out the role you just described of overseeing and working with academies as well as maintained schools?

Ian Kershaw: If I may say, it is their duty to ensure they work with all the partners in the city. As I made clear in my report, they do not have a policy about how they intend to work with all their partners. The partners would include academy chains, free schools, and private schools. This would also include the local authority's responsibility for linking up with the DfE, etc. As a Committee, you will know more about that than I do. If you have that duty, you have got to find the means to achieve it. If you do not have a policy, you have got no chance of achieving it. My biggest criticism is we have no policy—

Q211 Chair: Are they lacking more in capability than in capacity?

Ian Kershaw: That is not for me to judge. They have to ask that question themselves.

Bill Esterson: Their school improvement staff complement has gone down from 158 to 12.

Chair: We are going to have to move on, Bill, I'm afraid.

Q212 Bill Esterson: I have got one more. Mr Clarke, in *The Guardian's* leaked draft of your report you state that "benign neglect" was used towards academies. Can I confirm whether that was in your draft? If so, why was it in the draft and not in the final version?

Peter Clarke: I believe it was in early draft. I did not write it, and it certainly was not in the final report because I did not know what it meant. I did ask the question. Obviously with reports like this, several people contribute to the drafting. It is not a phrase I recognise in terms of knowing what it means. It is as simple as that.

Chair: Thank you. I think that is clear.

Q213 Mr Ward: I want to quickly get a feel for this. On the one hand you have a small number of people doing inappropriate number of things in a tiny proportion of schools within a big authority. On the other hand, we are on a slippery slope to disaster. That is the **two scales. We have had the Education Select Committee; we have had statements in the House of Commons; we have had two experienced and illustrious people carrying out reviews; and we have had a raft of Ofsted inspections. Did what was taking place warrant all of this activity?**

Ian Kershaw: Do you mean in terms of the investigations?

Q214 Mr Ward: Yes. How serious was this that you found?

Ian Kershaw: If it was happening in one school and it was not being dealt with, I would regard it as serious. It was happening in many schools in that part of east Birmingham, so I would regard as warranted, yes.

Q215 Mr Ward: Could it have been nipped in the bud? Who would have nipped it in the bud? How early could it have been nipped in the bud and what would they have done?

Ian Kershaw: It could have been nipped in the bud in 2007. The issue is about officers of a local authority being placed into a position of being confident enough that they can confront bad behaviour no matter the perpetrator. From my knowledge, Birmingham has justifiably got very good reputation for its approach to managing its relationships with communities, and to community cohesion. I fully applaud that, but I make clear in my report that it should not override ensuring that people as individuals behave properly, no matter their context.

Q216 Mr Ward: Was this really a failure of complaint handling?

Ian Kershaw: As I make clear in the report again, complaints handling was a complete failure in Birmingham. It was not handled well. Whistleblowing was not handled well. Part of the issue was also that the speed of change that has had to happen in local authorities over the last four or five years has been quite dramatic. They perhaps have not calibrated the effect of making some of the decisions they have made. They decided as a City Council that their service for schools would only really focus its attention on those schools performing less than “good”. This was around about 140-odd schools. Therefore, all the other schools were, in a sense, ignored. They were not seen as a priority. Their resources, which had diminished, were then focused on schools where the demand was to get them better.

If you are a school that requires improvement, Ofsted now requires the local authority to have a plan. Their staffing had gone down dramatically, and yet the workload had gone up. The workload had gone up because Ofsted was demanding new work from the local authority. I do not think the local authority had recognised that that was what was happening. Their intelligence platform for good schools and outstanding schools diminished dramatically. It is quite interesting to note that some of the schools we are talking about were good and outstanding schools.

Q217 Mr Ward: The Chief Inspector heroically defended the Ofsted inspections, and the discrepancy that seemed to exist whereby two inspections within a relatively short period of time were completely different. Ian, you mentioned earlier on that if things that had been flagged up to Ofsted in advance then maybe it would have been different. Can we have some comments on the disparity between the outcomes in the Ofsted reports?

Ian Kershaw: It is very hard for me to understand, because the behaviours were being exhibited at the times of the earlier inspections. The unacceptable practices were there. I know from the evidence that I received that that was reported to Ofsted, both by some governors who were concerned about the behaviour of other governors and also by head teachers, yet it did not appear in the Ofsted reports.

Q218 Mr Ward: I want to discuss this very quickly, because you have covered this. Are there really too many bodies looking at schools now, each with their own focus but then allowing gaps between them, instead of having an overall comprehensive overview of schools? I am referring to the EFA, Ofsted, and the local authorities.

Ian Kershaw: That is well beyond my remit. If it is a personal opinion you want, I am prepared to give it. I think there is an issue for Birmingham City Council. It goes back again to this question: if they are responsible for all the children in their city, how is the City Council going to allocate its resources so that it can work with other bodies that do have a legitimate interest in improving and developing schools? How does it work with the EFA? I will just go back to that question. How does it work with the Regional Officers? I now gather you call them you call them Regional Commissioners. How is it going to work with the Regional Officers of Ofsted, all of whom have got a legitimate part to play?

Chair: I think we are repeating ourselves.

Ian Kershaw: Yes, I am repeating. Sorry.

Q219 Neil Carmichael: I want to focus on governors again. It is an important issue. This Committee has had an inquiry on the subject, and there are a number of other initiatives underway to highlight the importance of governance and to sketch out the role that governors should be playing in the future, and also the quality of governors. You have touched upon some of those subjects already. My first question is—you answered this earlier in terms of curriculum by suggesting that this was a key issue—surely governors should be thinking about the leadership of the school, and in fact the accountability and performance of the head.

Ian Kershaw: Yes.

Q220 Neil Carmichael: Do you think that that was done adequately in the schools in question?

Ian Kershaw: Plainly not in the schools that we were worried about. There were many schools where I did not have any concerns. However, there were schools where we were worried because people had not understood the difference between the head teacher leading, and being given the authority to carry on leading, the staff of the school and pupils of the school and in a sense the community, and the leadership required of the governing body, which is to set general direction and, most importantly, to set the standards that they expect to achieve for their children in the future. There is still an awful lot of learning to go on in some of those schools.

Q221 Neil Carmichael: Do you think there should be some form of statutory training or do you think that training should be done in other, more informal ways?

Ian Kershaw: It is a very difficult area. We could go on for hours with this one, couldn't we?

Chair: Not today.

Ian Kershaw: Yes, there does need to be training. The training needs to be in the context of the local authority. Not every school is at the same stage. I worry about the quality of training of chairs of governors. If the chairs are responsible for good behaviour, good conduct and governance then they do need some training.

Chair: The question was should it be mandatory?

Ian Kershaw: Mandatory? No. We are voluntary society.

Q222 Neil Carmichael: What about the quality of the chair? That is obviously an important person. There is an argument for more professionally-orientated governors: less emphasis on stakeholding, more emphasis on professionalism, competence, and skills. How would you answer that point? How would you answer that point on the recruitment of governors?

Ian Kershaw: I get involved in it, and it is a very challenging activity. There are many committed people in different walks of life that we need to attract into becoming governors. I do not think that we praise governance enough as a nation. We do not value it enough. Those of you who are sitting here who are chairs of governors just know how onerous that responsibility is. It is not a question of skill sets; it is a question of the balance of skill sets you have got inside the governing body overall. Chairmanship is a skill set that is really important. Another thing I get very worried about, both from local authority governors as well as academies, is the quality of clerking. This is a big issue, because clerking has two parts to it. One is about setting the agendas out.

Neil Carmichael: Can I ask another question?

Chair: Yes.

Q223 Neil Carmichael: You have been touching upon this throughout some of your answers. What about the accountability of governors and governance? How do you think that should be exercised? If you have got a bad governing body, an underperforming governing body or a poorly-led governing body, who should be doing something about it?

Ian Kershaw: You will find in my report that I have made a suggestion to Birmingham City Council that they should perhaps rethink, perhaps, what the role of the local authority governor is in the case of local authority schools.

Neil Carmichael: The difficulty with that answer, of course, is that it is just talking about Birmingham, and it is just talking about one or two members of the governing body. That is not enough.

Chair: Not to mention that most of the problem governors have turned out to be local-authority-appointed governors.

Q224 Neil Carmichael: We need a more comprehensive answer to that question, because it is actually at the core of the points you have been making.

Ian Kershaw: If I extend it from Birmingham, the question I will then raise is: what is the role of a local authority governor? Full stop. That is something that Parliament needs to answer, not me, but it is a proper question. Why do you have local authorities nominating governors to go on boards of governors? What is their purpose? At the moment, their purpose is the same as any other governor. Ought it to stay like that? Ought it to be that they perhaps be seen as potentially the audit and risk people? In the case of academies, it would have to be somebody else.

Chair: Having sat on a governing body myself and seen some of the local-authority-appointed governors, that is the last thing I would want to see.

Q225 Neil Carmichael: Absolutely right. I saw you nodding your head a couple of times there. Have you got anything to add to these points?

Peter Clarke: Yes. You will have seen in my report that one of my recommendations is that we need to look at the whole issue of training and potential accreditation of training. I would suggest that we need to avoid the situation that we found in Birmingham, where one of the people who had been delivering governor training was actually part of the problem and not part of the solution. We need to find a way of trying to ensure that governing bodies themselves do not become part of the problem and indulge in totally inappropriate behaviour, as some did, such as organising demonstrations against the head teacher, mounting social media campaigns against the head teacher, and demanding excessive piles of information from the head teacher. We saw this in the case of Mr Bains, where the governing body demanded that he account for every single decision he made between September and January, I think it was, which meant delivering a 300-page dossier to each member of the governing body. Governors also behaved inappropriately by seeking private meetings with Ofsted inspectors when they arrived, in a blatant attempt to try to undermine the head teacher. That sort of behaviour is the sort of thing that we need to try to make sure does not happen, both through training and then through some form of regime after.

Q226 Siobhain McDonagh: Mr Clarke, from your experience, is the DfE's Due Diligence and Counter-Extremism Division effective in safeguarding children from extremism?

Peter Clarke: If the division wants to fulfil what its title suggests it should be doing, which is due diligence and counter-extremism, it needs to improve its capacity to actually mount an investigation. I know I come from a particular background. I perhaps have slightly higher expectations about investigative capacity than is reasonable for another Government Department. I was surprised to find that actually, the Department is not well-equipped at the moment to be an investigative body and to carry out its role of ensuring due diligence around a whole range of issues. I would suggest that it needs to up its game in that respect.

Q227 Siobhain McDonagh: Is there any evidence that the Prevent strategy works when implemented in schools?

Peter Clarke: You will appreciate that it is some six years since I had anything to do with Prevent, so I am relying on what I read as much as anything else. I hear that referrals to the Channel project, for instance, have gone up immensely over the last year or so. The effectiveness of those interventions is completely beyond my knowledge at the moment. Someone else can give a better assessment of that.

Q228 Siobhain McDonagh: Do you have any opinions, Mr Kershaw?

Ian Kershaw: I have, but I will reserve them.

Q229 Siobhain McDonagh: Is the requirement to conduct a daily act of collective worship causing problems in British schools? Would it promote community cohesion if it were abolished?

Chair: That is an easy question to end with, Mr Clarke.

Ian Kershaw: Uncontroversial.

Peter Clarke: Yes, uncontroversial. It is completely beyond my sphere of knowledge or expertise, and so if you will forgive me—

Siobhain McDonagh: Go on, have a go.

Peter Clarke: All I will say is that it is clearly a subject that needs to be looked at enormously carefully in the future.

Q230 Siobhain McDonagh: Are you brave enough, Mr Kershaw?

Ian Kershaw: I am brave enough to say that it is an issue that needs to be explored. I have made some recommendations to Birmingham City Council that they should actually explore that question.

Chair: Can I thank you both for appearing before us today? More particularly, can I thank you for taking on the enormous burden of investigation in this area and, I am sure, working very long hours under a great deal of stress and pressure? I would like to thank you both for your efforts to cast light on this issue. Thank you very much indeed.

Examination of Witnesses

Witnesses: **Councillor Brigid Jones**, Cabinet Member for Children and Family Services, Birmingham City Council, and **Mr Mark Rogers**, Chief Executive for Birmingham City Council, gave evidence.

Q231 Chair: Good morning and welcome. Thank you for appearing before us today. Councillor Jones, you offered to resign as a result of the investigations into the Trojan horse allegations, but you did not go. It appears that no-one else has left the Council either. Should heads roll at Birmingham City Council, given the extent of the criticisms?

Cllr Jones: I did offer my resignation to the leader of the Council after reading the Kershaw and Clarke reports. I have been a Cabinet member for two years now in Birmingham, with responsibility for children and family services. The reason I offered that resignation is that I discovered the narrative of the last two years that was being presented to me by those reports was a different one to that which I believed I had been operating in. The leader of the Council rejected my resignation. He told me that he believed the issues had been ongoing beyond this administration, going back a long number of years. He saw me as part of the solution, rather than part of the problem. He asked me to stay on and play my part in fixing the problems that had been identified. I agreed to do so.

Q232 Chair: You were here for the last session and you know I began that session by asking about the extent to which there had been combination of fear of being seen as Islamophobic, but on the other hand also a political self-interest in not offending Muslim voters who might be voting for you. What is your take on that, Councillor Jones? It is difficult to unearth people's inner motivations. However, if fear, a refusal to do the right thing for a complex of reasons, and the leadership that is provided to officers—who are often made to look as if they are the fall guys—is at the heart of some of the problems, how do we ensure that we have a political culture that is democratic, yet is prepared to do the right thing?

Cllr Jones: The culture you refer to is something that has been identified by both reports as existing in the City Council for a number of years. Looking at the City Council as one homogenous thing is perhaps an unhelpful way to look at it. If we look at the individuals who exist in the Council and are responsible for these areas over the period of time, there has been an ever-changing cast of both politicians and of officers at all levels of the organisation.

The idea that we should not offend communities and should shy away from certain issues for that reason has certainly never been an explicit instruction given by politicians, certainly in this administration, because that would be a bizarre thing to do. Issues need looking into whatever the community is that is behind them. Obviously, when you are operating in an environment such as Birmingham with many communities living side by side, you have to be aware of things that may cause social cohesion issues. We are a city that has had social tensions before. We have had race riots in the not too distant past. We have to be aware of how those things will play out. That should be an issue as to how we handle them in the public domain, rather than what we actually do about those issues. That should be how they are being treated, but it seems to me from the reports presented that a culture has built up over a number of years amongst a huge number of individuals who have dealt with schools—an ever-changing cast of people rolling in and out of the local authority—to the contrary of that.

Q233 Chair: In terms of the political messages, ultimately the politicians set the tone. They create the culture, and the people at the top have to take responsibility. Has there been a problem in the political leadership of the Council? I know that that has not entirely been Labour; there was a Conservative-Lib Dem administration. Do you have any thoughts? Do you think it is right to say that there must have been a problem at the political level? If so, is there anything that can be done about it to ensure that we have more appropriate leadership in future?

Cllr Jones: That is a question for the different parties to address individually. In Birmingham, there was a Conservative/Liberal administration, as you alluded to, up until 2012. The Conservative party, at that time, was exclusively white, the Liberal Democrat party not so in Birmingham. We have been a Labour administration since 2012. Certainly, I can only speak for the culture within the Labour administration at that time, because I was not part of previous administrations. Certainly, within the Labour group, we have councillors from all different backgrounds within the city represented. We would never shy away from issues as a political administration because of fears of community cohesion. It is how we deal with the issues in the public domain as a political administration that matters to us.

Q234 Chair: You just said, “We would never shy away”, so are you telling me that, as far as the Labour administration are concerned, there are no issues around political leadership; it is not down to the councillors having created this sustained culture that has allowed this to happen?

Cllr Jones: A culture exists that predated this administration.

Q235 Chair: Yes, but has it been challenged by it? I am just trying to say; I am not trying to make a party-political point. In a diverse community and a large area such as Birmingham, how do we get that balance right? Have you got any thoughts on that? Is there anything we need to do; is there anything we can do to provide the political leadership that will help sort this out? Otherwise, the danger is we are going to move the furniture around, but we are not changing the fundamental culture that comes from the top. It would appear that that culture has been sustained through various administrations of all the main political parties, which would suggest that something is not going right.

Cllr Jones: A recurring theme that has come back in my job is I feel I can only fix things if I know they are broken. The issues of sensitivity around race that you are talking about were not things that became an issue or were brought to my attention until this Trojan horse episode happened. It is not something that was on my radar as something that needed fixing, to be quite honest, until a lot of the issues were brought to the fore by some of these reports.

Q236 Chair: Did any of the local councillors in the area concerned take up these issues on one side or another? What role did the local representative have?

Cllr Jones: Our local councillors at ward level have been incredibly helpful in helping manage some of the issues around Trojan horse. Obviously, a lot of the children in the schools affected have had a very difficult time, and a lot of the communities in those areas

have had a very difficult time. There has been relentless negative media coverage of them, their communities, their religion, their schools, in the press, day in and day out. They have had a very, very difficult time with that, and I have to pay tribute to the ward councillors in Birmingham of all political parties, not just Labour, who have done a stellar job in helping to reassure communities as to the extent of the problem, helping communicate with them what we have been doing about Trojan horse, helping them to find ways to make their voices heard where they have concerns about what has been happening.

Q237 Chair: So the councillors have all been marvellous, and yet somehow the Council's overall performance has been woeful. Are those two statements compatible?

Cllr Jones: As I said, we have all missed things. I missed things, and that is why I offered my resignation to the leader of the Council.

Q238 Chair: I am not just getting to what we are going to do about it. What might make things better?

Cllr Jones: The overarching message from this is that everybody had a piece of the jigsaw—councillors, council officers, head teachers and beyond—and nobody put that jigsaw together to see the big picture until far too late.

Q239 Bill Esterson: Rather than this just being about politicians, is it about the relationship between the politicians and the officers? I think you said, right at the start of your answers there, that you thought you were working in one environment, and it turned out to be a very different one. Are you and your colleagues in the administration taking steps to change the relationship with officers to address some of these issues?

Cllr Jones: Yes. When it comes to our ability—and it was alluded to in the last session by the two witnesses—to pick up on issues with schools, that has been greatly diminished over the last few years, due to budget cutbacks in the main, and also due to the changing legislation around the relationship between local authorities and schools and the introduction of academies. However, again, if I return to the core message from these reports, the core message is that everyone had a piece of the jigsaw and nobody put it together. Several of our systems within the Council were broken when it came to picking up on the signs of things going wrong, figuring out that it was part of a bigger picture and then taking action about it.

What has been important to me in the wake of the two reports is to go back and look at those systems. We have overhauled our governor-appointment process. We are in the process of overhauling our complaints process and our whistleblowing procedure for heads, making sure that we have a clear line of governance and tracking when it comes to complaints about schools that goes right up to the appropriate level—me, if it has to—and that these things get picked up at an earlier stage.

Q240 Mr Raab: I know you were there, listening to the evidence given by Mr Kershaw and Mr Clarke. Turning to you first, Mr Rogers, you made this distinction, I think,

in your evidence to the Home Affairs Committee between a narrow faith-based ideology and extremism, with the link to radical and violent extremism. We have heard from the reports, but also from the evidence from Mr Clarke and Mr Kershaw today, that there was clear practice of non-violent extremism in terms of segregation of boys and girls, anti-Christian chanting, videos of jihadists in one instance and the Park View Brotherhood WhatsApp group. Do you now accept that that is evidence of non-violent extremism in the schools, and therefore that your initial concern about the distinction has perhaps been resolved?

Mark Rogers: I certainly hold by the initial distinction. I think what the two reviews have done is provide really quite an amount of evidence to better understand that distinction.

Q241 Mr Raab: Sorry, I want to ask a very simple question. Do you accept that the very concrete acts I have just given you are examples of extremism going on in the relevant schools?

Mark Rogers: What those acts actually indicate, according to the two reports, is that they could make children vulnerable, and more vulnerable than they should be, to extremist influences. I am really clear from the Clarke report—Peter Clarke says unequivocally—that some of the people who have had the finger pointed at them have themselves held or espoused, or are linked to people who hold and espouse, extremist views.

Q242 Mr Raab: What I am trying to get to—and we have talked a lot about accountability and righting wrongs—is whether you actually accept now that this is extremist activity. You seem to be bending over backwards not to.

Mark Rogers: If somebody is going to redefine “extremist”, as in the Prevent definition of “extremism”, then I will incorporate non-violent extremism in that definition but, presently, it is not the definition that I have been working to.

Q243 Mr Raab: I accept this is not violent extremism, but do you accept that these are extreme views that have no place in schools?

Mark Rogers: They are extreme views and they have no place in schools, absolutely.

Mr Raab: Do you agree, Councillor Jones?

Cllr Jones: Absolutely.

Q244 Mr Raab: The second element that we heard in terms of the evidence from Mr Kershaw and Mr Clarke was on the whole issue of whether there was a plot, and Mr Clarke gave quite a detailed explanation of why he did not feel he had enough evidence to say it was a plot in criminal legislative terms. Mr Kershaw used the word “coalescing”—people had been coalescing with a common aim—and Mr Clarke used the word “coordination”. Do you accept that it was systematic in the way that both of those described it? I did not, by the end of their evidence, think there was that much between them.

Mark Rogers: As a Council, we accepted both reports, so we accept all the words that you have used. Peter Clarke is probably a little stronger than Ian Kershaw on this. He actually

talks about “coordinated, deliberate and sustained”, and we are happy to use all of those words and accept they do describe what has been going on. Like Peter Clarke’s answer to you earlier, the emotiveness of language of “plots” and “conspiracies” is not the way I would like to go, because the emotiveness itself is a distraction from the issues.

Q245 Mr Raab: That is not what he said. He said that he did not have evidence to satisfy the criminal definition, but that is useful. Councillor Jones, do you also accept that this was a systematic practice, rather than isolated incidences, in the ways that Mr Clarke and Mr Kershaw have defined here today?

Cllr Jones: As Mark, yes.

Q246 Mr Raab: Do you also agree or accept that what is interesting is that both indicated that, if not checked, if not unearthed and remedied, these systemic practices—my words, but trying to draw together what they said—would have got worse in the future; this was not something that was going to go away; this problem would have swelled?

Cllr Jones: Yes, left unchecked, it had the potential to carry on going.

Q247 Mr Raab: Mr Rogers, is that your view as well?

Mark Rogers: Yes, I think that is a reasonable conjecture. We have seen a little of evidence of these connected people intending to be more widely active, have we not? So, as the councillor said, unchecked, there may well have been more schools in which these people were interested in bringing their influence.

Q248 Mr Raab: What worries me a little bit, looking at this, Councillor Jones, is that it was systematic behaviour; it was coalescing and coordinating; it was clearly going to get worse, and yet, in your words, it was not even on your radar. If you are, from whatever faith or whatever part of the community, a member of the public listening to that, how much faith do you think they can have in your ability to change this, put it right, in your words?

Cllr Jones: The same amount of faith they can have in my ability to change most things about schools. We work in a fragmented system. As lead member for children, I have responsibility, as was stated earlier, for all the children in the local authority. My powers to do things about that in certain schools—academies, free schools, independent schools—are greatly limited. My ability to know the whole picture about what is going on in all our schools is greatly limited, because of the lack of information-sharing that has been identified and talked about in the last session between Ofsted, the DfE and the local authority. I have powers to do things in certain schools, to a limited extent, and, where I have tried to use those in the past, I have been overruled by the DfE. I think the public can have as much confidence in this matter as they have in all others.

Q249 Mr Raab: Are there any instances of you being overruled by the DfE in the parameters or remit of the kind of malpractice we are talking about here, or are you talking about something else?

Cllr Jones: That particular one relates to a Trojan horse-related school, yes.

Q250 Mr Raab: And extremist-related activity going on?

Cllr Jones: We attempted to put in an interim executive board in a school linked to the Trojan horse allegations several months ago, and our request to do so was turned down by the Department for Education. There is now an interim executive board in there, some months later, after we appealed that.

Q251 Chair: Which school was that?

Cllr Jones: Al-Hijrah School.

Q252 Alex Cunningham: What was the reason given for refusing your request to put in an interim board?

Cllr Jones: The school had exceptionally good results. I think that was seen as in the school's favour, and they did not think our case was strong enough to warrant the removal of the governing body. They have clearly changed their position, because they have subsequently granted us an IEB.

Q253 Mr Raab: Councillor, I am now confused. You have said that one of the reasons the average constituent in Birmingham can have faith in your ability to put things right is because of your wider track record, and you have given an example of where you have been stopped from doing something by the DfE, but, earlier, you said that these practices were not even on your radar.

Cllr Jones: The big Trojan horse picture that is presented to us by the Clarke report and the Kershaw report is not the picture that I had over the last two years I have been in this job.

Q254 Mr Raab: So why did you want to change the board in that particular case?

Cllr Jones: Elements of the Trojan horse issues have been on my radar, but the bigger picture that they were part of was not something I had appreciated was there.

Q255 Mr Raab: Can you tell this Committee, in summary form obviously, for illustrative purposes, what elements you were aware of? For example, in this case, you applied for an interim board. What sparked your concerns?

Cllr Jones: In the particular case of Al-Hijrah School, we applied for an interim executive board because we were very concerned about the actions of the governing body; we were concerned about the severe deficit the school had got itself into—

Mr Raab: Those are financial things, but what about on the extremist or the—

Cllr Jones: —and where that money might be going. I cannot comment further on that, because we have an investigation ongoing.

Mr Raab: Right.

Cllr Jones: When it comes to Al-Hijrah School, we have serious concerns over the conduct of governors, because many of the behaviours that have been criticised by the two reports have been exemplified by those governors. We have severe concerns about the way they were running the school, the way they were completely overstepping the acceptable mark of what a governor should be doing, and some financial irregularities within the school as well.

Q256 Chair: Do you have any suspicion that the misuse of monies could have led to those monies being used for—we will use the Prevent definition of “extremism”—the purposes of supporting extremism?

Cllr Jones: The school has a rent agreement with a trust, and we know that money goes to that trust. As to what the trust does with the money, that is subject to investigation.

Q257 Chair: Do you have suspicions that it could be being used for that purpose?

Cllr Jones: I think it would be inappropriate for me to comment further on that matter until the investigation is complete.

Q258 Chair: So you will not rule that out today either.

Cllr Jones: I think it would be inappropriate for me to comment on that further, I am afraid, while it is being investigated.

Q259 Alex Cunningham: Is it a criminal investigation? Is it a police investigation?

Cllr Jones: At this point in time, it is an investigation the local authority is carrying out. We now have an interim executive board in the school, and of course more access to financial records. We are carrying out a retrospective investigation to find out what had been happening with finances in the time before we entered the school.

Q260 Alex Cunningham: There is a potential for the police to be involved.

Cllr Jones: If we find anything criminal, it will be referred to the police.

Q261 Mr Ward: Ofsted and the Chief Inspector were critical of the authority for the support given to schools for the delivery of the Prevent strategy. His own comment says, “A number of school leaders said that they had not been supported by the local authority in their

efforts to keep pupils safe from the potential risks of radicalisation and extremism.” Do you think that is fair, and, if it is fair, what is being done in terms of the support for the Prevent strategy now?

Mark Rogers: I do not think it is the only analysis. Some of the issues that we have seen in the schools meant that Prevent would have been ineffectual. It does not mean that Prevent itself is ineffectual. What I mean by that is, effectively, we have a small number of people who have sought to do things very deliberately and over a sustained period of time in a very calculated way. Prevent is not designed to ameliorate or mitigate that, so my view about Prevent is, generally, Birmingham has delivered the education elements of that programme reasonably well; schools have participated in it, according to our records, systematically, but its impact is not designed to tackle these issues of governance that have arisen. Its impact is to literally raise awareness of what Prevent is about and to ensure that those issues that can lead to radicalisation and violent extremism are nipped in the bud, so it is not a governance tool.

Q262 Mr Ward: You refer to the designated senior practitioner—DSP—training and the fact that all 21 schools that were inspected had DSPs and that training had taken place. Are you saying that that training in itself would not have been able to prevent some of the things happening that took place?

Mark Rogers: I want to make a very clear distinction. I think that the Prevent training will have helped, although we do not have either a quantitative or a qualitative analysis of this, in its primary function of raising the issues associated with radicalisation by extremism, so I think it will have fulfilled its purpose. As I have just said, it is not a tool for looking into and gaining insight about governance of schools. It is absolutely not for that. It is something that is delivered to pupils and staff in order to improve their understanding of violent extremism.

Q263 Mr Ward: I come back, Councillor, to your radar. You also referred to one of the problems being people having different pieces of the jigsaw. What was quite disturbing from the first session was what appeared to be, though there was no evidence of threatening behaviour or intimidation, clear evidence of many people having lots of pieces of the jigsaw, but who were fearful of bringing these out into the open to enable it to all be assembled. Do you recognise this is a climate or culture within the authority?

Cllr Jones: I do recognise some of the concerns that head teachers have, because they have expressed those to me as well. I know that people were afraid of coming to the reviews, the Clarke review in particular, because, as was alluded to earlier, they were afraid that Ofsted would turn up on their doorstep the moment that they spoke out.

Q264 Mr Ward: Certainly, and the fear of prompting an Ofsted inspection was mentioned earlier by Mr Kershaw I believe. Is that the fear we are talking about? We are not talking about others within the community, actions that may be taken and bricks through windows. What are we talking about?

Cllr Jones: There are some head teachers who had a very difficult personal time in dealing with governors; they live near or in the communities that they work in, and there are

people that have had a very, very difficult personal time in dealing with some of the issues here, and they have been afraid to speak out. I have encouraged them to do so, and we had a long debate with the NAHT about the difference between people coming forward anonymously and the report being anonymised. Whilst I gave every reassurance that certainly the Kershaw report would be anonymised and that no traceable details would go into the public domain, we of course needed people to give their names so we could verify it was good evidence. Head teachers are afraid. A lot of them have been through a lot. They are still in contact with people that they have had difficult experiences with in the past.

Q265 Chair: Such as? Can you bring that alive for us?

Cllr Jones: The reports outline some of the ongoing relationships between chairs of governors and the harassment and bullying that they have given to head teachers. For some head teachers, this has intruded into their personal lives. It has meant evenings, weekends, being spent with governors, with communities, going through some of these issues, way above and beyond what we would expect them to do. Some of them live locally.

Q266 Chair: How widespread is that? How many people are in that kind of pressured situation?

Cllr Jones: The reports give an outline of the schools where they perceived there to be issues or where they have found evidence of those issues.

Q267 Chair: I know that. I wondered, as you have the overriding responsibility for all the schools in Birmingham, do you have any sense—?

Cllr Jones: I have 439 schools in Birmingham.

Q268 Chair: How widespread do you believe this problem is? I know we only have the narrow picture we get from these reports.

Cllr Jones: 21 of those were investigated as part of the Ofsted Trojan horse allegations. We are talking about five that were found to have serious issues that are current in time. Of those, it is a handful. We are talking three or four, to my knowledge, that have come to me with that. If there are more out there, they have not brought that to me.

Q269 Mr Ward: Can I ask you whether, in your experience—and this really comes from my experience of Bradford—the justification for what was taking place, although it seems to have been deemed to be religious, was often stated as being for educational purposes, the view being that only by doing what was attempted to be done could educational attainment of the children within those schools be enhanced and supported?

Mark Rogers: It is not a binary agenda, is it? I think both things were happening. It is really important to recognise that some of these schools, in the past, in the mid-1990s in

particular, were failing schools, frankly—failing the children, failing the community—and, by any definition, including Ofsted’s, inadequate. It is absolutely appropriate that improvements were made to the quality of teaching and learning and that children started to get better results, but also how that was achieved in some of the schools in east Birmingham has absolutely now been evidenced as wrong. The way they went about that was just utterly inappropriate and cannot be condoned.

It is really important that we do not make this that you either have improvement or you have something else. It is really clear that you can have both things going on at the same time. One of the dilemmas for our communities now is that one of these schools in particular has been lauded as the most effective school in its category, frankly, and now it has a label of special measures against it because of other issues. What it tells us very clearly is at your peril do you have a one-dimensional view of the success of schools.

Q270 Alex Cunningham: Have the Council’s objections to the appointment of Peter Clarke actually been borne out by the conduct of his inquiry or his report?

Cllr Jones: No. What has been borne out is our concern as to how that would play out in the community. We have never had concerns about the manner in which Peter Clarke might undertake his report, his personal integrity or his professional experience. We have never had concerns about that. What concerned us was the message it sent to communities that somebody with a strong counterterrorism background was being sent in, and also the message it gave to head teachers that we were not having a joint inquiry with the local authority.

Q271 Alex Cunningham: And that is something that you would subscribe to.

Mark Rogers: Absolutely. Not on the record, but I have said on many occasions that the experience that Peter Clarke has is invaluable to us. As you heard earlier, I was asked about defining “extremism”. Well, we actually had somebody on site with important real-life experience of that. It was the presentational side of things that we were most concerned with, rather than the fact of that experience, which, frankly, as an officer of the Council, I found invaluable, knowing that we had somebody we could rely on to understand the distinctions.

Q272 Alex Cunningham: That’s fine; we can leave that there. Was there a real value in having so many investigations? There were four investigations, all running in parallel, some of them having very different witnesses with very different remits, in some ways.

Cllr Jones: No. The local authority had hoped to conduct an inquiry that was joint between us, the Department for Education and Ofsted, and DCLG were also involved in those discussions. The reason we had hoped to do so is obviously everyone has a different piece of the jigsaw, to keep returning to that analogy.

Q273 Alex Cunningham: Why were you not content that, with Ofsted and the Clarke investigations, the necessary ground would be covered?

Cllr Jones: The necessary ground has probably been covered between them. We had hoped to have a joint inquiry, and we were on the cards to agree a chair for the joint inquiry, right up to the last minute. At the 11th hour, the former Secretary of State decided it would not be a joint inquiry, and announced the appointment of Peter Clarke to conduct a separate inquiry. He then decided to instruct Ofsted to inspect the schools separately. They then decided themselves to write an advice note to the Secretary of State with their findings in it, and that is what led to the three separate ones. Up until the last minute, we had been working with them to hold a joint one, but the former Secretary of State disagreed.

Q274 Alex Cunningham: It must have cost quite a lot of money. How much did it cost, and was it really worth the amount of money the Council spent on the inquiry?

Cllr Jones: It cost around £500,000 to conduct the Kershaw inquiry.

Q275 Alex Cunningham: Was that proportionate to the scale of the problems that covered a small number of schools?

Cllr Jones: We had to get to the bottom of what the issue was. We could have achieved a cheaper and more streamlined inquiry had we had one inquiry rather than the three disparate ones, certainly, so it is very disappointing we did not end up with that.

Q276 Alex Cunningham: A final one from me for the moment: what efforts is the Council now making to improve its relations with all the communities in Birmingham?

Cllr Jones: Communities have had a very tough time in Birmingham throughout Trojan horse. There is no doubt about that. We have had schoolchildren going into school in parts of the city and having TV cameras shoved in their face, literally, as they cross the gate, morning after morning, and that has taken its toll on young people and with our communities. The Putting Birmingham School Kids First initiative, after the two reports were published, brought together a number of key people across the city, was held in the east of Birmingham and was a great line in the sand for communities to accept what had happened and start looking to the future, about what we can do. Ultimately, they have to have confidence in the local authority and other bodies that this kind of thing will not happen again.

Q277 Alex Cunningham: Is it working?

Cllr Jones: Well, we have fully accepted the recommendations from all the reports, and we are looking to put those in place. We have already overhauled our governor-appointment system, we have overhauled our whistleblowing processes and we are working to rebuild the relationship with schools across the city.

Q278 Siobhain McDonagh: To follow up on that question, Mr Rogers, you are the chief officer of the second biggest city in the UK, and there are many diverse communities in your city. Given your experience, do you think that you should now allow the Ahmadiyya Muslim community to join your Standing Advisory Council on Religious Education, a religious grouping of approximately 2,000 people who are currently being refused a representative on that committee because they have the audacity to define themselves as Muslim?

Mark Rogers: That is not a question for me to answer, is it? I think SACRE needs to respond as to its position on that. I have not been privy to its decision-making, and I am not a member of SACRE, so I note your concern and will take that back with me. In general terms, we are and wish to continue to be a city that is inclusive. As long as individuals and groups are clear that that requires tolerance of the views of others to allow respect for their own, then I would seek to promote that line. I have not been directly involved in the specific issue that you raise.

Q279 Siobhain McDonagh: Councillor Jones, I know that we have had a conversation in the past, and I hold my hat up to you for taking on the role and job you do. I can only imagine how tough it must be and to be a young woman in that environment. I have no desire to be anything but supportive, but this is a longstanding issue; it does not just relate to Labour; it relates to the previous Conservative administration as well. I suspect from your name you might share my religious background. I will have nobody tell me whether I can call myself a Roman Catholic or not, and I think other religious groups should be able to call themselves what they wish as well, and that should not exclude them from a committee.

Cllr Jones: I think you are entirely right. SACRE itself has done a bit of soul-searching in the wake of the Trojan horse issues, because they themselves have some recommendations and implications from this. We will be working with the chair of SACRE in the wake of this to relook at the role of SACRE, whether it has the right composition for Birmingham, whether we have the right religious composition. Are we actually getting true representatives from those communities? Something I have been very keen to push on SACRE in the past is gender balance from different religious communities represented on SACRE. We will be having a look at the composition and operation of it in the wake of this, to make sure it is fit for modern Birmingham.

Q280 Siobhain McDonagh: Do you think out of this whole terrible experience some good things might happen?

Cllr Jones: I certainly hope so, because otherwise what was the point?

Q281 Siobhain McDonagh: In the light of the Kershaw and Clarke reports, do you now accept Ofsted's criticism as fair?

Mark Rogers: Could you be more specific? Which bit of their criticism?

Siobhain McDonagh: Their general criticism of the way you deal with complaints and concerns.

Mark Rogers: I thought you were going to refer to the fact that they see us as a useless council. My concerns about Ofsted remain, for a number of reasons. We touched on one of them earlier, which is that they do not play in partnership, so one of the things that we are lacking is information exchange and collaboration across these issues, which would have added value not only to our own thinking and work but to that of the two investigations as well. I am concerned that there appears to be a misunderstanding about their independence of judgment also meaning that they cannot play nicely with other partners, or, in our case, at all. As a result, their findings are somewhat the poorer, because they are not as deeply informed as they might be.

Secondly, I have not received an answer to the question about their mobilisation around this issue and the extent to which they were able to draw on the depth and breadth of expertise to inspect the issues that they then went and looked specifically into at the 21 schools. That is not because I claim to have that expertise, strength and depth, or necessarily others, but the speed at which those inspections were commissioned implies strongly that there must have been some really rapid mobilisation, and hopefully some rapid training, but I never received reassurance about either, and nor have our schools. Therefore, I am not entirely sure just how much insight could be brought at such speed through those inspections, which is why I am much more comfortable with both Mr Kershaw's and Mr Clarke's reports, which, while still conducted at speed, were not conducted at haste.

Cllr Jones: If I might elaborate on that, it is hard for us to know exactly what the full extent of Ofsted's concerns about Birmingham is. The reason I say that is that Ofsted have provided 21 inspection reports on 21 schools and an overarching advice note to the former Secretary of State about those concerns. In an effort to put together an action plan for correcting the concerns about the local authority and some of the concerns about schools, we cross-referenced all of the things raised in the overarching note with the 21 to understand where they sat. For some of those concerns, we could find evidence maybe only in one school that was mentioned explicitly in that school's corresponding Ofsted report, and, for some, we could not find evidence mentioned at all in the Ofsted report. We have requested the information that led to those concerns being put into the advice note, and are still waiting to hear that.

We are ignorant at this point in time as to their full extent, because, as Mark said, the information-sharing between them and us is still poor. It is very hard to have a partnership relationship with them when their behaviour towards Birmingham is so extraordinary. My officers have attempted to have meetings with Ofsted throughout the Trojan horse episode, and they have attempted to have sit-down meetings with local HMIs to talk about the issues. On two occasions, those have been gate-crashed by Her Majesty's Chief Inspector turning up unannounced at those meetings, putting his own agenda in place and using them as opportunities to question the local authority rather than have the partnership meetings we had hoped to have with them to move this agenda forward. It is very difficult to have true partnership-working when HMCI is operating in that way with the city. I regret that, because that has a knock-on effect for the children of Birmingham. I am very much hoping that is a relationship we can mend in the future.

Q282 Siobhain McDonagh: Why did the Council not listen to its own head teachers? How can you ensure that this does not happen again?

Mark Rogers: It is a complex set of issues, isn't it, that the reports set out? Remarkable though it is, to me even, we had people who did not see patterns where patterns should have been seen. They just did not see them. I think some of what they were coming across, therefore, was outwith their experiences.

Q283 Siobhain McDonagh: Is it because your authority is too big?

Mark Rogers: If you ask anyone from Birmingham City Council the size question, we will always say to you it is the wrong question. Size is not where you start; you start with: do you have the right people to do the right things every single day of the week? Size does not seem to matter so much in Essex; they sorted themselves out. Size does not matter that much in Chicago, it seems to me, our twin city. The issue is: have you got the capability in the leadership to make the right things happen, frankly?

Q284 Bill Esterson: Have you?

Mark Rogers: We are getting there, actually. We are getting there, but, again, let's be frank; that is what you want us to be, I am sure. We have not had all the strength and depth we have needed; otherwise, we would not be sitting here today, would we? That is coming into play, and one of the most important things for me, as I am now only a relative newcomer to the city so am becoming part of its solution as opposed to an interested newcomer, is that this whole episode—let's call it an episode—has done one really important thing: it has starting to deliver the understanding that I do not think anybody really had. We were discussing this on the way up this morning. In many ways, there have been lots of pieces of the jigsaw, some of them around for quite a number of years.

Sorry to package it up in this way, but we described the Trojan horse document as almost the complete picture on the box. We found that the value of that document, of itself, was that it started the assembly of all those things that people, within both the Council and the community, had not previously put together. Now that we have that insight, now we understand why some of these things have been happening—although I still do not think we all fully understand why all of them have happened; we have some of the symptoms sorted out, but we have not necessarily got all of the causes sorted out—at least we have that added insight, and now this is not outwith our experience. I do not think Birmingham will ever again misunderstand the serial bullying, intimidation or harassment of heads and other senior staff in the future, because of what has happened over a number of years but has now been revealed to us in the last three or four months.

That is actually really important, about, again, having some confidence in Councillor Jones, I guess in me, and in others in the City Council to move this forward. In a sense, some scales have fallen off our eyes during this process and we can see much more clearly than we had previously about what has been going on and therefore what you do about it.

Q285 Chair: But, even after these reports, the oversight of schools in Birmingham looks positively stellar compared to the management of your child protection system. In the light of Rotherham and conversations about not putting pieces of the jigsaw together, and in the light of Keira Ishaq and innumerable, sadly, other cases, what confidence can the public have that you will be able to improve your child protection system and not struggle with the same issues of fear of causing offence affecting social cohesion? It is one thing to allow political calculation and moral cowardice to get in the way of the effective education of small children in schools; it is an even worse thing to allow the abuse of children. Can you comment briefly on that, Mr Rogers?

Mark Rogers: Yes, of course. You will know that Lord Norman Warner has been appointed as a safeguarding commissioner to the city. What he has reported, both to the previous and present Secretary of State, is that the conditions are now present to give the public a qualified confidence that the city has the leadership to change the situation in safeguarding. The reason it is a qualified confidence is that we now have to deliver those changes, but an important step has been taken with Lord Norman Warner's challenge, by bringing together the leader and the lead member, the director and myself, as the team that is responsible for the single improvement plan and its delivery.

At this stage, I am really clear that what Norman Warner is saying is preconditions have now been established. The programme we have ahead of us is to deliver and sustain the change, hence the qualified confidence in us. The public and others will only have full confidence in us when that three-year improvement programme is delivered and we do not go backwards at the end of it. I would suggest—and you will judge, won't you?—that you should therefore come to have the same qualified confidence in the same four people around the education agenda, because we have also agreed that it is that quartet, as it is slightly oddly called, that will lead and oversee the change in education as well.

Q286 Chair: If this three-year programme of improvement fails, would the political forces in Birmingham see then the need for a change, or would we get the same rehearsal of the fact that, if they can do it in Essex and Chicago, we should just carry on with a structure that has failed, failed and failed again?

Mark Rogers: I think we are clear that it will not take three years to know whether or not we are succeeding or failing, actually, so I think the signals will be conveyed by Norman Warner much, much earlier than that.

Q287 Alex Cunningham: Ian Kershaw recommended that Birmingham City Council, with its partners, could consider leading a debate in the world about the requirements for secular schools to provide a daily act of collective worship in schools, and the fact that it should be wholly or mainly of a broadly Christian character. Is Birmingham City Council willing to take this on? This is not about Birmingham; this is about the nation as a whole. Is Birmingham prepared to lead on a debate on the place of religion in schools, or is it too hot to handle?

Cllr Jones: Personally, I think it is a debate we ought to be having nationally, because it is a national piece of legislation. It has been recommended for Birmingham to do it.

Birmingham would be an incredibly appropriate place to do it, in some respects, because we are the most diverse city in the UK.

Q288 Alex Cunningham: Should it be on our agenda rather than yours, then? Is that what you suggest?

Cllr Jones: You will have the full spectrum of views represented in Birmingham. It is certainly not a debate I want to shy away from, but it is one we really ought to have nationally in 2014 in modern Britain.

Q289 Alex Cunningham: Is the Government right to focus on the promotion of British values in schools?

Cllr Jones: We have to get right what British values are. The British values that have been put forward by the Prime Minister at present for consultation are very good values—I cannot argue with that—but, to me, there is nothing inherently particularly British about them. They are values shared by an awful lot of countries around the globe, and it would be arrogant of Britain to suggest that they are specific to us. There is a difference between values and culture, and what is part of values and what is part of culture. The values debate seems to be one we have had very quickly in the wake of Trojan horse, and one that, if it is a route we are going to go down, requires a much longer piece of national thought.

Mark Rogers: Sorry, Chair, can I be almost impertinent, if you don't mind? On values and culture, one of the things we are thinking about in Birmingham, which relates to both, but is also different, is the extent to which schools themselves should reflect their communities. We think that one of the really important questions is that one. We respect that Ian Kershaw has made his suggestion about the role of faith in schools, but that is a single dimension. What we have seen, albeit inappropriately conducted, is an attempt to reflect elements of communities, at least, in schools, in a way that we now say is inappropriate.

That seems to be a much more important question, which is the extent to which schools are a national systems, or whether they have a degree of flex in respect of the communities they serve. Again, I do not have the answers, but we think that is a tremendously important question, because then it is a citywide question, and then it is a national question; it is not about Pakistani Muslim communities and the schools that serve them.

Cllr Jones: There is also the extent to which faith schools are able to do certain things. Some behaviours and some things have been referenced as happening in secular state schools that are inappropriate because of their secular nature. I would argue some of those things would be inappropriate in any school, whatever its nature, if it is state funded, so there is a wider debate to be had about that as well.

Q290 Alex Cunningham: The final question is related to what you have already said, but also the curriculum. Do you agree that a new graded Ofsted judgment on the wider curriculum would be helpful? If so, what criteria would you recommend?

Cllr Jones: It would be useful for Ofsted to look at the curriculum, because one of the reasons I believe Ofsted missed some of the signs of things going wrong in these schools is that they do not do an in-depth inspection in that area.

Chair: Point of agreement with Sir Michael.

Q291 Bill Esterson: You both talked about the fragmented nature of the system, but, Councillor Jones, you mentioned your responsibility for all the children within the city, yet the difficulty in putting that into practice. What changes would you like to see to the oversight of schools to enable you to deliver on that responsibility?

Cllr Jones: The big question that the former Secretary of State left unanswered when he left office was the question of the middle tier, and that is a question we have got to sort out. We have a wildly inequitable system at the moment, whereby I have certain responsibilities for all schools; I have powers to do things about some of them, and no powers to do things about others. The new role of the regional schools commissioner and its interaction with local authorities needs to be better defined. In essence, we need one coherent middle tier to exist for schools at a local level. I am not calling for a return to the old days of the LEA, because that was not right, but we need a modern middle tier for all schools that works, with clear democratic accountability for that.

Bill Esterson: Mr Rogers?

Mark Rogers: I concur. I think you like illustration, so, just to illustrate, the Department is entitled to send a representative to attend every governing body meeting that an academy holds, but it is clearly unable to do so for capacity reasons. If you then contrast that with other schools, where, at least in theory and often in practice, it is possible for a whole range of other kinds of governors, including local authority ones, to attend every single governing body, you can see that, in terms of the checks and balances, there is a discrepancy there that just needs to be reconsidered, frankly. That is just one small example of a system where roles and responsibilities are different; they are not well understood, and, frankly, in those situations, as you have seen, things can fall apart.

We do not want to make any distinction around governance, because we are more concerned with children, but it is the case that the EFA found, in respect of Oldknow School, that, latterly, during its academisation, some of the issues deteriorated more rapidly than they had previously been deteriorating. I am being fair about this, but they deteriorated more rapidly, and the inference was that the less frequent opportunities to scrutinise the governance of that school were a contributory factor, so we need to open the system back up and have that understanding about how the middle tier is going to operate; otherwise, we will simply have gaps in it. In those places that are not very good—and we intend not to be in that category anymore—sometimes those gaps will be seen as opportunities to blame other bodies, rather than opportunities to close the gap.

Q292 Bill Esterson: So the speed of academisation, as we talked about in the previous session, is a concern that comes out of some of what we—

Mark Rogers: I know you were just nodding your head there. I do not disagree with the speed of academisation. It is that all the things that need to be attended to when academisation is being executed at speed have not been attended to. I am talking as an officer here, not politically. If I am responsible for ensuring that national policy is done in Birmingham, and that schools that wish to do academise, fine, but, if that is conducted at such a pace that some of the issues—and I have just described a couple of them to you—are not properly considered, then that is the problem, not the speed. If you can tackle everything at speed, then we will carry on going at speed, but it seems to me that some things have been, probably unintendedly, neglected during this accelerated period of academisation.

Q293 Mr Ward: It takes a long time, often, to put a school right, but it can deteriorate very quickly. You must have been surprised, though, at the difference between the Ofsted inspections within a short space of time.

Cllr Jones: Very surprised.

Q294 Mr Ward: Without wishing to put words in your mouth, do you think Ofsted came in with an agenda?

Cllr Jones: There are only three things that can explain the rapid deterioration in those results: there has been actual deterioration in schools that quickly, which, I have to be honest, I think is unlikely; the goalposts have changed—and Ofsted have stuck to the same framework throughout this; or the inspectors either have missed things or are, as individuals, looking for different things. I do not know which of the two it is. Did they miss things that they should have seen before, or were they actively looking for different things when they went into those schools?

Q295 Mr Ward: The response from Sir Michael was that, “If we had known certain things before we came in, then we would have looked at different things.”

Cllr Jones: It is very clear that preventing extremism has not been mentioned in any Ofsted reports in Birmingham prior to the 21 inspections on Trojan horse. That is not something that has been mentioned. As such, I infer that that is not something they were looking for previously, or I presume they would have taken the time to mention it in their reports. I can only infer that, yes, there has been a clear agenda from Ofsted to look for those things in schools. I think they must have been looking for different things; that is the only way to explain the rapid deterioration.

Q296 Mr Ward: We have covered the issue of governors, really, but my background is training, and there were some people that I attempted to train who were not trainable. Was this thing capable of being dealt with by either different forms of composition of the governing body, different people brought in, or through training?

Mark Rogers: I do not believe in single solutions, actually. There are a number of things that have to happen to keep the system safe. That is probably why we literally refer to

“checks and balances” in the plural. Training is clearly important. I have my sights firmly reset on the importance of the role of the clerk and the chair. I see the clerk almost as the equivalent of the local authority monitoring officer. I see the chair as a role that should be professionalised, and there is a debate to be had about remuneration. The clerk should be paid, by the way, in my view, which they almost always are.

So there is training; there is then the professionalisation of the running of the governance system, but there are all the other things we have been talking about too. There is just the need to understand how things can go wrong. We are not here about Rotherham; at least, I am grateful I am not here about Rotherham, but we have just had, in recent days, a controversy, a significant characteristic of which is a lack of understanding about why things go wrong. In Birmingham, we are really keen to understand not just, as I say, the symptoms, but the causes of some of these things, which is why I am back to questions like: are we going to take account of communities in the way schools look and feel or not? These are the sorts of other issues that we need to get to. Again, I have a view, which you may just not like, but we can deal with the technical side of things quite quickly. We can change our governor-recruitment procedures; we can have new forms of training and that kind of stuff.

Q297 Chair: You are doing that this month, aren't you?

Mark Rogers: We are, and we need to do that, because it is not either/or, but we need to get to the deeper cultural things. We need to understand why people feel the need to do these things in these ways, and, clearly, create different ways of effectively changing schools and people feeling they need to subvert and go around the back door, frankly. That is a cultural piece. That is where civic leadership from local authorities and others come in for me, so let's not just do training.

Q298 Bill Esterson: You have started talking about culture, and I think this is really crucial. In local authorities around the country, where I talk to people, there is often—not always—a lack of trust or belief that people will be taken seriously, at lower levels, particularly, in an organisation or people working with an organisation, say in schools. It touches on the child protection point about Rotherham as well as this inquiry. You are the President of SOLACE. Is this a very much wider issue around the culture in local authorities where there needs to be an improvement in trust so that people want to come forward and we do not have the situation we described at the start where politicians have one understanding of what is happening, and the reality is very, very different? That is about communication, trust and culture.

Mark Rogers: The short answer is “yes”. Clearly, it is a very challenging issue to start to shift cultural values. You have clearly done your homework on me. You might therefore have seen that I have been quite clear recently that, just as we have tackled domestic violence in the last 15 years in a way that, before that, we did not even want to think about, so, with some of these other issues that are now coming about—child sexual exploitation, potentially the subversion of governance in schools—they all require what I would consider to be cultural solutions as well as technical solutions. We are clear in Birmingham, particularly from Ian Kershaw, that a factor—not a sole factor—in people's behaviour was a fear of allegations of racism or Islamophobia. That is in the culture. That

must be in the culture. If people are to behave in a way that stops them doing the right thing through those fears, that is cultural. We have to tackle cultural stuff, and, whilst we have argued strongly for some re-examination of the middle tier, which I consider will be helpful, frankly, the longer-term underpinnings of change, and therefore trust and confidence, come from those cultural pieces, not from those technical pieces.

Q299 Chair: Just on the issue of governance, what is the percentage of vacancies for governors in Birmingham at the moment?

Cllr Jones: It is around about a fifth.

Q300 Chair: 20%, okay. Do you think new framework you are using as of this month will increase take-up? One of the issues is that we say there is a failing of governance; we raise the hurdles for governance; if we do not get it right, we may end up with even fewer governors, which has its own problems.

Cllr Jones: There is no doubt we are raising the bar, and I make no apology for that. It certainly had to be done. We are hoping what we will do by raising the bar is attract a higher calibre of governor and widen the field of people that think about becoming a governor. The information we are now giving people about the expectations on them and the training when they sign up are now going to be comparable to other charities and trusts, and we have worked with the National Governance Association to make sure they are of a proper standard. We are just trying to bring the role and status of governors up to what it really ought to be. We are hoping that, by doing so, we will attract people that perhaps have not thought it was for them.

Q301 Chair: In terms of further exploring perverse outcomes, one of the things that has been identified in the various reports is inappropriate behaviour by governors, bullying head teachers. A head teacher who is underperforming will typically think he is being bullied when he is challenged effectively by a governing body doing exactly what they are there to do. How do we get that balance right and not end up with a perverse outcome where, across the waste swathe of schools in Birmingham, where there is no such current problem, we have chairs of governors walking on eggshells for fear that the head teacher goes rushing off to some newly appointed helpline, which acts with amazing speed and seriousness, and thus actually makes governors fail to do what they are there to do, which is challenge head teachers, in often maybe an uncomfortable way?

Cllr Jones: That is actually something that was not made explicit in the two reports, but I do think has been happening culturally. Quite often, authority officers have sided with the governors, and believed it to be poor performance of head teachers in some instances.

Chair: Generally, they are probably right. I don't know if I should generalise like that.

Cllr Jones: You are completely right. There are some cases that are one and some cases that are the other. It comes down to having high calibre people in the job, with the experience and intelligence to understand which is which.

Mark Rogers: There is something really important here about the way that we have that collaboration between the inspectorate, the Department and its EFA and ourselves, so that you can get some sense of 360. I recognise exactly what you have described. The way to mitigate that or even just get it right is: you cannot just take a single view, can you? You need enough intelligence to tell you whether there is a performance issue and you are being smoke-screened by bluster to get away with it, or whether genuinely there is something going on.

Q302 Chair: These are volunteers. They are not professionals, and therefore they might not dot every 'i' and cross every 't' of the complex frameworks that are set in place, but it does not mean that they should be dismissed, removed and stopped from challenging. I am glad you are aware of that. I have a couple of quick final questions. What progress has been made in reviewing the use of compromise agreements?

Mark Rogers: We have reviewed all of them—I think it is five years back. I can confirm to the Committee if I have my timescale right. Our review of those suggests—and we are doing some more benchmarking—that there is not a higher level of incidence of compromise agreements than you might expect as a ratio with the number of schools we have. More recently, because of the concerns that have been raised, we are making a real effort to examine the more recent compromise agreements, and, where necessary, through professional associations or occasionally directly, we are prepared to revisit. What I do need to say at this time is we actually have no legal action in train against us as a local authority around any of these arrangements, but we still want to be proactive.

Q303 Chair: Our worry is not about that. Our worry is that people do not come forward, do not whistle-blow, do not feel they can talk without risking their career and being subject to legal action; that that has a chilling effect, when, in fact, the great thing we need is for the evidence to come forward; and that senior professionals are genuinely fearful and have that further compounded by having signed a legal agreement that specifically bars them from talking. Can I put it to you that you should not allow agreements like that to occur in Birmingham? There must be some absolutely explicit, clear expression, in any such agreement, that, if there has been inappropriate behaviour, it is their duty to come forward. I would rather the compromise agreement, rather than silencing them, had the opposite effect: it meant that they were obliged to come forward, if you were to get the balance right.

Mark Rogers: The judicious use of compromise agreements needs to be matched with a really effective whistleblowing system, which, again, is another recommendation to us. People need to feel confident that they can actually raise the issues and be heard and taken seriously about them. Again, it is about those two things working hand in hand rather than simply resorting to a relatively simple course of action.

Q304 Chair: When will the new education commissioner start work? I think you have probably answered the second question as to whether it should be adopted more widely.

Mark Rogers: Chairman, I now do not know. I had thought this week, but the Department has been unsuccessful so far in making an appointment.

Q305 Chair: The NAHT refused to sign up to the Kershaw report. Why was that—any idea?

Cllr Jones: Running alongside the Kershaw investigation, we had a panel of community representatives, religious representatives from different backgrounds, professional associations and teachers. The NAHT were represented on that. We tasked that panel with coming up with a response to the Kershaw report and its thoughts on the recommendations, and submitting that to the leader of the Council, as well as anything else that arose from it. The publication of the Kershaw report was brought forward because somebody leaked the Clarke report to *The Guardian* newspaper. The terms of the debate were that we felt the people of Birmingham ought to have the full picture at the right time.

We gave the review group ample opportunity to review the Kershaw report before publication. The NAHT felt that we should not publish the Kershaw report that day, and we should hold it back to the next week, when the Clarke report was published. We disagreed, because it was already in the public domain, and they felt that they had not been given ample opportunity to review the contents of it and give it their endorsement. They also took issue with the idea that we asked people who came forward as witnesses to tell us who they were, on the condition, of course, that they would be anonymised in the final report. Those are the reasons I am aware of. If they have others, they have not communicated those to me, and, of course, you would have to seek their view on it.

Q306 Chair: On the review group, they said, “The most important constraint within the process we have overseen [...] has been the level of engagement with communities, parents and children and young people to date [...] The Group cannot overstate the importance of the Council and a much wider range of credible and independent civic leaders now engaging directly with communities across Birmingham”. What do they mean by that? What were they getting at?

Mark Rogers: A number of things. Going forward, it is really important that the improvements that we come up with, let alone then deliver, are—sorry to use jargon—coproduced as best as possible, with a very clear strand around making sure that children and young people are central to our thinking about what a good education in Birmingham looks like in the next five, 10, 15, 20 years. I think that is what they were getting at.

Q307 Chair: How will that be different? They said the single biggest thing was this level of engagement with the communities. I just was not quite clear.

Mark Rogers: The reason it was a big deal, and particularly the chair himself, Stephen Rimmer, thought it was a very big deal, is because of what we would say is the damage that has been done by the way this has often been portrayed for our communities. It is a big deal that has a civil leadership piece that does some more listening to those communities, understands what they think it will take to put things back on the right tracks and then make progress. That is why the emphasis of that group is so strong on that point.

Chair: Thank you very much indeed for giving evidence to us today. If you have any further points you would like to make on reflection after today's session, please do be in touch.