

**REPORT TO:** Children Young People and Families Policy & Performance Board

**DATE:** 28<sup>th</sup> October 2013

**PORTFOLIO:** Children Young People and Families

**REPORTING OFFICER:** Strategic Director, Children and Enterprise

**SUBJECT:** Academy Conversions Update

**WARD(S)** Borough wide

## **1.0 PURPOSE OF THE REPORT**

1.1 To provide elected members with information on the latest position of schools converting to sponsored Academy status in Halton.

1.1 To inform members of the policy and financial implications of schools in inadequate Ofsted categories converting to sponsored Academies.

## **2.0 RECOMMENDED THAT:**

2.1 Members take note of the implementation of the Academies Act 2011 and its implications for schools in the local area.

2.2 Members support actions being taken to minimise the risks of schools going into inadequate Ofsted categories.

## **3.0 BACKGROUND**

3.1 The first sponsored Academies opened in 2002. The focus of the programme was to tackle underperforming secondary schools by converting them into sponsored Academies. (Halton High became a sponsored Academy in September 2010 through this route and was re-named to Ormiston Bolingbroke

3.2 The Academies Bill 2010 received Royal Assent in July 2010. The bill became an Act of Parliament on 27<sup>th</sup> July 2010.

3.3 In September 2010 outstanding schools were invited to convert to Academy status followed 2 months later by an invitation to all good schools with outstanding features to convert to Academy status. (Palace Fields Academy, The Heath and Wade Deacon became Academies via this route)By February 2012 the Academy programme was open to all schools including Free schools, University Technical Colleges (UTC) and Studio Schools.

- 3.4 Essentially there are two routes to convert to Academy status, namely:
- (i) Schools judged good or better by OFSTED can convert to Academy status as standalone Academies or as part of a Multi-Academy Trust. These have become known as 'converter' Academies.
  - (ii) Schools judged to be inadequate by OFSTED (schools with serious weaknesses or those requiring special measures) are expected to convert to Academy status with the support of a strong sponsor (an outstanding school) These have become known as 'sponsored' Academies.

#### **4.0 Policy Implications**

- 4.1 In his letter to all Local Authorities in May this year, Lord Nash, the Parliamentary Under-Secretary of State for Schools stated that in the current Schools Causing Concern Guidance for Local Authorities, there is a clear expectation that schools judged as inadequate by Ofsted will convert to an Academy with a strong sponsor. (See Annex 2)
- 4.2 The DfE has undertaken to write to all schools judged as inadequate as soon as the Ofsted inspection report is published to notify them that they will become a sponsored Academy.
- 4.3 The Academies Performance and Brokerage (APB) Division project leads will contact the school and the Local Authority to arrange a meeting to discuss an academy solution.

#### **5.0 Policy Implications for Halton**

- 5.1 Currently there are 4 schools in the process of converting to Academy status in the Local Authority. Three of the schools are going down the 'sponsored' route because they have been judged inadequate in recent inspections by Ofsted. The fourth school Cavendish has chosen to convert to academy status and an Academy Order was issued on 24<sup>th</sup> June 2013.
- 5.2 St Augustine's Catholic Primary School was judged to be requiring special measures at its last Ofsted inspection on 29 February 2012. The school will become an academy with the Diocese of Shrewsbury as the sponsor. An Academy Order has not yet been issued.
- 5.3 The Park Primary School was inspected on 12 June 2013 and judged to require special measures. At the previous OFSTED inspection in June 2009, the school was judged as good and the school initially enquired about conversion to Academy status based on this inspection report. However, the school's performance had declined since the 2009 inspection and the DfE advised that the school could not be a 'converter' Academy. An Academy Order was issued on 18 June 2013. The school will become a sponsored academy under The Heath Family Multi-

Academy Trust.

- 5.4 West Bank Primary was inspected on 14 May 2013 and was judged to be Inadequate. The Academies and Brokerage Division has already been in contact with the school and an initial meeting was held on 18<sup>th</sup> July 2013 to discuss an Academy solution with the school. Further meetings are planned in the Autumn term 2013.

## **6.0 Secretary of State's Powers of Intervention**

- 6.1 Governing bodies are expected to pass a resolution to convert to Academy status and inform the Secretary of State of their decision.
- 6.2 If a Governing Body decides not to pass a resolution to convert to Academy status, the Secretary of State will write 'a minded to' letter asking the Governing Body to think again. If the letter fails to have the desired impact, The Secretary of State will use his powers of intervention.
- 6.3 The Secretary of State has four powers that he can use:
- (a) He can appoint additional governors and he may nominate one of those governors to be chair of the governing body;
  - (b) He can replace the Governing Body with an Interim Executive Board (IEB) and the IEB will then pass the Academy resolution;
  - (c) The Secretary of State can issue an Academy Order to the Governing Body;
  - (d) The Secretary of State can close the school.

## **7.0 Financial implications:**

- 7.1 Officers from Children's Services, Legal, Estates, Finance, Insurance, Health and Safety and Audit are now working on the conversion process. There is no additional funding to undertake this conversion work however consideration is being given to charging converter schools a fee. Academies and Free schools within the borough continue to purchase a range of local authority services. Efforts need to be focused to ensure schools transferring to Academies continue to purchase these services.

- 7.2 Academies' school budgets are calculated by ourselves (as if the school were a maintained school) and subsequently recouped by the DfE. Dedicated Schools Grant Local Authority Central Spend Equivalent Grant (DSG LACSEG) has now been removed as the services included in this are now delegated direct to the schools. Although some have been de-delegated with prior approval of school forum.

The Education Services Grant (ESG) is allocated to all local authorities and academies on a simple per-pupil basis according to the total number of pupils for whom they are responsible. The varying ESG amounts are £116 per pupil in maintained schools; £495 per pupil in special schools & £437 in PRU's. One of the potential financial impacts of conversion would be that we would lose a proportion of the ESG monies (dependant on the type of school and pupil numbers of the establishment that is changing to Academy status –see Annex 1).

## **8.0 Other Implications**

- 8.1 “A good local authority will know what is happening in all of its schools, including academies. It might not have visited them (but it) will know from the data that’s coming through – the word on the street, if you like, from parents – about what’s happening in these academies.” ( Sir Michael Wilshaw, Her Majesty’s Chief Inspector of Schools in The Times Educational Supplement on 30/11/12)
- 8.2 Halton has a small retained school improvement team which has focused on supporting satisfactory/requires improvement schools and those schools judged as inadequate by Ofsted. The team does not have the capacity to monitor, support and challenge all schools as was the case when School Improvement Partners (SIPs) were in place for all schools.
- 8.3 In order to minimise the risks of good or outstanding schools going into Ofsted categories of concern, the retained school improvement will need cover all schools by gathering ‘live’ intelligence through planned school visits.
- 8.4 Analysis of recent inspections indicates that Ofsted inspectors are putting a significant emphasis on the school’s internal ‘live’ data to make judgements on pupil progress within and across Key Stages. Three schools, previously judged outstanding, were found lacking in this area and were judged to be requiring improvement under the current Ofsted inspection framework. Extending the remit of the retained school improvement team to cover good or better schools would ensure that school systems, processes and procedures are subject to external scrutiny and challenge prior to schools being inspected by Ofsted. The risk of good or better schools going into adverse Ofsted categories will be minimised.

## **9.0 IMPLICATIONS FOR THE COUNCIL’S PRIORITIES**

### **9.1 Children and Young People**

- 9.2 Ensuring that the proportion of children and young people who attend good or better schools will improve their attainment and progress and prepare our children and young people for the future.

### **9.3 Employment, Learning & Skills in Halton**

- 9.4 Children and Young People will acquire the qualifications and skills needed to secure future employment and/or continue into Further and Higher Education. Having good or better schools in the Borough will improve employment, training and education opportunities for our Young People. The number of young people in education, employment and training should be increase.

### **9.5 A Healthy Halton**

Not applicable

### **9.6 A Safer Halton**

Not applicable

9.7 **Halton's Urban Renewal**

Not applicable

**10.0 RISK ANALYSIS**

10.1 Failure to support and challenge all schools will increase the risk the risk of schools being judged inadequate by Ofsted. If the proportion of pupils attending good or better schools decreases significantly, this will trigger an Ofsted inspection of the local authority's school improvement services.

10.2 Schools judged as outstanding prior to September 2012 but where the quality of teaching was only judged as good are at risk of being down-graded under the current inspection framework. Of the 155 *outstanding* schools inspected nationally since September 2012, 44 retained their status, 91 were downgraded to *good* and 18 to *requires improvement* and 2 are *inadequate*.  
Locally, three previously outstanding schools with good teaching have been down-graded to *requires improvement*.

10.3 In order to reduce the reputational risk to the council, the current capacity of the retained school improvement team17/10/2013 needs to be reviewed so that good and outstanding schools get on-site monitoring visits which are in line with the school's category. (see section 8.4)

**11.0 EQUALITY AND DIVERSITY ISSUES**

11.1 Robust monitoring and challenge of schools should contribute significantly to improved attainment and closing the gap between vulnerable pupils and their peers.

**12.0 REASON(S) FOR DECISION**

Not applicable

**12.1 ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

Not applicable

**13.0 IMPLEMENTATION DATE**

Not applicable.

**14.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

<b>Document</b>	<b>Place of Inspection</b>	<b>Contact Officer</b>
<p>Schools Causing Concern – statutory guidance for local authorities published October 2012;  School Standards and Framework Act 1998;  Education and Inspections Act 2006;  Academies Act 2010;  Education Act 2011 (amended the 2006 Act)</p>	<p>Link:  <a href="http://www.education.gov.uk/aboutdfe/statutory/g00192418">http://www.education.gov.uk/aboutdfe/statutory/g00192418</a></p>	<p>Steve Nyakatawa</p>
<p>Lord Nash's letter to local authorities dated 3 May 2013</p>	<p>See Annex 2</p>	<p>N/A</p>

## **Annex 1**

### **Education Services Grant - potential full year amounts that would be lost**

<b>School</b>	<b>Type</b>	<b>ESW (per pupil)</b>	<b>13/14 Pupil No.s</b>	<b>Potential ESG amount lost</b>
St Augustine's	Primary	116	86	9,976
The Park	Primary	116	111	12,876
West Bank	Primary	116	174	20,184
Cavendish	Special	495	82	40,590

## **Annex 2**



Amcl (SN)

- 8 MAY 2013

**Lord Nash**

Parliamentary Under Secretary of State for Schools

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tel: 0370 000 2288 [www.education.gov.uk/help/contactus](http://www.education.gov.uk/help/contactus)

Mr Gerald Meehan  
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Municipal Building,  
Kingsway,  
Widnes  
WA8 7QF

3 May 2013

**DEPARTMENT FOR EDUCATION POSITION ON SCHOOLS IN AN  
OFSTED INADEQUATE CATEGORY**

Dear Mr Meehan,

I am writing to all local authorities this month to inform you of a new standardised approach we will be taking to address schools in an Ofsted inadequate category and to inform them of the support available from the Department to broker Academy solutions.

As you will be aware this Government has been very clear that underperformance in any school is unacceptable. We strongly believe underperformance needs to be tackled quickly and that matching a failing school with a strong Academy sponsor is the best way to bring about rapid and sustainable improvements. We want to continue to work with you to broker strong solutions which meet the needs of any schools causing concern and the local communities they serve.

As outlined in the Schools Causing Concern Guidance for local authorities there is a clear expectation that in cases where a school has been judged by Ofsted to have 'serious weaknesses' or require 'special measures', conversion to an Academy with a strong sponsor will be the normal route to secure improvement.

We now intend to write to all schools as soon as they are moderated into an Ofsted inadequate category, setting out the Secretary of State's expectation that they will become a sponsored Academy.

This work will be led by the Academies Performance and Brokerage (APB)

Division, which brings together the work of the Open Academies Performance Division (OAPD), and Brokerage and Underperformance Division (BUD) within the Department for Education, into one Division tackling underperformance across all maintained schools and Academies. The new APB Division is made up of three regional sub-teams covering the North of England (led by James Bromiley, [james.bromiley@education.gsi.gov.uk](mailto:james.bromiley@education.gsi.gov.uk)), South (led by Claire Burton, [claire.burton@education.gsi.gov.uk](mailto:claire.burton@education.gsi.gov.uk)) and Central (led by Colin Diamond, [colin.diamond@education.gsi.gov.uk](mailto:colin.diamond@education.gsi.gov.uk)).

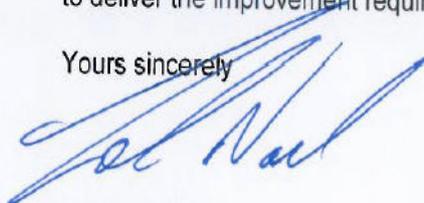
Following the letter APB project leads will then contact the school and local authority to arrange a meeting as soon as possible to discuss an Academy solution.

In the case of church schools, APB leads will also continue to seek an early conversation with the Diocese as soon as a church school is moderated into an Ofsted inadequate category, and a 'sponsor' will be agreed in consultation with the relevant Diocese, working with the LA.

Further to the standardised approach of writing to schools new into category, we will also continue to pursue Academy solutions for all existing schools in an Ofsted inadequate category and any school with a history of performing below the national floor standards. We will also continue to work with you to broker Academy solutions for any school where you have concerns.

I am very keen to ensure that any school causing concern is matched with the right sponsor with both the capacity and capability to make a real difference. I would strongly encourage you to work with officials and brokers in your area at an early stage to identify appropriate sponsored solutions which I will be able to agree. That will help to avoid the situation which has occurred in a small number of schools recently, where Governing Bodies have voted to become Academies with a particular sponsor but I have not been willing to agree the proposal because I have not felt it is the best way to deliver the improvement required in the school.

Yours sincerely



**JOHN NASH**