

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	CABINET
Report of:	Strategic Director for People
Date of Decision:	20th September 2016
SUBJECT:	UPDATE REPORT ON ACADEMY CONVERSIONS FOR PERIOD 1ST MAY – 31ST AUGUST 2016
Key Decision: No	Relevant Forward Plan Ref: 002324/2016
If not in the Forward Plan: (please "X" box)	Chief Executive approved <input type="checkbox"/> O&S Chairman approved <input type="checkbox"/>
Relevant Cabinet Member(s):	Cllr Brigid Jones, Children, Families and Schools
Relevant O&S Chairman:	Cllr Susan Barnett, Children and Families
Wards affected:	Acocks Green, Aston, Bournville, Erdington, Hodge Hill, Lozells & East Handsworth, Nechells, Northfield, Oscott, Perry Barr, Quinton, Shard End, Sparkbrook, Springfield, Stechford & Yardley North, Stockland Green, Sutton Vesey, Tyburn

1. Purpose of report:

1.1 To provide an update to Cabinet to ensure that Members are fully aware of the schools that have converted to Academy status during the period 1st May – 31st August 2016 and advise Cabinet on the number of schools that are in the process of conversion and the proposed target conversion dates for those schools.

2. Decision(s) recommended:

Cabinet is recommended to:

2.1 Note that individual Academy Conversion Reports will no longer be received by Cabinet and that this report will be received quarterly.

2.2 Note that the following schools have converted to Academy status between 1st May and 31st August 2016: Gossey Lane Junior & Infant School and Yew Tree Community Primary School – for full details see Appendix 1.

2.3 Note that 125 year leases and Commercial Transfer Agreements (CTAs) are now in place for the above schools.

2.4 There are currently 31 other schools in the process of conversion and these are: Audley Primary School, Bordesley Village Primary School, Brays School, Bridge School, Canterbury Cross Primary School, Cockshut Hill Technology College, Conway Primary School, Cottesbrooke Junior School, Court Farm Primary School, Cromwell Junior & Infant School, Dame Elizabeth Cadbury Technology College, Firs Primary School, Great Barr School, Greet Primary School, Hallmoor School, Handsworth Grammar School, Harper Bell Seventh Day Adventist Primary School, Holy Trinity Catholic Media College, International School, John Willmott School, Kingsbury School & Sports College, Oval Primary School, Princethorpe Infant School, Quinton CE Church Primary School, Small Heath School, Springfield Primary School, St Francis CE Primary School Stirchley Primary School, Topcliffe Primary School, Turves Green Primary School, Westminster Primary School – for full details see attached as Appendix 2.

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3. Consultation
<p>3.1 <u>Internal</u></p> <p>The Leader and the Executive Director for Education have been consulted on this report and agree that this report may go forward to Cabinet for information purposes.</p> <p>The Deputy Leader (under previous portfolio responsibilities), Chair of the Schools, Children and Families Overview & Scrutiny Committee and relevant Ward Councillors were consulted on all of the individual Academy conversion reports and any comments were recorded in those reports.</p> <p>3.2 <u>External</u></p> <p>The Secretary of State issued Academy Orders (see Appendix 3) requiring the conversion of these schools.</p>

4. Compliance Issues:
<p>4.1 <u>Are the recommended decisions consistent with the Council's policies, plans and strategies?</u></p> <p>The Academies Conversion Programme is a Central Government Policy.</p> <p>4.2 <u>Financial Implications</u></p> <p>The corporate legal costs and potential external legal costs associated with the conversion of these schools will be met from individual school contributions and earmarked resources within the Education & Skills Infrastructure Budget (total gross budget of £2,705k) for the purposes of the Academy conversion process.</p> <p>In May 2016 Cabinet approved the amended Charging Policy, which was implemented on 1st June 2016. Schools pay a contribution towards the costs associated with conversion, for Community Schools the charge is £7,500, for Community PFI Schools the charge is £15,000 and for transfers associated with VA, VC or Foundation Schools individual charges are applied dependent on work required.</p> <p>All of the schools that have converted were in surplus at the point of conversion. Any surplus budget remaining at the point of conversion transfers to the Academy. There are no other financial implications for the City Council associated with these conversions.</p> <p>4.3 <u>Legal Implications</u></p> <p>The Secretary of State for Education has issued the Order under the Academies Act 2010, which requires all concerned parties to facilitate the creation of the Academy. The City Council has power under Sections 120 – 123 of the Local Government Act 1972 to hold and dispose of land, including the use of the General Disposals Consent 2003.</p>

4.4 Public Sector Equality Duty

The Academies Conversion Programme is a Central Government Policy.

An initial Equality Analysis was undertaken in February 2014 (EA000046) and the outcome indicated that a Full Equality Analysis was not required.

5. Relevant background / chronology of key events:

- 5.1 The Academies Act 2010 empowers the Secretary of State for Education to create Academies through Academy Orders.
- 5.2 Academy Orders were issued by the Secretary of State and received for the schools identified in Section 2.2 (see Appendix 3). The relevant processes and documentation were completed to enable the schools to convert.
- 5.3 The land and assets were transferred to the Academies via the grant of a lease in substantially the form prescribed by the DfE for a term of 125 years at a peppercorn rent. The terms of the lease require that the land must be used for educational purposes.
- 5.4 If an Academy Trust is failing or the Funding Agreement has been terminated there is an option in the Funding Agreement in favour of the Secretary of State to acquire the school site at nil consideration without Local Authority (landlord) consent. The purpose of this option is to allow the Secretary of State to arrange for the continuing education of pupils between the period where the occupying Academy Trust fails and the handover to another Academy Trust. There is an expectation that another Academy Trust will take over the running of the Academy but if there is no alternative the Secretary of State can direct the land reverts back to the Local Authority
- 5.5 Members of staff employed by the City Council transfer to the Academy Trust under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) together with the assets of the school via a CTA. The statutory TUPE consultation process with Staff and the Unions was undertaken for all of the schools listed in Section 2.2.
- 5.6 In the case of some Academy conversions scheduled maintenance works, funded from the DfE grant, may take place after the schools have converted. Works have been identified and agreed for Cockshut Hill Technology College and Oval Primary School in the Capital Maintenance Programme 16 / 17. These works will continue and the details will be documented in the CTA's for each school.

6. Evaluation of alternative option(s):

- 6.1 A do nothing option is not available, as the Secretary of State has reserved powers in the Academies Act 2010 which enable them to make directions to override any ability of the City Council to make executive decisions with regard to land.

7. Reasons for Decision(s):

- 7.1 The reason for the report is to ensure Members are aware of all of the schools that have converted to or are in the process of converting to Academies within a 3 month period.

Signatures		<u>Date</u>
Cabinet Member Children, Families and Schools: Cllr Brigid Jones
Strategic Director for People: Peter Hay

List of Background Documents used to compile this Report:
Relevant Officer's file(s).

List of Appendices accompanying this Report :
<ol style="list-style-type: none"> 1. Schools converted to Academy status between May - August 2016 2. Schools in the process of conversion 3. Academy Orders – Gossey Lane Junior & Infant School and Yew Tree Junior & Infant School

Report Version	<u>V4</u>	Dated	<u>16.08.16</u>
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