

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	CABINET	
Report of:	Strategic Director for People	
Date of Decision:	17th May 2016	
SUBJECT:	UPDATE REPORT ON ACADEMY CONVERSIONS FOR PERIOD – JANUARY – APRIL 2016	
Key Decision: No	Relevant Forward Plan Ref: 000768/2016	
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's Services	
Relevant O&S Chairman:	Cllr Susan Barnett, Education and Vulnerable Children	
Wards affected:	Aston, Bartley Green, Nechells and Washwood Heath	

1. Purpose of report:

- 1.1 To provide an update to Cabinet to ensure that Members are fully aware of all of the schools that have converted to Academy status during the period January – April 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 To approve the proposed increase in the Academy Conversion charges from 1st June 2016 as identified in Appendix 4.
- 2.3 Note that the following schools have converted to Academy status between January and April 2016: Nonsuch Primary School, Manor Park Primary School, Aston Tower Primary School and Highfield Junior & Infant School – for full details see Appendix 1.
- 2.4 Note that 125 year leases and Commercial Transfer Agreements (CTAs) are now in place for each of the above schools with the exception of Manor Park Primary School.
- 2.5 Note that Manor Park School was a Foundation School so the land and buildings were already vested with the Governing Body of the school however; as there was an Interim Executive Board in place at the point of conversion a form of CTA was agreed between BCC and Reach2 Academy Trust to ensure all liabilities transferred to the Academy Trust.
- 2.6 There are currently 9 other schools in the process of conversion and these are: Gossey Lane Junior & Infant School, Yew Tree Community Junior and Infant School, Cockshut Hill Technology College, Cottesbrooke Junior School, Harper Bell Seventh day Adventist Primary School, St Francis CE Primary School, Conway Primary School, Greet Primary School and Topcliffe Primary School – for full details see attached as Appendix 2.

Lead Contact Officer(s):	Jaswinder Didially Head of Education & Skills Infrastructure
Telephone No: E-mail address:	0121 303 8847 Jaswinder.didially@birmingham.gov.uk

3. Consultation

Consultation should include those that have an interest in the decisions recommended:

3.1 Internal

The Deputy 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.

The Deputy Leader, Chair of the Education & Vulnerable Children 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.

3.2 External

The Secretary of State issued Academy Orders (see Appendix 3) requiring the conversion of these schools.

4. Compliance Issues:

4.1 Are the recommended decisions consistent with the Council's policies, plans and strategies?

The Academies Conversion Programme is a Central Government Policy.

4.2 Financial Implications

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 £2,698k) for the purposes of the Academy conversion process.

In line with the Charging Policy which was implemented on 1st October 2013 schools will pay a contribution towards the costs associated with conversion, for Community Schools the charge is £5,000, for Community PFI Schools the charge is £10,000 and for transfers associated with VA, VC or Foundation Schools individual charges are applied dependent on work required.

All of the schools that have converted were in surplus at the point of conversion. Any surplus budget remaining at the point of conversion will transfer to the Academy. There are no other financial implications for the City Council associated with these conversions.

4.3 Legal Implications

The Secretary of State for Education has issued the Orders under the Academies Act 2010, which requires all concerned parties to facilitate the creation of the Academies. The Council has power under Sections 120 – 123 of the Local Government Act 1972 to hold and dispose of land, including the use of General Disposals Consent 2003.

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 empowered the Secretary of State for Education to create Academies through Academy Orders.
5.2	Academy Orders were received for the schools identified in Section 2.3 (see Appendix 3) and the relevant processes were completed to enable the schools to convert.
5.3	In light of the resource commitments the authority has to employ to facilitate and support the conversion of schools to academies (for which it receives no funding from the DfE), the current Academy Conversion Charges have been reviewed and the proposed charges from 1st June 2016 are shown in Appendix 4.
5.4	The land and assets were transferred to the Academies via a lease in the form prescribed by the DfE for 125 years at a peppercorn rent. The terms of the lease state that the land must be used for educational purposes.
5.5	Where an Academy is failing or the Funding Agreement has been terminated there is now an option contained in the Funding Agreement in favour of the Secretary of State to acquire land at nil consideration without Local Authority (landlord) consent. The purpose of this option is to ensure the Secretary of State is able to arrange for the continuing education of the pupils between the period where the existing trust has failed and handover to another Academy Trust has not been affected. There is an expectation that another Academy Trust may take over the running of the Academy but if there is no alternative trust, then the Secretary of State may decide the land reverts back to the Local Authority
5.6	In addition, members of staff employed by the City Council transferred under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) to the Academy Trust as well as the assets of the school via a CTA. The statutory TUPE consultation process with Staff and the Unions took place for all of the schools listed in Section 2.2.
5.7	In the case of some Academy conversions scheduled maintenance works, funded from the DfE grant, may take place after the school has converted. However, no works were identified on these schools in the Capital Maintenance Programme 15 / 16.
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 the 3 month period.

Signatures**Date**

Cabinet Member Children's
Services: 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 :

1. Schools converted to Academy status between January – April 2016
2. Schools in the process of conversion post April 2016
3. Various Academy Orders
4. Academy Conversion Charges

Report Version	<u>V7</u>	Dated	<u>27/04/16</u>
-----------------------	------------------	--------------	------------------------