

# BIRMINGHAM CITY COUNCIL

## PUBLIC REPORT

<b>Report to:</b>	<b>CABINET</b>	
<b>Report of:</b>	<b>Strategic Director for People</b>	
<b>Date of Decision:</b>	<b>16 February 2016</b>	
<b>SUBJECT:</b>	<b>UPDATE REPORT ON ACADEMY CONVERSIONS FOR PERIOD – SEPTEMBER TO DECEMBER 2015</b>	
<b>Key Decision: No</b>	<b>Relevant Forward Plan Ref:</b>	
<b>If not in the Forward Plan: (please "X" box)</b>	<b>Chief Executive approved</b>	<input type="checkbox"/>
	<b>O&amp;S Chairman approved</b>	<input type="checkbox"/>
<b>Relevant Cabinet Member(s):</b>	<b>Cllr Brigid Jones, Children Services</b>	
<b>Relevant O&amp;S Chairman:</b>	<b>Cllr Susan Barnett, Education and Vulnerable Children</b>	
<b>Wards affected:</b>	<b>Lozells &amp; East Handsworth, Aston, Weoley, Kings Norton, Ladywood, Washwood Heath, Nechells, Stechford &amp; Yardley North, Acocks Green and Bournville</b>	

<b>1. Purpose of report:</b>
<p>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 September – December 2015 and advise Cabinet on the number of schools that are in the process of conversion and the proposed target conversion dates for those schools.</p>

<b>2. Decision(s) recommended:</b>
Cabinet is recommended to:
<p>2.1 Note that individual Academy Conversion Reports will no longer be received by Cabinet and that this report will be received quarterly.</p> <p>2.2 Note that the following schools have converted to Academy status between September and December 2015: Heathfield Primary School, Prince Albert Junior &amp; Infant School, Jervoise Junior &amp; Infant School, Wychall Junior &amp; Infant School and St Thomas CE Primary School – for full details see attached as Appendix 1.</p> <p>2.3 Note that 125 year leases and Commercial Transfer Agreements (CTAs) are now in place for all of the schools listed above with the exception of St Thomas CE Primary School due to this being a Voluntary Aided School, for which the land and buildings were already vested with the Diocese of Birmingham.</p> <p>2.4 Note that there are currently 7 other schools in the process of conversion and these are: Highfield Junior &amp; Infant School, Manor Park Primary School, Harper Bell School, Cockshut Hill Technology College, St Francis CE Aided School, Aston Tower Community Primary School and Cottesbrooke Junior School – for full details see attached as Appendix 2.</p>

<b>Lead Contact Officer(s):</b>	<b>Jaswinder Didially</b> Head of Education & Skills Infrastructure
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### **3. Consultation**

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

#### **3.1 Internal**

The Interim Executive Director for Education has been consulted on the report and agrees its content.

The former Deputy Chief Executive, 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.

#### **External**

The Secretary of State issued Academy Orders attached as 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 1<sup>st</sup> 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 2.2. (see Appendix 3) and the relevant processes were completed to enable the schools to convert
- 5.3 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.
- 5.4 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
- 5.5 In addition, members of staff that were currently employed by the City Council have transferred under the Transfer of Undertakings (Protection of Employment) Regulations 2006 to the Academy Trust as well as the assets of the school under Commercial Transfer Agreement (CTA). The statutory TUPE consultation process with Staff and the Unions took place 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 school has converted. However, no works have been 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 her 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		<u>Date</u>
Cabinet Member Children 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 September and December 2015
2. Schools in the process of conversion post December 2015
3. Various Academy Orders

Report Version	<u>V4</u>	Dated	<u>02/02/16</u>
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