

Report to:	CABINET	
Report of:	Interim Corporate Director – Children and Young People	
Date of Decision:	13 September 2017	
SUBJECT:	UPDATE REPORT ON ACADEMY CONVERSIONS FOR PERIOD 1ST MAY 2017 – 31ST AUGUST 2017	
Key Decision: No	Relevant Forward Plan Ref: N/A	
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, Schools, Children and Families	
Wards affected:	Nechells and Shard End	

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 1 st May 2017 – 31 st August 2017 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 the following schools have converted to Academy status between 1 st May 2017 and 31 st August 2017: Bordesley Village Primary School and Tile Cross Academy (formerly known as The International School) – for full details see Appendix 1.
2.2 Note that 125 year leases and Commercial Transfer Agreements (CTAs) are now in place for the above schools.
2.3 Note that the Directive Academy Orders that were issued to Bishop Challenor Catholic College and Court Farm Primary School have now been revoked and these 2 schools will now withdraw from the conversion process.
2.4 Note that there are currently 10 other schools in the process of conversion and these are: Birchfield Community Primary School, Harper Bell 7 th Day Adventist School, Handsworth Grammar School, Holy Trinity Catholic College, John Willmott School, Sacred Heart Catholic School, Small Heath School, Springfield Primary School, St Mary & St John Primary School and Wilkes Green Infants School. There is also Lordswood Boys School that is in the process of being rebrokered – for full details see attached as Appendix 2.

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3. Consultation

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

3.1 Internal

The Leader, Interim Corporate Director for Children and Young People and Senior Officers from Legal and Finance 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 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.

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 for the purposes of the Academy conversion process.

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 PFI & D&B Schools the charge is £15,000 and for transfers associated with VA, VC or Foundation Schools individual charges are applied dependent on the work required.

Both of the schools that have converted were in a deficit position at the point of conversion. In the case of Bordesley Village Primary school the deficit will be funded from a centrally held contingency funded from the Dedicated Schools Grant. In respect of the International School funding of the deficit is from a combination of capital receipts and capital maintenance grant as set out in the report to Cabinet on 18th April 2017.

4.3 Legal Implications

The Secretary of State for Education issued the Orders under the Academies Act 2010 which requires all concerned parties to facilitate the creation of the Academies. 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.

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 2.1 (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 the 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 that 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 2.1.
- 5.6 In the case of some Academy conversions scheduled maintenance works, funded from the DfE grant or through a Dual Funding arrangement may take place after the schools have converted. The full details of any works will be documented in the CTA's for each of the schools and in the individual Academy Reports to the Interim Corporate Director – Children and Young People.

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**Date**

Cabinet Member Children,
Families and Schools: Cllr Brigid Jones

Interim Corporate Director -
Children and Young People: Colin Diamond
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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 May 17 and August 17.
2. Schools in the process of conversion
3. Academy Orders – May – August conversions

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