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CABINET

DATE: TUESDAY 14 SEPTEMBER 2010
TIME: 2 PM
PLACE: WARSPITE ROOM, COUNCIL HOUSE

Members –

Councillor Mrs Pengelly, Chair
Councillor Fry, Vice Chair
Councillors Bowyer, Brookshaw, Jordan, Michael Leaves, Sam Leaves, Monahan,
Mrs Watkins and Wigans

Members are invited to attend the above meeting to consider the items of business overleaf

Members and Officers are requested to sign the attendance list at the meeting.

BARRY KEEL
CHIEF EXECUTIVE

CABINET

PART I (PUBLIC MEETING)

AGENDA

1. APOLOGIES

To receive apologies for non-attendance submitted by Cabinet Members.

2. DECLARATIONS OF INTEREST

Cabinet Members will be asked to make any declarations of interest in respect of items on this agenda.

3. MINUTES

(Pages 1 - 6)

To sign and confirm as a correct record the minutes of the meetings held on 10 and 16 August 2010.

4. QUESTIONS FROM THE PUBLIC

To receive questions from the public in accordance with the Constitution.

Questions, of no longer than 50 words, can be submitted to the Democratic Support Unit, Corporate Support Department, Plymouth City Council, Civic Centre, Plymouth, PL1 2AA, or email to democraticsupport@plymouth.gov.uk. Any questions must be received at least 5 clear working days before the date of the meeting.

5. CHAIR'S URGENT BUSINESS

To receive reports on business which, in the opinion of the Chair, should be brought forward for urgent consideration.

CABINET MEMBER: THE LEADER

6. CITY AND COUNCIL PRIORITIES

(Pages 7 - 12)

CMT Lead Officer: Assistant Chief Executive

7. CHANGES IN EXECUTIVE ARRANGEMENTS

(Pages 13 - 16)

CMT Lead Officer: Monitoring Officer

CABINET MEMBER: COUNCILLOR MRS WATKINS

**8. THE FUTURE PATTERN OF SECONDARY EDUCATION - (Pages 17 - 24)
ACADEMIES**

CMT Lead Officer: Director of Services for Children and Young People

**9. TRANSFORMATION OF THE PLYMOUTH HOSPITAL (Pages 25 - 30)
SCHOOL AND OUTREACH CENTRE**

CMT Lead Officer: Director of Services for Children and Young People

10. EXEMPT BUSINESS

To consider passing a resolution under Section 100A(4) of the Local Government Act 1972 to exclude the press and public from the meeting for the following item(s) of business on the grounds that it (they) involve(s) the likely disclosure of exempt information as defined in paragraph(s) of Part 1 of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

PART II (PRIVATE MEETING)

MEMBERS OF THE PUBLIC TO NOTE

That under the law, the Committee is entitled to consider certain items in private. Members of the public will be asked to leave the meeting when such items are discussed.

Nil

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Cabinet

Tuesday 10 August 2010

PRESENT:

Councillor Mrs Pengelly, in the Chair.

Councillor Fry, Vice Chair.

Councillors Bowyer, Brookshaw, Michael Leaves, Sam Leaves, Monahan, Mrs Watkins and Wigans.

Apologies for absence: Councillor Jordan and Barry Keel (Chief Executive)

Also in attendance: Adam Broome (Director for Corporate Support), Carole Burgoyne (Director for Community Services), Neville Cannon (Assistant Director for ICT), Malcolm Coe (Assistant Director for Finance, Assets and Efficiencies), Mark Grimley (Assistant Director for Human Resources and Organisational Development) and Bronwen Lacey (Director of Services for Children and Young People).

The meeting started at 2.00 pm and finished at 2.25 pm.

Note: At a future meeting, the Cabinet will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.

31. **DECLARATIONS OF INTEREST**

There were no declarations of interest in accordance with the Code of Conduct from councillors in relation to items under consideration at this meeting.

32. **MINUTES**

The minutes of the meeting held on 13 July 2010 were signed as a correct record.

33. **QUESTIONS FROM THE PUBLIC**

There were no questions submitted by the public for this meeting.

34. **CHAIR'S URGENT BUSINESS**

There was no urgent business.

35. **JOINT PERFORMANCE AND FINANCE REPORT**

The Corporate Management Team submitted a written report. The Director for Corporate Support corrected the base rate appearing in paragraph 12.2.5, on page 41 of the report, from 0.45% to 0.5%.

The Assistant Director for Finance, Assets and Efficiencies undertook to assess the impact of the recently announced government initiative on a 'New Homes Bonus', whereby the government was planning to give grants to councils in England for every newly-built home.

Agreed –

- (1) that a £4m reduction to the 2010/11 budget, is allocated across departments, to reflect the Council's assessment of the impact of Government Action;
- (2) the principle that the Council will increase charges to reflect the VAT increases, from January 2011, except where this conflicts with other Council priorities;
- (3) the changes to the capital programme (as detailed in sections 5.1 and 5.2 of the report), including new approvals of £0.596m, leading to a revised programme of £100.415m;
- (4) the Officer action taken to freeze transport schemes in 2010/11 to the value of £0.870m, pending a complete review of the capital programme;
- (5) that the pay award provision is removed from departmental budgets and held under corporate items to meet the costs of redundancies and other budget pressures;
- (6) that Directors progress urgently, further delivery plans to address the remaining shortfall in 2010/11.

36. **ACCOMMODATION STRATEGY BUSINESS CASE**

The Director for Corporate Support submitted a written report.

This was an urgent key decision and approval had been given by the Chair of the Overview and Scrutiny Management Board, under Paragraph 16 of the Access to Information Procedure Rules (Special Urgency), that the decision could not reasonably be deferred. To wait until September 2010 for Cabinet approval would have delayed implementation of the strategy and reduced the revenue savings achieved in 2011/12 by approximately £125,000, further increasing budgetary pressures on the Council.

The Chair also drew Members' attention to the report referred to in minute 38 below.

Agreed that –

- (1) this stage of the Accommodation Strategy is approved, i.e. vacating six satellite offices and focusing on three core office accommodation bases of Civic Centre, Windsor House and Midland House;

- (2) the capital investment and one-off revenue costs required to enable implementation of this stage of the strategy, is approved;
- (3) capital funding required is, where feasible, drawn from the council's existing investment portfolio, hence minimising further borrowing requirements;
- (4) revenue savings generated in 2011/12 are used to fund the revenue costs of exiting existing lease agreements early. Any cashflow issues in terms of timing, or net revenue shortfall in 2011/12, to be met from the council's accommodation reserve;
- (5) a corporate provision is created into which each 'invest to save' scheme is required to make future financial contributions;
- (6) from 2012/13 onwards, 10% of the revenue benefit from this invest to save scheme, (i.e. £152k per annum), is contributed to the council's corporate invest to save provision;
- (7) that the report is referred to the Overview and Scrutiny Management Board for consideration and inclusion in their work programme as appropriate.

37. **EXEMPT BUSINESS**

Agreed that under Section 100(A)(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

38. **ACCOMMODATION STRATEGY BUSINESS CASE (E3)**

The Director for Corporate Support submitted a written report.

(See minute 36 above)

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Cabinet

Monday 16 August 2010

PRESENT:

Councillor Mrs Pengelly, in the Chair.

Councillor Fry, Vice Chair.

Councillors Bowyer, Brookshaw, Jordan, Michael Leaves, Sam Leaves, Monahan and Mrs Watkins.

In attendance:

Barry Keel - Chief Executive (withdrew for minute 41), Ian Gallin - Assistant Chief Executive, Tim Howes – Assistant Director for Democracy and Governance, Mark Grimley – Assistant Director for Human Resources and Organisational Development and David Draffan – Assistant Director for Economic Development.

Apologies for absence: Councillors Wigans

The meeting started at 2 pm and finished at 2.20 pm.

Note: At a future meeting, the Cabinet will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.

39. **DECLARATIONS OF INTEREST**

Councillor Mrs Pengelly declared a prejudicial interest in respect of minute 41 as a Director of the Plymouth City Development Company.

40. **CHAIR'S URGENT BUSINESS**

There were no items of Chairs urgent business.

41. **PLYMOUTH CITY DEVELOPMENT COMPANY**

The Director for Development submitted a written report.

Agreed to note the decision to wind up Plymouth City Development Company and to note any implications for the Council following this decision.

(Councillor Mrs Pengelly, having declared a prejudicial interest in this item, withdrew from the meeting).

(The vice chair took the chair for this item).

42. **EXEMPT BUSINESS**

There were no items of exempt business.

CITY OF PLYMOUTH

Subject: City and Council Priorities
Committee: Cabinet
Date: 14 September 2010
Cabinet Member: The Leader
CMT Member: Assistant Chief Executive
Author: Giles Perritt, Head of Policy, Performance and Partnerships
Contact: giles.perritt@plymouth.gov.uk
Ref:
Part: Part I

Executive Summary:

This report :

- Describes progress in revising the Council's three year Corporate Plan
- Re-affirms the City's vision and goals
- Proposes revised City and Council priorities

Corporate Plan 2010-2013

The report's recommendations will inform the revision of the Corporate Plan

**Implications for Medium Term Financial Plan and Resource Implications:
Including finance, human, IT and land**

Resource allocation will be influenced by the priorities proposed in this report

Other Implications: e.g. Section 17 Community Safety, Health and Safety, Risk Management, Equalities Impact Assessment, etc.

None at this stage

Recommendations & Reasons for recommended action:

1. That the City's vision and goals as set out at paragraphs (2.1) and (2.2) are reaffirmed
2. That the revised City and Council priorities as set out at paragraph (2.6) are adopted

Alternative options considered and reasons for recommended action:

The report describes the drivers for a revision of priorities and the evidence considered that informs the recommendations made

Background papers:

The Plymouth Report, Minutes of the Plymouth 2020 Board Meeting of 11 August 2010, Minutes of the Overview and Scrutiny Management Board of 28 July 2010

Sign off:

Fin	MC	Leg	DS	HR		Corp Prop		IT		Strat Proc	
Originating SMT Member: Giles Perritt											

1. Context

- 1.1 The Council's current Corporate Plan 2010-13 is due for revision by March 2011, and the opportunity has been taken to ensure the following are taken into account in taking the Council's improvement agenda forward:
- 1.2 Ensuring that the City's vision and goals are still relevant
- 1.3 That the process of using the fourteen Corporate Improvement Priorities identified in the current Corporate Plan to drive the Council's improvement agenda is further developed
- 1.4 That better alignment is achieved between the priorities and planning processes of key partner agencies and those of the Council
- 1.5 That a strong and shared evidence base about the issues affecting the city provides the foundation for prioritisation and planning
- 1.6 The impact of significantly reduced revenue and capital resources into the medium term
- 1.7 A number of agencies and partnership bodies have been involved in the process leading to the recommendations of this report, culminating in the consideration of city priorities and the Plymouth Report by the Council's Overview and Scrutiny Management Board on 28 July and the Plymouth 2020 Board on August 11 2010

2. Detail

- 2.1 Plymouth's vision is that, by 2020

Plymouth will be recognised as one of Europe's finest, most vibrant waterfront cities where an outstanding quality of life is enjoyed by everyone

- 2.2 The City's goals are that Plymouth should be:

- ***A healthy place to live and work***
- ***A wealthy city which creates and shares prosperity***
- ***A safe and strong, clean and green city***
- ***A wise city – a location for learning, achievement and leisure***

- 2.3 There has been a strong consensus among consultees that the vision and goals continue to reflect the ambition of the city, are still relevant and are well recognised by stakeholders. It is understood that current economic constraints present challenges to delivery, however this was not seen as a reason to limit the overall aspirations of the city.
- 2.4 The fourteen Corporate Improvement Priorities included in the current corporate plan have formed a key part of the Council's corporate performance management framework, and improvements against them have been recorded and reported.
- 2.5 The proposed priorities will continue to form the basis of performance management arrangements for the Council, but will also play a more significant role in resource allocation, and represent a tighter focus for the improvement agenda in times of diminishing revenue and capital resources.
- 2.6 The proposed priorities for the City and Council are:

Our priorities	What the partnership will do	What the Council will do
Delivering Growth	Create the skills and infrastructure to develop the economy	Ensure the infrastructure is in place and that jobs and wealth targets are met
Raising Aspiration	Promote and support the city, raising the expectations of Plymouth	Provide city and regional leadership, ensure improved educational attainment, marketing and communication
Reducing inequalities	Reduce the inequality gap, particularly in health	Make specifically targeted interventions to reduce inequality gaps
Building capacity	Strengthen civil society and work together to maximise resources to benefit customers and make internal efficiencies	Achieve efficiency through transformation of our service delivery arrangements, our culture, our structure and our approach to customers

- 2.7 In order to provide improved alignment between the activities of the members of the Plymouth 2010 partnership in delivering the city's vision and goals, common priorities are proposed for the partnership and the Council. An integrated resource and business planning process has been adopted, with cooperation around key resource and service planning milestones to maximise joint efforts to deliver against shared priorities.
- 2.8 The Plymouth Report has been produced, which provides a summary of a wide range of data from a number of sources describing the needs and capacity of the city and its agencies, including the Audit Commission's Comprehensive Area Assessment judgement of December 2009. The report is a major achievement for the city, as it represents a shared evidence base, designed to inform the planning and performance management processes of all partners. The priorities proposed above represent the key challenges facing the city as described in the Plymouth Report, reflecting the findings of key regulators.
- 2.9 Subject to the Comprehensive Spending Review to be published on 20 October 2010, the Council and its statutory partners will face significant and ongoing reductions in available capital and revenue resources. The proposed priorities, and the achievement of measures derived from them will provide a framework for the allocation of available resources within the medium term financial plan

2.10 The Overview and Scrutiny Management Board considered the Plymouth Report at its meeting of 28 July. The report was welcomed and Cabinet was recommended to review the Corporate Improvement Priorities with emphasis on the following issues:

- Supporting the city's growth agenda, including skills development
- Addressing health inequalities
- Delivering efficiency savings
- Providing increased customer focus
- Promoting the role of community, voluntary and not-for-profit organisations

This recommendation has been reflected in the proposed priorities.

2.11 The Board of Plymouth 2020, considered the Plymouth Report at its meeting of 11 August 2010, and endorsed the report and its suggested priorities for the city.

2.12 Once agreed, the proposed priorities will inform the revised Corporate Plan, and will drive the budget setting process over the next few months for both the Council and its partners, leading to the formal agreement of the revised Corporate Plan and Capital and Revenue budgets at the beginning of 2011. The process will ensure that the needs and requirements of the citizens of Plymouth will be addressed in the Council's detailed service delivery plans.

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CITY OF PLYMOUTH

Subject: Changes in Executive Arrangements
Committee: Cabinet
Date: 14 September 2010
Cabinet Member: Council Leader
CMT Member: Monitoring Officer
Author: Tim Howes, Assistant Director for Democracy and Governance
Contact: Tel. (10752) 305403
E-mail: tim.howes@plymouth.gov.uk
Ref: TH
Part: I

Executive Summary:

This report sets out proposals arising from the required changes to the Council's Leadership Model resulting from the Local Government and Public Involvement in Health Act 2007.

Corporate Plan 2010 - 2013:

None directly from this report.

**Implications for Medium Term Financial Plan and Resource Implications:
Including finance, human, IT and land**

There are only minor costs directly associated with meeting the legislative requirements for the Leadership Model. These will relate primarily to consultation such as advertisements and associated materials. These will be met from existing resources. Should a directly elected Mayor model be introduced, there would be the additional costs of holding a referendum and Mayoral election alongside the ordinary Local Government elections in May 2011.

Other Implications: e.g. Section 17 Community Safety, Health and Safety, Risk Management, Equalities Impact Assessment, etc.

None directly from this report.

Recommendations & Reasons for recommended action:

Recommendation:

It is recommended that Cabinet:

- (a) Agree the consultation plan set out in the report and recommend it to Council;
- (b) Agree a preferred form of executive arrangements and recommend it to Council for consultation.

The Council would be in breach of the legislation if it failed to consult and bring into effect the change in Executive Arrangements within the timescale specified by the legislation. If the Council failed to implement required changes, the Local Government and Public Health Involvement in Health Act 2007 provides for the Secretary of State to intervene and prescribe by order the application of Leader and Cabinet Executive Model.

Alternative options considered and reasons for recommended action:

The alternative options are set out in the body of the report.

Background papers:

The legislative requirements (forming the background to this report) are set out in the report.

Sign off:

Fin	MC1 011.0 04	Leg	LT 9379	HR	I008/I 2-001	Corp Prop		IT	ICT/004 7/NJC	Strat Proc	
Originating SMT Member: T Howes											

1. Introduction

1.1 Members will be aware that the Local Government Act 2000 allowed the Council to choose one of three specified forms of Executive arrangements. These were:

- A Mayor and Cabinet Executive
- A Leader and Cabinet Executive, or
- A Mayor and Council Management Executive

1.2 Plymouth City Council adopted the Leader and Cabinet Executive.

1.3 The 2000 Act allowed the Executive Members to be appointed by the Leader or the Council. Plymouth City Council's Constitution provides for Executive Members to be appointed by the Leader of the Council.

1.4 The Local Government and Public Involvement in Health Act 2007 Act amended the 2000 Act by narrowing the choices available to the Council for executive arrangements to:

- A Mayor and Cabinet Executive, where the Mayor is directly elected by the public for a four year term and Cabinet Members are appointed by the Mayor from Members of the Council.
- A Leader and Cabinet Executive, where the Leader is elected by Members of the Council for a period of four years, or until the Leader's current term of office as Councillor ends. Cabinet Members are appointed by the Leader from Members of the Council.

1.5 The main difference between the two forms of Executive Arrangements is that the Leader and Cabinet Executive Model may include provisions to allow it to remove the Leader during the Leader's term of office. In the Mayor and Cabinet Executive Model the Mayor is directly elected and cannot be removed by the Council during his or her term of office.

1.6 For the Leader and Cabinet Executive the actual change in the form of the executive in operation at the Council at the moment is very limited, but the key differences are:

- The Leader's term of office is extended beyond the 4th day after the local elections to run up to the day of the first annual meeting after the Leader's normal day of retirement as a Councillor
- During his/her term of office, the Leader will automatically cease to be Leader upon death or disqualification, but may only be removed from office by a resolution of the Council.
- There is a requirement for the Leader to nominate a deputy Leader, or in his/her absence the remaining Cabinet Members, may act if the Leader is unable to act or the post of Leader is vacant. Whilst an old-style Leader may appoint a deputy, currently the only powers which can be exercised by a deputy Leader are the "portfolio responsibilities" of the Leader, as opposed to the statutory functions which are conferred by statute solely on the Leader, such as appointing or removing other Cabinet Members or objecting to senior officer appointments or dismissals.

1.7 However, whilst the changes do not appear to be significant, they constitute a change to the Council's "executive arrangements".

1.8 Due to this change to the “executive arrangements” a formal process, as set out in the legislation, has to be followed. This requires determining the form of executive preferred, consulting on it, agreeing it and making the constitutional arrangements to accommodate it. This has to be done by the end of December 2010 with the new arrangements operating from the third day after the next local elections in 2011.

2.0 Process for Change

2.1 The legislation sets out a three stage process for change:

- (a) Before drawing up proposals for change the Council must take reasonable steps to consult local government electors and other interested persons in the area.

In practice, consultation with a blank sheet of paper is unlikely to be very helpful, so it would be appropriate for Cabinet to recommend to Council, and for Council to resolve, what the authority’s preferred option is for meaningful consultation to take place.

- (b) The Council should then draw up proposals which include the proposed changes to the Constitution, the timetable for implementation and any transitional arrangements. The Council should consider the extent to which the proposals, if implemented, would be likely to assist in securing continuous improvement in the way its functions are exercised giving regard to efficiency and effectiveness. Once proposals have been drawn up the Council must make them available to the public and advertise that they are available, but there is no further requirement for consultation.
- (c) The Council resolves to implement the proposals by the 31 December 2010.

3.0 Draft Consultation Timetable

3.1 Before drawing up proposals the Local Authority must take reasonable steps to consult the Local Government electorate and other persons in the Authority area. However, given possible changes to come from the Localism Bill, recent guidance recommends a strong case for any consultation now about future governance arrangements to be the most cost effective option.

3.2 The proposed timetable is therefore:

- (a) Public consultation via public advertisement and web-site, October – December 2010;
- (b) Specific consultation with our LSP partners, October-December 2010;
- (c) Council consider consultation results and pass resolution to adopt preferred option, 6 December 2010;
- (d) Implementation of the new executive arrangements on the third day after the Council elections 2011.

CITY OF PLYMOUTH

Subject: The Future Pattern of Secondary Education - Academies
Committee: Cabinet
Date: 14 September 2010
Cabinet Member: Councillor Mrs Watkins
CMT Member: Director of Services for Children and Young People
Author: Jayne Gorton, School Organisation and Pupil Access Manager
Contact: Tel: (01752) (30) 7472
jayne.gorton@plymouth.gov.uk
Ref: MC.JEG (CAB)(94)(05/08/10)
Part: I

Executive Summary:

This report provides Members' with an update on the closure of John Kitto Community College and Tamarside Community College with effect from 31 August 2010 and the opening of the two academies All Saint's C of E Academy and Marine Academy Plymouth with effect from 1 September 2010.

Corporate Plan 2010-2013:

The Academy Programme is derived directly from the Council's *Investment for Children* strategy, adopted by Full Council on 1 December 2008. This *Strategy for Change* underpins and inextricably links the transformational aspirations of the Council to deliver high quality children's services and the economic strategy, which seeks to recreate Plymouth as one of Europe's finest, most vibrant waterfront cities, where an outstanding quality of life is enjoyed by everyone. The strategy will enable the Council to develop outstanding built and extended environments suitable for the delivery of a personalised 21st Century curriculum, placing them in the heart of the community. The following Corporate Improvement Priorities (CIPs) apply:

CIP 4 – Reducing inequalities between communities

There are many linkages between different CIPs; this is particularly the case for CIP 4. The proposal for two Academies addresses imbalances in achievement between different parts of the city and seeks to ensure that investment will be targeted to ensure that benefits address these imbalances.

CIP 6 – Improving culture and leisure opportunities

The proposal for two Academies includes the notion of Extended Schools. It addresses the link between education and the community; in particular it supports the link between school environments and the promotion of high class sporting facilities for the city.

CIP 7 – Keeping children safe

The Authority will seek to ensure that safeguarding of children is at the heart of the proposal for two Academies. Making building and schools safer places is a key objective of the *Investment for Children* strategy, in particular supporting antibullying and promoting multi agency spaces in schools.

CIP 8 – Improving skills and educational achievement

The proposal for two Academies is focused on attainment and continued improvement.

CIP 9 – Developing high quality places to learn in

The proposal for two Academies supports the framework for delivering this Corporate Priority. The Academy Programme will include capital investment to dramatically improve the schools' learning environments.

CIP 11 – Improving access across the city

The proposal for two Academies is targeted to ensure that all communities have good local schools. This is to ensure that the need to travel long distances for school places is reduced while parental choice is upheld.

CIP 12 – Delivering Sustainable Growth

The proposal for two Academies recognises that housing growth can not be achieved or sustained without infrastructure growth in Children's Services. The proposal takes into account the housing growth set out in the LDF.

CIP 14 – Providing better value for money

The Academy Programme is funded through central government investment programmes, which allow the Council to meet our longer term responsibilities in capital funding and asset management of Children's Services properties. It considers the changing nature of the Council's role in school organisation and school status.

**Implications for Medium Term Financial Plan and Resource Implications:
Including finance, human, IT and land**
Legal

The report presented to Cabinet on 2 June 2009 outlined the first stage of a plan to provide transformational change, in line with the Government's plans for education, at Tamarside Community College and John Kitto Community College. The proposal to discontinue Tamarside Community College and John Kitto Community College with effect from 31 August 2010 was conditional on the Secretary of State making an agreement for two academies to be opened on the sites of the two community colleges concerned with effect from 1 September 2010. This agreement to close both Community Colleges was received from the Office of the Schools Adjudicator in February 2010.

Finance

Whilst academies are funded using the same local funding formula as maintained schools, each academy will receive a Local Authority Central Spend Equivalent Grant (LACSEG) to deliver services which had previously been provided by the Local Authority (LA). The LACSEG covers both the LA funded services and direct school services funded by the Dedicated Schools Grant (DSG). For academies approved as part of the previous governments academies programme, the LA will only realise the reduction in the DSG relating to the LACSEG, with the LA budget cost being met from a national top slice of the DSG. The DSG reduction relating to the LACSEG in 2010/11 is shown in the table.

Academy	Part Year (Sept10 - Mar11) £	Full Year £
All Saints Academy	34,590	59,297
Marine Academy	34,789	59,638
	69,379	118,935

An academy may still choose to purchase services from the LA via a Service Level Agreement. Service managers are currently negotiating with individual academies regarding the shape and cost of services from April 2011. Services have already been agreed for September 2010.

Other Costs

Other costs have inevitably been incurred. Whilst these are still being calculated for the two academies, the following are likely to have a financial impact on the LA:-

- Project costs - Senior management, finance, HR, legal
- Compromise agreements
- Buyback of LA services and deferred TUPE - where the LA can no longer deliver services which match the academies requirements i.e. financial services and payroll
- Transfer of assets

A grant up to the value of £100,000 per academy will be claimed from the Department for Education to support some of the set up costs when the transfer has been completed.

Human Resources

Academy projects which involve the closure of an existing school or the merger of two or more schools will be conducted on the basis that Transfer of Undertakings (Protection of Employment) Regulations 2006 apply.

TUPE - pension liability for support staff is an undertaking for each of the new Academies. The Department of Education have stated that the current policy is that the academy is passed the deficit. This will have the effect of increasing the contribution rates in order to fund any deficit for the future. This has therefore been written into the Transfer Agreement which has been drafted by Bevan Brittan and circulated to all parties for approval.

All Saint's C of E Academy Plymouth – 208 staff have transferred from John Kitto Community College and 7 staff have been displaced and have entered into a compromise agreement with PCC.

Marine Academy Plymouth – 172 staff have transferred from Tamarside Community College and 4 staff have been displaced and have entered into a compromise agreement with PCC.

Land

Prior to the announcement that Building Schools for the Future Programme would not be going ahead a short term lease was being prepared based on the current school buildings and site. Following completion of the building work through BSF a long term lease for 99 Years would then have been prepared for approval based on the new build/refurbishment/remodelling.

Following the announcement a draft long term lease for 99 years has been prepared which is currently with the Academies solicitors for their approval. A tenancy at will has been prepared and signed by both parties that transfers the responsibility of the buildings and land to the Academies and given them the legal right to occupy the premises until the details of the lease are finalised and agreed.

Both Academies are awaiting information from the Secretary Of State regarding future capital investment for academy buildings.

All fixtures, fittings equipment and leases for equipment will transfer to the Academies with the exception of assets purchased through 14 -19 capital funding i.e. diploma start up these remain the assets of the 14 -19 Partnership.

Implications: e.g. Section 17 Community Safety, Health and Safety, Risk Management, Equalities Impact Assessment, etc.

The academies have adopted similar equalities policies and there are therefore no concerns that there will be any loss of equality impact. The Academy Sponsors have been brokered with care to achieve ethically supportive partners who share similar public and communities' ideals; indeed the Local Authority is a co sponsor which will ensure that the ethos of the schools remains community focused.

The academy trust has become the employer and this means that many legal functions pass to them. The duty as an employer in law such as Health and safety, Disability discrimination, construction design management etc. have passed to the Academy and this liability no longer rests with the Council.

Recommendations & Reasons for recommended action:

That members note the revised arrangements for closure of the two Community Colleges and the opening of the two academies contained within the report.

Alternative options considered and reasons for recommended action:

None appropriate to this report

Background papers:

- Investment for Children Cabinet Paper approved 11 November 2008
 - Plymouth City Council Children's Services Strategy for Change *Investment for Children*
-

Sign Off:

Fin	ChS0 303 AM 09/08/ 10	Leg	9557/ LT	HR	SO 5.8.10	Corp Prop		IT		Strat Proc	
Originating SMT Member: Colin Moore, Assistant Director fro Lifelong Learning											

Introduction

The Academy Sponsors are as follows:

Marine Academy Plymouth - Lead Sponsor – University of Plymouth

Co- sponsors – Cornwall College and Plymouth City Council

All Saint's c of E Academy - Lead Sponsor – Church of England

Co – sponsors – University College Plymouth and Plymouth City Council

Consultation on Closure of John Kitto and Tamarside Community Colleges - The power to discontinue a maintained school is set out in Section 15 of the Education and Inspections Act 2006 and the procedure in the School Organisation (Establishment and Discontinuance of Schools) (England) Regulation 2007. An academy can be established by agreement with the Secretary of State under Section 482 of the Education Act 1996.

Schedule 2 of the 2006 Act sets out the responsible authority for decision making in relation to closing an existing school. Proposals can be decided upon by the Local Authority.

Stage 1 of the consultation commenced in June 2009. Following six weeks of consultation the Portfolio Holder for Children and Young People agreed by Delegated Decision to move to Stage 2 of the consultation in September 2009. At this stage an objection to the proposal was received, due to the lateness of the objection there was insufficient time to report back to Cabinet and the objection with all the consultation documents and other related papers was referred to the Office of the Schools Adjudicator. The decision to approve the proposals published by Plymouth City Council to discontinue John Kitto Community College, Plymouth and Tamarside Community College, Plymouth with effect from 31st August 2010 conditionally upon an agreement being made in each case by 15th April 2010 under section 482(1) of the Education and Inspections Act 2006 for the establishment of an Academy from 1st September 2010 was received in February 2010.

Funding Agreement - The funding agreements were signed on 30 March 2010 which met the terms of the closure approval from the Office of the Schools Adjudicator. His approval was conditional on the funding agreements being signed by 15 April 2010. The agreement is a legally binding contract between the Academy Trust and the Secretary of State.

Finance

Whilst academies are funded using the same local funding formula as maintained schools, each academy will receive a Local Authority Central Spend Equivalent Grant (LACSEG) to deliver services which had previously been provided by the Local Authority (LA). The LACSEG covers both the LA funded services and direct school services funded by the Dedicated Schools Grant (DSG). For academies approved as part of the previous governments academies programme, the LA will only realise the reduction in the DSG relating to the LACSEG, with the LA budget cost being met from a national top slice of the DSG

An academy may still choose to purchase services from the LA via a Service Level Agreement. Service managers are currently negotiating with individual academies regarding the shape and cost of services from April 2011 Services have already been agreed for September 2010.

Other Costs

Other costs have inevitably been incurred. Whilst these are still being calculated for the two academies, the following are likely to have a financial impact on the LA:-

- Project costs - Senior management, finance, HR, legal
- Compromise agreements

- Buyback of LA services and deferred TUPE - where the LA can no longer deliver services which match the academies requirements i.e. financial services and payroll
- Transfer of assets

A grant up to the value of £100,000 per academy will be claimed from the Department for Education to support some of the set up costs when the transfer has been completed.

.Governance Arrangements

Marine Academy Plymouth (MAP) - The governing body will contain 13 representatives with the majority being appointed by the lead sponsor. The University of Plymouth will bring its strong record in higher education and research including its central role supporting the marine sciences as well as its outreach work with Plymouth schools. Each of the two co-sponsors will nominate governors who are well placed to promote a strong drive for higher standards through innovation in teaching and learning and in management and organisation. Plymouth City Council will have two places and Cornwall College will have one place. Because representation from parents, the community and staff is much reduced within an academy governance structure MAP will create a number of individual focus groups who will feed issues through to the Academy governors. A representative on each forum will take the contributions of the members to the full governors meetings.

The new Chair of Governors is Professor Mary Watkins Senior Deputy Vice Chancellor at the University of Plymouth.

All Saint's Cof E Academy (ASAP) - The Governing Body will contain 9 representatives with the majority being appointed by the lead sponsor, both Plymouth City Council and the University College Plymouth will have one representative each.

The Chairman and Vice-Chairman will be elected at the first meeting after the Academy opens; this meeting. The Bishop of Plymouth is willing to stand as Chairman and John Rea as Vice-Chairman.

To support the work of the governing body additional members will be drawn from a wide variety of backgrounds e.g.

- The business community in Plymouth
- Local clergy from the Church of England and from other Christian denominations
- The local community
- Local headteachers especially of primary schools including Church of England primaries
- Local higher and further education establishments
- People with successful experience of academies and especially Church of England academies

In both Academies the Academy Trust of which the Governing Body is the Executive Body is responsible for matters relating to:

- **Students** including their achievement, admissions, behaviour and attendance
- **Staff** including their recruitment, development, motivation and retention. As the employer, the Governing Body is responsible for the pay and conditions of staff, for performance management and development, and for procedures including those dealing with staff discipline, grievance, redundancy etc.
- **The Curriculum and other educational matters** including standards, the Every Child Matters agenda, assessment, Special Educational Needs, provision for Gifted and Talented etc
- **Premises**
- **Collaboration with parents, the community and outside bodies** to ensure that the Academy is at the heart of the community and that it has the best possible partnership with parents

- **Finance** including the scheme of delegation on financial decisions, the responsible officer, whose role is essentially that of internal auditor

Human Resources - A full audit has taken place on all aspects of HR within both colleges. This includes contracts of employment, CRB checks, temporary arrangements; casual staff additional payments and policies.

Regular consultation meetings with the recognised Teaching and Support staff unions have taken place along with staff meetings and the opportunity for all staff to meet sponsors etc on a 1-1 basis.

With regard to John Kitto CC, which is changing to All Saints Academy Plymouth (ASAP) 185 staff will be subject to the TUPE transfer. Prior to the transfer, ASAP have undertaken a restructure and this has resulted in 7 staff being displaced. These staff will not transfer and have entered into a compromise agreement with PCC.

With regard to Tamarside CC, which is changing to Marine Academy Plymouth (MAP) 172 staff will be subject to the TUPE transfer. Prior to the transfer, it was identified that the Senior Leadership team was overstaffed and this resulted in 4 members of staff being displaced. These staff will not transfer and have entered into a compromise agreement with PCC.

Land

Prior to the announcement that Building Schools for the Future Programme would not be going ahead a short term lease was being prepared based on the current school buildings and site. Following completion of the building work through BSF a long term lease for 99 Years would then have been prepared for approval based on the new build/refurbishment/remodelling.

Following the announcement a draft long term lease for 99 years has been prepared which is currently with the Academies solicitors for their approval. A tenancy at will has been prepared and signed by both parties that transfers the responsibility of the buildings and land to the Academies and given them the legal right to occupy the premises until the details of the lease are finalised and agreed.

Both Academies are awaiting information from the Secretary Of State regarding future capital investment for academy buildings.

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CITY OF PLYMOUTH

Subject: Transformation of the Plymouth Hospital School and Outreach Centre

Committee: Cabinet

Date: 14 September 2010

Cabinet Member: Councillor Mrs Watkins

CMT Member: Director of Services for Children and Young People

Author: Jayne Gorton, School Organisation and Pupil Access Manager

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Ref: MC.JEG (CAB) 93(01/07/10)

Part: I

Executive Summary:

This report seeks Members' authorisation to hold formal consultations with all interested parties on a proposal to discontinue The Plymouth Hospital School and Outreach Centre with effect from 28 March 2011.

This report outlines the first stage of a plan to provide transformational change, in line with the Local Authority's plans for Alternative Complementary Education Provision (ACE) providing short stay provision for pupils to complement existing maintained provision for challenging and vulnerable children.

Corporate Plan 2010-2013:

The following Corporate Improvement Priorities (CIPs) apply:

CIP 4 – Reducing inequalities between communities

Providing inclusive educational opportunities for challenging, vulnerable and special needs pupils within the city.

CIP 7 – Keeping children Safe

The Authority will seek to ensure that safeguarding of children is at the heart of the proposal for the new service. Making buildings and schools safer places is a key objective of the *Investment for Children* strategy, in particular supporting antibullying and promoting multi agency spaces in schools.

CIP 8 – Improving skills and educational achievement

The proposal for the new service is focused on attainment and continued improvement.

CIP 14 – Providing better value for money

The new service takes into consideration the changing nature of the Council's role in school organisation and school status.

**Implications for Medium Term Financial Plan and Resource Implications:
Including finance, human, IT and land**

The cost of the consultation will be met from an existing revenue budget within Services for Children and Young People. All pupils attending the school and outreach centre will be transferred to the new provision.

If The Plymouth Hospital School and Outreach Centre were to form part of the new ACE provision following this consultation, then the Dedicated Schools Grant funding The Plymouth Hospital School and Outreach Centre would continue to fund new ACE provision and all staff contracts will be transferred to the new provision.

As ACE is part of Central Expenditure of DSG, the transfer would breach the Central Expenditure Limit which requires approval by Schools Forum.

At this stage it has been assumed that the transfer is broadly cost neutral; when detailed costings of the new ACE provision are completed, any change in cost will also need Schools Forum approval.

Other Implications: e.g. Section 17 Community Safety, Health and Safety, Risk Management, Equalities Impact Assessment, etc.

None

Recommendations & Reasons for recommended action:

1. In order to commence statutory procedures to discontinue The Plymouth Hospital School and Outreach Centre, it is necessary to hold formal consultations with all interested parties. Therefore, it is *recommended* that the Director of Services for Children and Young People be authorised to hold formal consultations with all interested parties on a proposal to discontinue Plymouth Hospital School with effect from 14 February 2011.
2. The second stage of statutory procedures requires the Council to consider all the outcomes of and responses to the formal consultation before deciding whether to publish formal proposals in a public notice to discontinue The Plymouth Hospital School and Outreach Centre. Therefore it is *recommended* that the Cabinet Member for Children and Young People, in the light of the outcomes of and responses to the formal consultation, be authorised to determine whether to publish formal proposals to discontinue the school.
3. If formal proposals are published, the third stage of statutory procedures requires the Council to consider all the outcomes of and responses to the public notice and determine whether to discontinue the School. Therefore, if a public notice is published, it is *recommended* that a further report be presented to the Cabinet Member for Children and Young People in due course for a final determination to be made as to whether to discontinue The Plymouth Hospital School and Outreach Centre.

Alternative options considered and reasons for recommended action:

Due to the nature of the Ofsted judgement – notice to improve, the school would be required to show evidence of improvement, if they were unable to show improvement this would

trigger additional actions on the part of Ofsted and they can then require the LA to close the school without the ability to transform the provision into a service.

Background papers:

Alternative Complementary Education Strategy - 2009

Sign off:

Fin	RO/Ch S0299 /1.7.10	Leg	DVS 1141.	HR	SJ 20.07. 10	Corp Prop		IT		Strat Proc	
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Originating SMT Member: Colin Moore, Assistant Director for Lifelong Learning

1.0 Introduction

1.1 The Plymouth Hospital School and Outreach Centre has five different sites. It caters for pupils with medical, physical, psychological and emotional needs. Most pupils come from the city of Plymouth, although one of the sites caters for young people from the whole of the south-west peninsula. The large majority of pupils are of secondary school age with some pupils having a statement of special educational needs. Depending on the nature of the pupils' particular needs, a placement may be short-term or pupils may attend the school for a considerable amount of time.

1.2 The hospital school also manages the home tuition service for some pupils who are unable to attend school for medical reasons.

1.3 The school's longer-term provision for pupils aged 11 to 16 moved to temporary buildings two years ago and are waiting to move to new premises on a local secondary school's campus. The role of one of the units for pupils with mental health needs has recently been changed to form a community outreach team and another unit, for primary-aged pupils, is currently under review by the Plymouth Child and Adolescent Mental Health Service.

1.4 The hospital school was inspected on 4-5th March 2010 and was given a notice to improve. The school and the governors in conjunction with the LA have put in place an improvement plan to address the areas of action identified in the Ofsted report.

1.5 The LA has submitted and had accepted by Ofsted an action plan to support the school that outlines clear milestones for action. This plan covers the period to January 2011. A decision has been made to change the designation of the provision from school to a support service to be managed as part of the new ACE (Alternative Complimentary Education) Strategy. The LA will work with Governors to put together a transition plan to manage the transfer from school to support service designation should this proposal be approved.

Ofsted will re - visit the school 6 months from inspection, in practice this is likely to be October 2010, to check progress on the action plan. If the school is unable to show evidence of improvement this would trigger additional actions on the part of Ofsted and the LA. Ofsted can make a decision to close the school if it feels that the school is unable to address the actions in the plan within the required timescales (normally 12 months from inspection) and is not on a clear trajectory to improvement at the 6 month period.

2.0 Statutory Procedures

2.1 To close community special schools, local authorities are required by law to undertake statutory procedures involving formal consultations with all interested parties and the publication of formal proposals. Recent changes in the law, which have clarified the role of the local authority as the *commissioner* rather than the *provider* of school places, mean that, if statutory procedures to close a community school are embarked upon, it is the local authority itself that would take the final decision, rather than the Office of the Schools Adjudicator.

2.2 The first stage of statutory procedures – normally 6 weeks - is to hold detailed and formal consultations with all interested parties, including parents, staff, governors and trade unions, as well as all other schools in the City and other public agencies. There are detailed provisions in DFE guidance as to the prescribed information that must be made available to all consultees, which includes the details of the proposal, the impact of the proposal on students, staff, governors and the local community, and the alternative arrangements that would be made for the education of pupils following the implementation of the proposal.

2.3 Following completion of stage 1, the second stage prescribes that the local authority must give careful consideration to all the outcomes of and responses to the consultation and then decides in the light of those outcomes and responses whether to publish a formal proposal, in the form of a public notice, to close the school. The notice must be published for 6 weeks.

2.4 Following completion of stage 2, the third stage prescribes that the local authority must give careful consideration to all the outcomes of and responses to the public notice and then decide in the light of those outcomes and responses whether and when to discontinue the school in question.

2.5 The 4th and final stage is to implement the proposal. On the date that a school closes, all governors' terms of office will cease and all staff will be issued with new contracts as part of the new ACE service.

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