

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
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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 antibulling 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*
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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.

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.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.

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