

# DRAFT

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## STRONGER COMMUNITIES SELECT COMMITTEE

### MINUTES OF THE MEETING HELD ON THURSDAY, 7 APRIL 2011

**Councillors Present:** Mollie Lock, Alan Macro (Vice-Chairman), Irene Neill (Chairman) and Ieuan Tuck

**Also Present:** Paul Dick (Headteacher of Kennet School), Councillor Barbara Alexander, David Appleton (Head of Cultural Services), Ian Pearson (Head of Education Service), Shiraz Sheikh and Stephen Chard (Policy Officer)

**Councillor Absent:** Councillor David Holtby

#### PART I

#### 35. Minutes

The Minutes of the meeting held on 17 March 2011 were approved as a true and correct record and signed by the Chairman.

#### 36. Declarations of Interest

There were no declarations of interest received.

#### 37. School Academies - discussion of a school's perspective of taking academy status

The Committee considered information provided by Paul Dick, Headteacher of Kennet School which had just converted to an Academy.

Mr Dick made the following points by way of background to Kennet's decision to take academy status:

- The creation of academies was a policy of the Coalition Government and was intended to enable successful schools to further improve. This could be viewed as a positive way forward for schools, but the potential reduced impact on Council services could be concerning for the Council. As a Government requirement it was highly likely that more schools would follow Kennet's lead.
- The role of Kennet in helping young people to become independent and confident individuals was unchanged and would continue to be the focus.
- A benefit was additional finances. Schools were able to predict their likely funds for their first year as an academy based on a Government toolkit and for Kennet this identified increased funding. Funding entitlements were also detailed in a document provided by the Secretary of State for Education. Academy status brought additional responsibilities, but it was believed that these could be delivered more efficiently and cost effectively. Whether this level of funding would continue in future years was, of course, uncertain. There were some anomalies, which included whether academies needed to pay Value Added Tax.
- The independence gained from becoming an academy was very liberating.

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- There were no extreme reasons for moving away from the Local Authority (LA), but it was cited that some Council services provided to schools did not have a full understanding of a school's needs and this did contribute to the decision to become an academy. The Education Service was excluded from this. However, many schools needed the Council's support and the performance issues of some meant they would not be suitable or eligible to take academy status.
- There were lessons for the Council to learn for future. Although the Council did offer its services, it was felt that this should be seen as a business opportunity in maintaining a critical mass, continuing to support poorer performing schools/other non academies and providing services to academies.
- The ability to move gradually away from the national curriculum was another attractive factor. Members were assured that the syllabus for GCSE and A Level studies would still work towards appropriate examinations. However, a carefully managed rolling programme of review had commenced for the curriculum delivered to years 7, 8 and 9. This included identifying those areas which were not felt to be necessary and allowed the opportunity to enhance education for and encourage more enthusiasm from young people. This would also be a motivator for staff in teaching something more worthwhile and making the curriculum fit for purpose. The option of better utilising local resources also become possible, i.e. Thatcham reed beds. The year 7 intake for September 2011 would be working on a new curriculum.

A significant amount of questioning then followed from Members and, in response, Mr Dick made the following points:

- Schools were required to consult with staff. A meeting was held with Kennet staff and their responses had been largely positive or, at worst, neutral. There were of course questions relating to job security, pay and conditions etc and these could be topics of concern in some schools.
- While pay and conditions could be varied by an academy, the pension scheme for teachers was nationally imposed. A teacher who was changing jobs from an academy to a maintained school would not see any changes to their pension. Academies would take the role of payroll provider from the Council, but many external companies provided payroll services elsewhere and had the necessary expertise.
- The response from teaching unions to consultation had been less supportive.
- The potential perception among parents that academies were associated with failing schools was noted. In the case of Kennet, attempts to disavow parents of the misconception were being dealt with by, for example, adding (outstanding academy) on the School's letterhead.
- The Government had indicated a wish that academies support other, less successful, schools, but had been dismissive as to its extent and it was felt to be a light touch requirement. No detail had been requested as to how this was to be delivered. However, Kennet did a lot of work with and for local schools in the area and it was hoped that this would continue. Financial benefits might even allow such activity to be enriched. This included Trinity School as Kennet's partner school. The eventual goal for Trinity remained as having their own Headteacher and Governing Body.

*(Councillor Alan Macro joined the meeting at 5.50pm).*

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- Partner/feeder primary schools were contacted as part of the consultation process. Those that responded were supportive and no concerns had been raised. The responsibilities of becoming an academy were less attractive to primary schools as they had less capacity.
- Consultation with parents took the form of referring them to the DfE website and a public meeting was held with a relatively high level of engagement. 94% of those in attendance were supportive of Kennet becoming an academy.
- A change in a school's fortunes in relation to a change in senior personnel was a potential issue in any school.
- Academies had the power to consider changing their catchment area pending a period of consultation. However, consideration would still need to be given to the School Admissions Code. This could be extending the catchment or reducing it if an academy was oversubscribed. Kennet had no intention of extending its catchment as it was only just able to provide enough places for catchment area pupils. There was also no intention to increase the size of the school to allow for more pupil numbers as it was felt that the school was already operating at the optimum level for a good secondary school.
- The only change to Kennet's Governing Body was that the more senior Governors became members of what had become a limited company. The role of the remaining members was unchanged. One member of the Governing Body was permitted to be a Local Authority Member.
- Services provided by the Council to schools were covered by many different contracts. Kennet had taken the view that it would be ideal for all of its services to be operated or managed by the Academy Trust. It was hoped that negotiating arrangements individually would benefit Kennet as opposed to buying into arrangements arranged by the Council and possibly paying more. It was also hoped that contracts of a higher quality could be negotiated. There were however some services provided by the Council that would be retained. These were primarily specialist areas such as maintenance of alarms, sports equipment, electrical work etc. A positive example of a service arranged by the Council was the catering and cleaning contract. The Council had some expertise and provision of services to academies was a business opportunity.
- The risk of employing an external contractor was that they could be unfamiliar with a school's needs. Three references would be requested before employing any external contractor.
- The positive work of the physical disability and hearing impaired units would continue as before. The success of these units attracted parents from beyond Kennet's catchment. The decision with regard to admission to these units rested with the LA and linked with the statementing process. It was the agreement of both Kennet and the Council that this was the appropriate location for these units.
- It was not Kennet's intention to seek commercial sponsors. Although some good contacts had been established for specialist areas of education.
- As Kennet was considered to be an outstanding school, since the Ofsted inspection undertaken in 2008, they would not receive routine inspections unless this was requested by parents. However, Ofsted would still conduct a paper based annual performance assessment and it was likely that some subject based

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inspections would take place. In addition, the Academy would remain accountable to its pupils, their parents and Governors.

- The Government was eager for schools to become academies within as short a timeframe as possible. Members commented that the speed with which this could happen was a concern for those schools without the strong structure already in place at Kennet.
- Kennet wanted to continue with the current arrangements for the leisure centre but this involved a very complex legal process which was an added complexity to Kennet becoming an academy. The importance of lawyers working closely together with the Property Service was highlighted by Mr Dick. David Appleton added that all parties were working towards continuing arrangements as before and the dual use agreement had been refreshed on that basis.
- Kennet hosted an internet hub for eight primary schools and the local library. It was felt that the internet contract was overly expensive and work was ongoing to negotiate an improved deal. Members highlighted the importance of addressing any concerns to allow this arrangement to continue.

Shiraz Sheikh commented that the transition of Kennet to academy status and a limited company needed formal legal agreements to meet the requirements of the Government, the Council's Constitution and the diligence of the Academies Act. Legal requirements had needed to be met before the transition could be concluded.

Ian Pearson stated that the Council was confident with Kennet's ability to run its own affairs. A series of positive discussions had been held between both parties in ensuring as smooth a transition as possible.

However, the Council needed to take a different view from that of an academy in considering the best interests of all children across the District. In terms of the Council providing challenge to an academy, this was possible to a degree via the Council services being purchased.

There was an issue with the Government's current formula which allocated funding based purely on pupil numbers. Level of need, which was a consideration of the Council when allocating centrally held funding, had not been factored in the Government's formula. The Government intended the Pupil Premium, proposed to commence in September 2011, as a way of meeting this need. The needs of small schools were reflected in the funding provided directly to schools. Mr Dick added that consideration was needed of a school's unit cost per pupil in comparison to the average and the outcomes achieved. Councillor Barbara Alexander pointed out that while small schools incurred additional costs, it was often the case that better outcomes were achieved for its pupils.

### **38. Exclusion of Press and Public**

**RESOLVED** that members of the press and public be excluded from the meeting for the under-mentioned item of business on the grounds that it involves the likely disclosure of exempt information as contained in Paragraphs 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the [Local Government \(Access to Information\)\(Variation\) Order 2006](#). [Rule 9.10.4 of the Constitution also refers](#).

**39. Impact of School Academies on various Council Services**

The Committee considered further, exempt, information for the review and discussed future activity.

A draft letter to be sent to the Secretary of State for Education was circulated which outlined the concerns raised by the Committee at the last meeting and invited a representative of the Department for Education (DfE) to a future meeting. Councillor Irene Neill explained that Councillor Brian Bedwell, Chairman of the Overview and Scrutiny Management Commission, had given his agreement to the suggested approach and to forming a short term task group, if needed, for this work to continue beyond the life of the Select Committee.

Members agreed that the letter should be sent by the Select Committee, but it was requested that some mention also be made of concerns in relation to what action could be taken should an academy fail, the potential impact on the LA of changing catchment areas and how non academies could be affected.

Further detail was requested on the potential for an academy to change its admission arrangements and catchment area. Ian Pearson clarified that an academy or Voluntary Aided/Foundation school could do so, but any proposed changes would have to be consulted upon well in advance of changes being made (approximately 18 months). This included consultation with neighbouring local authorities when appropriate. The School Organisation Committee did play a part in this process, but it was not to remain a statutory responsibility.

Any dispute with regard to admission arrangements could be referred to the School Adjudicator, as stated in the Admissions Code, and this would include the arrangements of an academy.

A potential financial impact for the LA of an academy changing its catchment could be a need to fund more home to school transport. Further, if a catchment area was reduced then it would fall to the LA to ensure an adequate number of places were available for all West Berkshire children of statutory school age. If the Committee wished to focus on the financial impact of schools becoming academies on the LA then Ian Pearson suggested inviting Clare White from Accountancy.

Members remained concerned with regard to the transition of some secondary schools and the short timeframes for doing so, Park House was named as an example. Park House was not considered by Ofsted to be an outstanding school and it had a budget deficit. Ian Pearson added that the school had an outstanding loan agreement to meet the deficit and it was the intention that this would be recovered in the last scheduled payment the Council was to make to the school. The remaining deficit would need to be resolved between the Park House Academy Trust and the DfE. Shiraz Sheikh advised that no clear position had been confirmed on this point by the DfE.

Discussion then turned to community use of the Leisure Centre based at Kennet School and the potential implications for leisure facilities at other secondary schools should they convert to academy status. David Appleton made the following points:

- The dual use agreement was in place, but community use had been a major issue to resolve.
- Where formal facilities were in place at a school, the community use was felt to be better protected than more informal arrangements. These dual use centres were based at Kennet, the Downs, John O'Gaunt, Theale Green and the Willink

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Schools. A concern could be that schools would look at a commercial return for informal arrangements beyond the residents of West Berkshire.

- Kennet, Thatcham Town Council and West Berkshire Council wished to continue the current practice for the Kennet Leisure Centre, but dual use arrangements needed to be maintained in order to ensure the community could continue to access facilities. Kennet had excluded the Leisure Centre from its lease, but were retaining freehold ownership.
- Since a 1994 agreement, schools had not been required to contribute to the operating costs of leisure centres on their site. However, notice had been given to Kennet, now that they had become an academy, that they would be charged around £40k for its annual use. This amount was previously met by an Education budget.
- A problem could arise for the academy if leisure facilities fell outside of their lease and they were used for Physical Education. If converted school's own facilities were used by the community then the Council would need to negotiate its continuation.
- Use of the Kennet Leisure Centre swimming pool would continue for local primary schools. Kennet School's allocation for the swimming pool was 12 hours per week. Community access to the gym and squash courts was available during school hours and separate changing room facilities were in place. Only the sports hall was not available externally during school hours.

Discussion then turned to the significant resource implications for the LA. Shiraz Sheikh explained that while he had undertaken as much of the legal work as possible to minimise additional costs, much of the work for Kennet and Park House had to be arranged via external solicitors due to the level of work and the tight timescales involved. It was felt that an idea of the cost to the LA would be a useful addition to the letter to be sent to the Secretary of State for Education. Shiraz Sheikh estimated that the invoices received to date for the legal work for Kennet School's transfer totalled approximately £15k, but this was rising and could well reach the figure of £25k received by schools to meet their legal costs. It was suggested that it would be useful to include information in the letter on the implications across Council services, i.e. Human Resources (HR). Ian Pearson informed Members that arrangements had been made by HR for the TUPE transfer of school staff.

Ian Pearson added that a clear difficulty was getting complex arrangements in place within such tight timescales, these deadlines were set without any input from the LA. Any issues not covered could lead to complications over a considerable period of time.

It was agreed that the involvement/input of the DfE should be received before formulating recommendations as many questions remained unanswered. The letter to the Secretary of State for Education would be copied to the three MPs for West Berkshire. Members and Officers were asked to provide comments on the draft letter to Stephen Chard as soon as possible.

**RESOLVED** that Members and Officers would provide comments on the draft letter before it was sent to the Secretary of State for Education requesting input from the DfE.

*(The meeting commenced at 5.30pm and closed at 7.10pm)*

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**CHAIRMAN** .....

**Date of Signature** .....