

Cabinet – 16 July 2008

Structures of Secondary Schools

Portfolio: Councillor Zahid Ali, Children's Services

Service: Education

Wards: All

Key decision: Yes

Forward plan: Yes

1. Summary of report

To seek the view of Cabinet on Willenhall's consideration of Trust Status; inform Cabinet of the success of Walsall's bid to be included in wave 6a of the Building Schools for the Future Programme; seek agreement on continuing the ongoing review of the mainstream secondary schools within the Building Schools for the Future project and obtain permission to consult on the closure of Darlaston on 31 August 2009 to enable it to open as an Academy on 1 September 2009.

2. Recommendations

That Cabinet:

1. supports the Governors of Willenhall (Community) Sports College in exploring Trust Status for the school; (section 3)
2. notes Walsall's success in securing a place in wave 6a of the Building Schools for the Future Programme; (section 4)
3. agrees the ongoing review of the structures and status of mainstream secondary schools within the Building Schools for the Future project continues (section 4) and;
4. agreed that consultation, on the closure of Darlaston (Community Science College) on 31 August 2009 to enable it to open on 1 September 2009 as an Academy, takes place early in the Autumn Term (section 5).

3. Willenhall

3.1 Proposal

The Governors of Willenhall Sports College have drafted a consultation document on becoming a Foundation/ Trust school on 1 September 2009.

In their consultation document they would like to reflect the view of the Local

Authority on the proposal.

The proposed partners for the Trust are:

Strategic Partners:

Walsall Council (with Cabinet's approval)
Wolverhampton University
Walsall College

Partners supporting Willenhall as a sports college:

Sports Lead's UK
Swimming Teachers' Association

Partners supporting in ICT and training:

INCOMM Training Services
RM

Partners supporting citizenship work with students:

Guide Dogs for the Blind

3.2 Resources

3.2.1 Financial

A Trust school continues to be funded through the Dedicated Schools Grant (DSG) using Walsall's Funding Formula.

3.2.2 Legal

A change to the status of the school would require the school and the LA to follow processes defined in law and regulation.

3.2.3 Staffing

Staff employed in the school and currently employees of the LA would TUPE into the Trust school. The draft consultation document states that all existing terms and conditions of employment would continue if the school became a Trust school and School Teacher's Pay and Conditions document would apply.

3.2.4 Citizen's Impact

Proposals for the school to become a Trust are being made by the governors to improve opportunities for pupils and their families. The main focus for the Trust will be to provide high quality 'all age' leadership opportunities at all levels within and beyond the schools and local community through formalised programmes and volunteering in order to raise aspirations, strength, community cohesion and improve employ-ability skills.

3.2.5 Community Safety

The school will continue to have strong links with the local community.

3.2.6 Environmental Impact

The Trust proposal will not have a direct environmental impact.

3.3 Performance and Risk Management Issues

3.3.1 Risk

The Council would transfer the land and buildings of the school to the Trust who would retain ownership for the life of the school.

The liabilities for the building and land would transfer to the Governors.

3.3.2 Performance Management

The performance of the school would remain the responsibility of the governors and managers of the school supported by the LA and its contractor.

3.4 Equality Impact

The draft proposal is being made to extend opportunities to all the pupils of the school and to promote ambition and expectation.

3.5 Consultation

The governors will consult on the proposal. Consultation on this report has been carried out with a Council colleague.

4. Building Schools for the Future and the Review of Mainstream Secondary Schools

4.1 Cabinet was informed of Walsall's bid to be included in an extra wave 6a of the Building Schools for the Future programme at its meeting on 19 March 2008.

The Chief Executive has been informed by the DCSF that the bid was successful and that Walsall (and 7 other local authorities) will receive grant and PFI credits to address approximately 5 of its Building Schools for the Future projects.

The Director of Children's Services has established an initial project team to start to plan how the projects will be identified and delivered.

4.2 In Walsall there are currently 19 mainstream secondary schools:

- 9 community
- 4 foundation
- 5 voluntary
- 1 academy

A report on the outcome of consultation on a proposal to close Shelfield Sports and Community College on 31 December 2008 to enable it to open on 1 January 2009 as an academy is considered by Cabinet elsewhere on this agenda.

Cabinet has approved the submission of an Expression of Interest for Darlaston Science College with a view of it becoming an academy on 1 September 2009. (see section 5)

Willenhall Sports College is exploring the possibility of becoming a Trust school. (see section 3)

All of the secondary schools in Walsall have specialist status, 4 in Technology, 3 in languages, 3 in sport, 3 in science, 2 in Art, 2 in Business & Enterprise, 1 in

Engineering and 1 in mathematics/ computing. A number of the schools have a second specialism.

In addition to the success of our Building Schools for the Future bid, there are a number of drivers that necessitate that the ongoing review of mainstream schools continue. These include: the need to respond to interest from governors to explore a change of status; ensuring that all schools remain educationally and financially viable; ensuring that schools are able to respond to curriculum changes to deliver the personalisation agenda; and are able to meet the changing needs of pupils and their families. One of the major changes is the new 11 to 16 Curriculum that begins in September 08 and the requirements to deliver the 14 to 19 entitlement to all young people in Walsall by 2013, including Diplomas and the raising of the participation age.

Children and Young People Scrutiny Performance Panel at it's meetings on 30 April and 17 June discussed proposals for the structure of secondary schools and asked that the Panel have a role in "potential developments" – in secondary schools.

4.3 Resource Implications

4.3.1 Financial

Delivering the Building Schools for the Future will require revenue investment from the Local Authority. An earmarked reserve for £0.500m was set-up for 2008/09 to fund initial revenue investment in the project. Future funding needs will be built into the 2009/10 budget setting process. Reviewing the viability of the schools will ensure that schools remain financially viable and that the number of surplus places in the schools is maintained at a minimum level.

4.3.2 Legal

Changes to the status/ size or age range of schools have to be carried out following processes established in law or regulation.

4.3.3 Staffing

Changes to the status, size or age range of schools would be discussed with the unions of staff employed in the school and if there was a possibility of changes, impacting direct on staff, consultation and support would be available. With all changes to schools, every effort is made to reduce any potential redundancies.

If schools become academies or Trust schools, staff would TUPE into the new school except on one or two instances defined in the regulations.

4.3.4 Citizen Impact

Proposals for changes to schools would be made to improve and maintain the quality of education and opportunities available to Walsall pupils.

4.3.5 Community Safety

Changes to schools would be proposed to the maintenance or increase of the community engagement of the schools.

4.3.6 Environmental Impact

Any changes to school buildings would be carried out to the latest building and environmental standards and would, where ever possible, incorporate the use of sustainable resource. Designs would incorporate developments to reduce the impact of the school buildings on the environment.

4.4 Performance and Risk Management

4.4.1 Risk

The risk to Walsall is to not manage the supply of mainstream secondary school places and for schools to become educational and or financially viable.

4.4.2 Performance

The Performance of Walsall maintained schools remains the responsibility of the schools and managers supported by the Local Authority and its education contractor.

4.5 Equality Impact

All proposals for change will provide equality and opportunities for Walsall Children and Young People.

4.6 Consultation

Proposals for change will follow consultation arrangements defined in law and regulation.

5. Darlaston Science College

5.1 Background

At its meeting on 16 January 2008, Cabinet authorised the submission of an Expression of Interest for Darlaston to become an Academy on 1 September 2009.

5.2 Resource considerations

- 5.2.1 All education revenue funds (with the exception of money for statementing) and pupil-related grants for Walsall will be reduced if Darlaston becomes an academy; the new academy would receive these sums directly from the DCSF. The money removed from Council allocations and grants will be spread across a number of services provided by the Council and the education contractor. In addition to the traditionally traded services, the Council and education contractor could offer to sell more services to the new academy to reduce the impact of the lost revenue and grant allocation. The existing Walsall Academy does not buy any services from the Council or education contractor. LA supported 'community' academies will, however, have local authority representation on their governing bodies and this may result in them purchasing services from the Council and/or the education contractor.

Walsall's pupil-related grants and parts of grants would be reduced to reflect the change in pre-16 pupil numbers if Darlaston is established as an academy.

Walsall's total Dedicated Schools Grant (DSG) is split into money directed to schools through the Individual Schools Budget (ISB) and a centrally retained sum

used by the Council and the contractor to provide services to schools. In addition, a sum would be removed from this centrally retained part of the DSG.

The DCSF will make a fixed sum available for the new academy, building either through BSF or through the National Framework, and the Council will be required to either manage the capital project within that fixed sum or meet the additional costs from its own resources.

5.2.2 Legal

The closure of Darlaston in order to enable the school to become an academy is subject to statutory procedures. These specify that there must be a period of consultation before the proposing authority decides whether it wishes to proceed with the proposal. It is proposed to consult on the proposal in September 2008 and to report to Cabinet on the outcome of consultation at the meeting to be held on 22 October 2008. Subject to approval by Cabinet to proceed, a statutory proposal would then be published following which there would be a representation period of 6 weeks during which objections could be made. A further report would be brought to Cabinet so that the final decision could be made in the light of any responses received during the representation period and the proposal be 'determined'. It is expected that the final decision would be taken in early 2009.

Details of the proposed timescale for considering this matter are provided in the table.

Date	Information
5 September 2008	Consultation starts (5 weeks)
10 October 2008	Consultation ends
22 October 2008	Walsall Council (Cabinet) considers response to consultation and decides whether to proceed with the proposal
7 November 2008 – 18 December 2008	Statutory notice published, 6 weeks representation period follows
January 2009	Consideration of proposal by Walsall Cabinet and notification of decision to parents, staff and governors at the school

Consultation would include the publication of a consultation document which would provide information on the proposed closure of Darlaston and also information about the proposed academy. This document would be issued to stakeholders and would be made available to the public. Meetings will be held with stakeholders including parents, staff and governors and there would also be consultation with Darlaston pupils.

We would point out that Children's and Young People Scrutiny and Performance Panel full opportunities to debate the Darlaston proposals and all other aspects of proposals for the structures of mainstream secondary school contained in this report and the Building Schools for the Future Strategy for Change as a whole.

5.2.3 The staff employed at Darlaston are employees of Walsall Council. In an academy, however, the staff are employed by the governors (trustees). In circumstances where a school closes and reopens as an academy, staff are 'TUPEd' across to the new employer on the same terms and conditions of service.

5.2.4 Citizen Impact

There is the potential to more rapidly improve secondary education provision in the Darlaston area and there is also the potential for greater levels of community engagement.

5.2.5 Community Safety

It is anticipated that investment in the improvement of the site will have a positive impact on the education of the students in the school. As an academy there is an expectation of increased links with the community.

5.2.6 Environmental Impact

If Darlaston Science College is closed and a successor academy opened, it is envisaged that replacement accommodation would be provided. Any new building would be built to the latest building and environmental standards and would incorporate the use of sustainable resources wherever possible; designs would incorporate developments to reduce the impact on the environment.

5.3 Performance and risk management issues

5.3.1 Risk

There is a loss of direct control by the Council of property in schools that become academies. This would apply for the life of the academy and there would be conditions in the agreement to ensure that the property would return to the Council if the academy closes and can ensure that the property can only be used for specified purposes.

5.3.2 Performance Management

The performance of the academy becomes the responsibility of the DCSF.

5.4 Equality Implications

The sponsor has confirmed that the proposed academy would comply with admissions law, the School Admissions Code of Practice and the School Admissions Appeals Code of Practice as they apply to maintained schools. It has also been confirmed that the academy would have regard to and have an independent appeal panel which acts in accordance with the Secretary of State's guidance on exclusions.

The sponsor has confirmed that all students who have a place at Darlaston will automatically be enrolled at the academy.

Discussions between Walsall LA, Education Walsall and the sponsor have led to a clear agreement that the proposed academy would serve the same community as the one the school currently serves.

Background papers

- Cabinet report (16 January 08)
- Cabinet report (19 March 08)

Author

Avril Walton
Director for Learning (Management Support)

☎ 01922 686283

✉ avril.walton@we.serco.com



David Brown
Executive Director
7 July 2008



Tony Stainer
Managing Director
7 July 2008



Councillor Zahid Ali
Portfolio holder
7 July 2008