

Cabinet – 13 April 2011

Conversion to Academies - Blue Coat CE Performing Arts Specialist College

Portfolio: Councillor R Andrew, Children's Services

Service: Walsall Children's Services, Serco

Wards: St Matthews

Key decision: Yes

Forward plan: Yes

1. Summary of report

This report updates the Cabinet on developments in relation to academies and in particular the conversion to academy status of Blue Coat CE Performing Arts Specialist College.

2. Recommendations

- 2.1 That Cabinet supports the process of Blue Coat CE Performing Arts Specialist College becoming an academy on 1 September 2011 or whenever the DfE approves the conversion thereafter.
- 2.2 That Cabinet accepts the report and asks the Executive Director of Children's Services to continue to work with the Department for Education (DfE), the Interim Executive Board (IEB) and the Lichfield Church of England Diocese to progress conversion to support the improvement of teaching and learning at the school.
- 2.3 That approval is given to delegate authority to the Executive Director of Children's Services in consultation with the Lead Member for Children's Services to give agreement to the proposal to convert Blue Coat CE Performing Arts Specialist College to an Academy by completing and signing the Expression of Interest as detailed in this report.
- 2.4 That the approval of future sponsored academy conversions be delegated to the Executive Director of Children's Services in consultation with the Lead Member for Children's Services.
- 2.5 That Cabinet note the DfE 'Expression of Interest form requires the council to decide on meeting any staff transfer or TUPE costs and to resolve any Health and Safety issues prior to conversion and that officers will seek to minimise any costs to the council

3. Background information

3.1 The Academies Act 2010 enacted by the Coalition Government makes it easier for schools to become academies. Schools that are outstanding or good with outstanding features in Ofsted inspections can convert and require no local authority approval. There is another group of schools that the DfE deem to be appropriate for conversion to academies because of their performance. They may be in a category or their outcomes/ progress may not be sufficient. These schools require a sponsor to support the academy. Although it is the Secretary of State who finally approves the conversion, a mechanism for local approval is also necessary. This report gives detail on a current school proposed for a sponsored conversion and a way to progress future similar school situations that will arise.

3.2 Blue Coat CE Performing Arts Specialist College is set in the centre of Walsall. The proportion of students eligible for free school meals is high and has doubled in the last four years. Students come from a wide range of backgrounds, with about a third being White British and a similar proportion of Pakistani heritage. A very high proportion of students speak English as an additional language. The number of students joining the school part way through their secondary education has recently increased substantially, such that now about a fifth of current students did not begin their secondary education at this school. The school is a specialist performing arts college, with English as a focus subject.

3.3 Notice to Improve

The overall effectiveness of Blue Coat CE Performing Arts Specialist College was judged inadequate by OFSTED in May 2010. Since that time standards have fallen further as measured by both 5A*- C including English and mathematics and Contextual Value Added. The Local Authority was of the view that unless good progress was made before the final monitoring visit it is very likely that the school would be placed in Special Measures by OFSTED.

3.4 Pupil numbers and the school's budget

Overall pupil numbers at the school are declining

	2005	2006	2007	2008	2009	2010
Number on roll	1103	1064	1019	965	947	864

Current projections, around which there are a number of variables, suggest that the school is in danger of moving into a financial deficit.

	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15
Cumulative surplus / deficit (£)	329,277 Actual	269,621	81,227	(124,726)	(339,344)	(687,678)

These figures do not take into account any costs arising from possible 'equal pay' claims, which are not known at this time, although indicative settlement figures have been given to schools and are considerable.

3.5 Governance

An Interim Executive Board (IEB) was established with approval from the Department for Education. The IEB continues to support the school moving forward in close partnership with the Local Authority and Lichfield Diocese.

It is our intention to include one or two members of the proposed Academy sponsors when they have been identified, to aid transition planning to Academy status.

3.6 One of the requirements of a LA when a school is placed in a category is to consider Academy status.

3.7 The IEB proposed to convert Blue Coat CE Performing Arts Specialist College to a co-educational CE academy in September 2011 or as soon as possible thereafter, with a capacity of 1062 and an age range of 11 to 18. Woodard are the proposed sponsor. Woodard Schools, founded in 1847, form the largest group of independent Church of England schools in England and Wales. Of the forty schools, nineteen are owned directly by Woodard and there are two Woodard-sponsored academies.

3.8 The Council is required to give their agreement to the Expression of Interest proposed by the IEB that this school converts to an Academy. The agreement includes a request to give an indemnity in respect of employment costs of staff at the school prior to the transfer. It further requires the local authority to confirm whether it is prepared to contribute towards any costs associated with TUPE on the occurrence of various events. As this school is a voluntary aided school the employment of teaching staff is with the governing body and not the Council. However there may be non-teaching staff working in the school who are employed by the Council and whose employment would transfer to the new Academy.

4. **Resource considerations**

4.1 **Financial:**

Walsall council Dedicated Schools Grant (DSG) is either devolved to schools or placed in the central expenditure limit (CEL). The charges that go against the CEL are defined by statute. When a school becomes an Academy a proportion of the CEL funding transfers to the school. For Blue Coat school this is estimated to be c.£30,000 pa

Walsall council will be able to mitigate these costs by reducing expenditure in these areas. A proportion of these cost reductions are included in the contract that Walsall council holds with Serco and consequently the contract value will be reduced.

4.2 **Legal:**

The Academies Act 2010 governs the process by which schools convert to academies. The Department for Education provides detailed guidance and model documentation to facilitate this process which can be completed in a matter of months provided no complicated legal issues arise.

In the first instance the school registers their interest before making its formal application. Once this is accepted an Academy Order is made after which time the formal legal agreements dealing with transfer of the land, buildings and assets of the school and the funding of the new academy are put in place. Once these are completed the school will convert to an academy and cease to be maintained by the Local Authority,

Blue Coat CE Performing Arts Specialist College is at the stage prior to the Secretary of State for Education issuing an Academy Order after which time the legal formalities will require completion.

4.3 Staffing:

Staff currently employed at the school are the employees of the Governing Body. A TUPE process will have to be followed.

5. Citizen impact

5.1 The sponsors have given no indication that they will make changes to the school's admission policy. The Year 7 intake for 2011 is already established.

5.2 All pupils currently on roll at the school will be guaranteed places in the Academy.

6. Community safety

There are no direct implications as a result of this report.

7. Environmental impact

There are no direct implications as a result of this report.

8. Performance and risk management issues

8.1 Risk:

8.1.1 The IEB and the proposed sponsors are committed to improving teaching and learning at the school supported currently by Walsall Children's Services – Serco.

8.2 Performance management:

8.2.1 The DfE will monitor standards at the school when it becomes an academy.

9. Equality implications

Academies are bound by the Admissions Code of Practice that ensures transparent and fair admissions policies in schools.

10. Consultation

Consultation will take place with staff and recognised Unions.

Background papers

Blue Coat CE Performing Arts Specialist College Ofsted report (May 2010)
IEB application to DfE (December 2010)

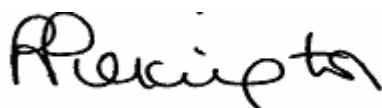
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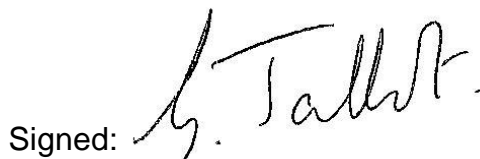
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Signed:

Executive Director: Pauline Pilkington

Date: 28 March 2011



Signed:

Interim Managing Director, Walsall
Children's Services, Serco: Graham
Talbot

Date: 31 March 2011



Signed:

Portfolio Holder: Councillor R Andrew

Date: 31 March 2011