

**REPORT FOR: OVERVIEW AND
SCRUTINY COMMITTEE**

Date of Meeting: 24 October 2012

Subject: Academies School Conversions

Responsible Officer: Catherine Doran
Corporate Director, Children and Families and
Andrew Trehern
Corporate Director, Place Shaping

**Scrutiny Lead
Member area:** Councillor Christine Bednell, Children and
Families Policy Lead Member
Councillor Zarina Khalid, Children and Families
Performance Lead Member

Exempt: No

Enclosures: Annexe A:
Cabinet Report October 2012, Academies School
Conversions

Section 1 – Summary and Recommendations

This report presents a summary of the main matters arising since the conversion of 7 schools to academy status and the council's response.

Recommendations:

Overview and Scrutiny Committee is invited to note this report and offer comments.

Section 2 – Report

Introduction

1. Since August 2011, there have been 9 academy conversions in Harrow, 7 community high schools converted on 1 August 2011, one voluntary aided secondary school on 1 August 2012 and one voluntary aided primary school on 1 September 2012. One community primary school is working with a sponsor to convert to academy status at a timescale yet to be decided.
2. In addition, one all through free school, Avanti House opened in temporary locations in Harrow in September 2012. The Department for Education (DfE) announced a further free school, the Jubilee Academy, will open in Harrow in September 2013.
3. The conversion of schools to academy school status and the opening of new free schools has had considerable impact across the Council and to the community of schools. There is growing experience of the process for different types of academy conversion including voluntary aided school conversion and sponsored academies.
4. In the light of this experience, and anticipated further conversions, Cabinet considered a report on Academy School Conversions at their meeting on 11 October 2011.
5. Cabinet was requested to agree a common approach to a number of matters to inform any future conversions. The approach is informed by the Council's position statement in relation to academy schools and supported by its approach to service level agreements; land and asset matters; children's centres, and pension employer contributions.
6. A copy of the Cabinet Report is provided at Annexe A.

Council's Position Statement on Academy Schools

7. The position statement sets out how the Council will work with those schools converting to academy status and the approach it will adopt to approaches from potential free school providers.
8. In the current Government context, further conversions and applications for new free schools are anticipated. The position statement sets out Cabinet's expectations about new academies and their contribution to the education provision in Harrow and relationships with their local community.

Land and Asset Issues

9. In the event that any school does decide to become an academy school, the Academies Act (and related guidance) requires the Local Authority, the transferring school and the new Academy Trust to enter a transfer agreement. The DfE has provided a model document which

covers issues such as transfer of non-land assets, contracts, staff and information as well as issues around warranties and indemnities expected in the transfer of a sizeable going concern.

10. The DfE has also provided a model 125 year lease to transfer the school premises, as defined by the Act. The Act requires the Local Authority to transfer any land and buildings used exclusively by the school. In the event that the school and the Local Authority cannot agree on the terms of the lease, including the extent of the school premises, the Secretary of State has power to compel the transfer of land.
11. The provisions in the Cabinet report allow for the Corporate Directors in consultation with relevant Portfolio Holders to deal with school by school site issues and enter into 125 year lease based on the DfE's standard model.

Service Level Agreements

12. The Council has considerable expertise in providing specialist services to schools on a not for profit basis, sharing the benefits of increased economy of scale with all of our customers. The Council is committed to maintaining a relationship with schools whatever their status and providing services. However, there are implications for council provided services when schools transfer to academy school status and it is important to ensure that the financial interests of both parties are protected. The Cabinet report sets out the principles guiding set-up costs and rebates.

Children's centres

13. There are currently 16 Children's Centres in Harrow providing a range of early education, care and support services to young children and their families. Some centres are located on primary school sites and there are service level agreements with the schools. In the event that schools with Children's Centres convert to academy status, there will need to be consideration of the most effective approach to secure the continuation of services to the community and the lease arrangements on a school by school basis.

Pension employer contributions

14. A report was considered by the Licensing and General Purposes Committee on 10 July 2012 to establish a common approach in setting Local Government Pension Scheme (LGPS) employer contribution rates. The Committee agreed that it would adopt the same approach applied by the Council to the seven academy high schools converted on 1 August 2011. This approach was adopted in the conversions commencing 1 August and 1 September 2012.

Performance Issues

15. Responsibility for school improvement and attainment transfers to the academy school on conversion. However, the local authority will retain a responsibility for overall performance in the local area and will work

in partnership with all local schools to achieve this. If the Local Authority has concerns about the performance of an academy school in the local area, it has a duty to escalate concerns to the Secretary of State.

Environmental Impact

16. There are no specific environmental impacts regarding the transfer of the schools to academy status. From the date of transfer the schools will be responsible for the management of the site which the Council would expect that they would continue on a responsible environmental basis.
17. It should be noted that under current regulations, the Council retains responsibility for the carbon emissions of Academies under the Carbon Reduction Commitment – Energy Efficiency Scheme (CRC). The Department of Energy and Climate Change (DECC) has consulted on simplifying the CRC scheme but it is not clear what will be in the final proposals.
18. At present there are no plans to include Academies in the Council's RE:FIT (energy efficiency) programme. However, if local authorities do retain responsibility for emissions from Academies, under CRC, the Council will need to consider how it will work with them to reduce their emissions.

Risk Management Implications

19. Risk included on Directorate risk register? Yes
20. Separate risk register in place? No
21. A risk register or issues log will be established for each transfer accordingly.

Equalities implications

22. Was an Equality Impact Assessment carried out? No
23. There are potential equalities implications in terms of service provision once schools have become academy schools (in issues such as admissions, exclusions and special needs for example) as well as the potential equalities implications in relation to any staff transfer. The Council and schools will work together closely to ensure that equality issues are identified and that Governing Bodies are made aware of these before making a final decision.

Corporate Priorities

24. This report contributes to the Council priorities:
 - United and involved communities: A Council that listens and leads.
 - Supporting and protecting people who are most in need.

Section 3 - Statutory Officer Clearance

Name: Emma Stabler	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date 9 October 2012		
Name: Sarah Wilson	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 9 October 2012		

Section 4 - Contact Details and Background Papers

Contact: Adrian Parker, Head of Education Strategy and School Organisation
adrian.parker@harrow.gov.uk 020 8736 6506

Background Papers: N/A