


Lancashire
County Council

**EDUCATION OVERVIEW AND
SCRUTINY COMMITTEE**

1 November 2011

**Jonathan Hewitt – Services to Schools
and School Improvement**

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**Academies Act 2010 – Conversion
Which Schools can convert?**

- All maintained primary, secondary and special schools can apply to become an Academy
- Schools that are not deemed to be “performing well” can convert provided that they are in formal partnership with a well performing school
- Nursery schools and pupil referral units cannot currently convert
- The local authority is directed to cease to maintain the school

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Academies Act 2010 Conversion



- Requires schools with existing foundations/trusts to obtain the consent of the foundation/trust before applying (mostly affects church schools)
- Ensures there is no change of religious character
- Deems Academy Trusts to be exempt charities
- Ensures there is no expansion of selection, but allows selective schools to continue to select pupils
- Academies are funded through a funding agreement lasting at least 7 years
- Prior to conversion the governing body are required to consult, as they consider appropriate


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Lancashire's policy on school categories



- All categories are of equal value. No prejudice for or against a particular category
- A governing body may wish to propose a change of category if it is considered to be in the school's interest
- Schools should follow government guidance and best practice in consulting on proposed changes, and comply with statutory requirements


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Academy characteristics

- Broad and balanced curriculum (Freedom from National Curriculum)
- Emphasis on particular curriculum area(s) in secondary phase Academies
- Educates pupils of different abilities (unless already selective)
- Educates pupils wholly or mainly from the local area
- No charge for admission, attendance or education provided

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Academy accountability

- Academy Governing Body run the Academy on behalf of the Trust:
 - Ensuring quality of educational provision
 - Challenging and monitoring performance
 - Managing finances and property
 - Employing staff
 - Health and Safety
 - Complying with charity and company law
 - Managing and complying with obligations in the Funding Agreement
- Accountable to Secretary of State through Funding Agreement

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Other requirements and expectations



- Schools are expected to sign up in principle to support another school to raise attainment
- Freedom of Information Act applies
- SEN responsibilities remain
- Law & guidance on admissions and exclusions applies

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The costs of conversion



- DfE grant of £25,000 towards costs of obtaining legal advice for setting up the Academy Trust, negotiating the Funding Agreement with DfE, land transfer, software licence transfers, re-branding costs and HR/TUPE advice
- DfE estimate average costs of conversion to be £66,000 (ex VAT)

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Academy funding


- DfE funding for academies is based on principle of equivalence – there should be no advantage or disadvantage
- Greater freedom, since academies receive funding for additional responsibilities

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Academy funding

- General Annual Grant (GAG) from YPLA
- Formula budget (basically as now)
- LACSEG (additional funds for central services no longer provided by LA)
- VAT grant
- Insurance costs


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LACSEG in Lancashire

Phase	DfE Ready Reckoner LACSEG per pupil £
Primary	290
Secondary	347

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Transferred services & costs

(many are already delegated by LCC):

- SEN support services
- Behaviour support services
- 14-16 practical learning options
- School meals and milk
- Assessment of free school meals eligibility
- Repair and maintenance of kitchens
- Museum and Library services

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Transferred services & costs (continued)



- Licences and subscriptions
- Certain staff costs (maternity, long term sickness, trade union duties)
- Costs of certain employment terminations
- Costs of LA's statutory & regulatory duties
- Asset management costs
- School improvement services
- Monitoring national curriculum assessment
- Education Welfare Service

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Transferred services & costs (continued)



- Pupil support (clothing grants)
- Music services
- Visual and performing arts services
- Outdoor education services
- Certain redundancy and early retirement costs

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LA continuing responsibilities



- Home – School transport
- Education psychology, SEN statementing and assessment
- Monitoring of SEN provision, parent partnerships etc
- Prosecution of parents for non-attendance
- Individually assigned SEN resources
- Pupil Referral Units and education otherwise
- Coordination of Admission arrangements

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LA Traded Services – offer to academies?



- In principle, yes, if no detriment to LA provision for maintained schools/no risk to LA's financial/legal position
- Full cost recovery (Full costs of the service may be higher than for a maintained school)
- In some cases, LA may not offer service
- Investigating principle of using School's Portal to access traded services

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Land and buildings



- Land and buildings occupied by the school transfer to the Academy Trust so they are available for use by the Academy
- Transfer of publicly funded land normally by way of a 125 year lease from LA
- Land issues need to be resolved prior to conversion

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Staffing



- TUPE(like) arrangements apply
- School needs to enter into consultation with staff/professional associations under TUPE
- 'Terms & conditions' can be changed after conversion, subject to consultation
- Non-teaching staff continue within Local Government Pension Scheme
- Teachers continue within the Teachers Pension Scheme. Academy would need to make contributions and all other administration arrangements

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School places & admissions



- Academies wishing to expand can only do so after consultation with the LA
- Can retain current admission criteria
- Must comply with Admissions Code
- Academy Trust will become the Admission Authority
- Academy Trust will need to establish an independent appeals panel (VA & Foundation schools already have one)
- All academies must be part of the LA's Coordination Scheme

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Special Educational Needs



- Academies DO receive a share of funding which is for:
 - centrally provided SEN support services; behaviour support services; therapies and other health related services and education and welfare services.
- Academies DO NOT receive a share of local authority funding in the following areas:
 - educational psychology services, SEN administration, assessment and co-ordination; parent partnership services, guidance and information; monitoring SEN provision; SEN transport; education out of schools and excluded pupils.

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Special Educational Needs



Inclusion & Disability Support is adopting a new model of service delivery based on:

- **MUST** – statutory duties (all schools and settings)
- **SHOULD** - early intervention and/or support (LCC maintained schools and settings only)
- **COULD** – traded (available for purchase to all schools and settings)

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Sponsored academies



June 2011 Secretary of State (SoS) announced that:

- Weakest 200 primary schools to become sponsored academies
- 500 low performing primary schools in the LAs with larger numbers of these schools to work with DfE on structural solutions (including becoming sponsored academies)

Summer / Autumn 2011

- DfE contacts LAs re the sponsored academy programme and identifies schools to be considered to become a sponsored academy

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Sponsored academies

Issues


- No clear criteria published for underperformance relating to the 200 and 500 primary schools
- Current legislation indicates that the SoS can only direct a school to become a sponsored academy if:
 - the school is in an OfSTED category of concern
 - the LA has issued a warning notice
- For the vast majority of potentially “underperforming” schools in Lancashire the governing body and/or Diocesan Authority will need to agree to a school becoming a sponsored academy
- The LA is working closely with these schools to help raise attainment and continue to improve the quality of education and offer support to the governing body

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Conversion – the story so far in Lancashire

- 13 schools have now converted to become an academy
- A further 2 schools are in conversion discussions following receipt of an academy order
- The DfE no longer publish a list of schools that have expressed an interest in converting
- 2 sponsored academies
- 1 free school has opened (previously independent)

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Questions?

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