



**Children and Young People Overview
and Scrutiny Committee**
20 March 2013

**Report from the Director of
Children & Families**

For discussion

Wards Affected:
ALL

Update on Academies and Free Schools

1.0 Summary

- 1.1 This report updates the Committee on the changes in types of schools in the borough, including academies and free schools.

2.0 Recommendations

- 2.1 The Children and Young People Scrutiny Committee is asked to consider and discuss the report.

3.0 Detail

- 3.1 Education provision across the country is changing dramatically with the rising number of Academies and Free Schools creating an autonomous schools sector. While this does continue a process since the 1980s of increasing school autonomy, it finally points to the end of the traditional role of the local authority in being a large scale provider of direct support to schools. Despite these changes, the Council retains a large number of legal duties in relation to education and the wider needs of children.

- 3.2 The government has not issued any detailed guidance on the duties of the local authority in relation to schools but the Statutory Guidance on the roles of the Director of Children's Services and the Lead Member for Children's Services issued in 2012 defines their role in relation to educational excellence as:

"Working with headteachers, school governors and academy sponsors and principals, local authorities should promote educational excellence for all children and young people and be ambitious in tackling underperformance.

More specifically, the DCS and LMCS should in their respective roles:

- take rapid and decisive action in relation to poorly performing schools, including using their intervention powers with regard to maintained schools and considering alternative structural and operational solutions;
- develop robust school improvement strategies, including choosing whether to offer such services in a competitive and open school improvement market, working beyond local authority boundaries;
- promote high standards in education by supporting effective school to school collaboration and providing local leadership for tackling issues needing attention which cut across more than one school, such as poor performance in a particular subject area across a cluster of schools;
- support maintained schools in delivering an appropriate National Curriculum and early years providers in meeting the requirements of the Early Years Foundation Stage (as outlined in the EYFS Statutory Framework)

4.0 School organization

4.1 The schools in Brent are organised as follows:

3 to 18	Primary				Secondary	Special
	3-11	Nursery	Infants	Juniors		
1	44	4	8	8	14	4

4.2 In terms of their status, this breaks down as follows:

Status	Community	Voluntary aided	Foundation	Academy
Primary	42	20	1	1
Secondary 11-18	0	3	1	10
3 to 18				1
Special	4			

4.3 This shows that the majority of secondary schools are academies whereas the majority of primary schools are community and voluntary aided. On current form, the number of academies will increase but incrementally rather than rapidly. While the council is not held accountable for the performance of academies, the attainment and progress of pupils in those schools is as much a matter of interest in terms of the life chances of Brent's young people and the borough's prosperity.

4.4 There are currently no Free Schools in the borough. This is addressed further in paragraph 8 below.

4.5 Secondary academies are a mixture of:

- schools which converted by choice: Preston Manor, Kingsbury High, Wembley High, Alperton Community School, Convent of Jesus and Mary, Claremont High and Queens Park Community School

- Academies taking over from ‘failing schools’ – Capital City Academy, Crest Boys Academy, Crest Girls Academy.

4.6 Sudbury Primary School is the only converter primary academy. In September 2013 Salusbury Primary School will become a sponsored academy (sponsored by Park Federation based in Hillingdon) as will Kensal Rise Primary School (to be sponsored by ARK). These follow intervention from the DfE, both schools having been judged as inadequate by Ofsted. This is now a non-negotiable part of the DfE’s approach to tackling underperformance of schools. Gladstone Park Primary School is due to have a sponsor nominated by DfE but a parental campaign has resulted in a slowing of the process.

4.7 **Financing of academies and impact on local authorities**

Up until now the DfE has operated a complex fluctuating calculation (called LA Block Local Authority Central Spend Equivalent Grant (LACSEG)) to determine funding for academies which it had wanted to radically overhaul for some time. LACSEG funding is passed onto Academies to enable them to cover costs of functions which would previously have been undertaken by the local authority. The DfE launched a consultation document setting out new proposals on 17 July 2012. It published the Government's response to the consultation on 19 December 2012, setting out the decisions it had taken following consideration of the responses it received.

From 2013-14, new funding arrangements for education services will apply for local authorities and academies. LA Block LACSEG for academies, and the corresponding element of local government revenue funding, will be replaced by the new Education Services Grant (ESG). The ESG (non-ring-fenced) will be allocated on a simple per-pupil basis to local authorities and academies according to the number of pupils for whom they are responsible.

- The amount transferred from local government revenue funding in 2013-14 is £1.04 billion. This is £180 million less than the Government proposed in July 2012 as a result of the responses it received during the consultation.
- Funding will be transferred from local authorities on a simple per-pupil basis. The ESG will be allocated using the same per-pupil rates.
- Local authorities will receive £15 for all pupils for the statutory duties that do not transfer to academies.
- The per-pupil rate for pupils in mainstream settings is £116. Local authorities will receive £116 for all pupils in the schools they maintain.
- Weightings for pupils in PRUs/AP academies and special schools/special academies will apply (3.75 and 4.25 respectively).

Local authority ESG allocations for 2013-14 are still awaited; they were due to be confirmed in early March 2013, based on the number of pupils in maintained schools and academies at that time. Without the final allocation and calculations from the DfE it is difficult to calculate the exact amount of ESG for Brent, however indicative projections suggest that around £6.2m will transfer out of Brent's overall funding with around £3.9m coming back to the

Council as ESG for its maintained schools and £2.3m being used to provide funding for Brent's Academies. That level of funding adjustments has been incorporated in developing the appropriate budgets for 2013/14.

As the new national rate of £116 is significantly less than Academies have been receiving thus far, the DfE has agreed transitional protection, and has set the ESG rate for academies at £150 in 2013/14 and £140 in 2014/15. This protection is to be funded from the Department for Education's budget and not from the funding transferred from local government. The transitional protections for academies will be removed from the system over a limited period of time so that the rates for local authorities and academies are brought together.

5.0 The role of the local authority in improving education, including academies

5.1 Enabling continued school improvement

5.1.1 Research commissioned by the LGA and by the Association of Directors of Children's Services has identified that the key to future school improvement is the development of a schools-led partnership working with the local authority which enables schools to support each other as well as jointly commissioning external support. This is well-developed in some London boroughs and is under development in Brent albeit at an earlier stage. An update on the development of the Brent Schools Partnership is set out in paragraph 6 below.

5.1.2 Monitoring and tracking of school performance in terms of data and both hard and soft intelligence is also important. While the government and Ofsted are players in this, only the council operates at a level where it can protect the interests of pupils and parents in the borough, in particular through spotting early warning signs that a school is declining or approaching a crisis. The council also has important equality objectives so there is a continuing role in ensuring that the needs of groups at risk of underachievement are met. This includes minority ethnic groups, economically disadvantaged groups (especially with the impact of welfare reform) and of course pupils with special educational needs. It is too early to judge the effect of academy status on the results of our schools. As it stands at secondary level, academies are represented among both the most high performing and the lowest performing schools.

5.2 Ensuring transparency to parents and local communities, including good stewardship of public money

Transparent data and information about schools is important as is the ability to conduct financial audits where issues require scrutiny, to support public accountability for value for money. London Councils is lobbying for Academies to have to share data in the same way as maintained schools and for local authorities to have audit investigation powers. While access to performance data is attainable on a voluntary basis locally, it is highly unlikely that the DfE would grant audit investigation powers in respect of academies. Rather the council would need to be content with a whistle-blowing role.

5.3 **Accountability through community governors**

The council already ensures appointments to all the posts of community governors on maintained schools and also seeks to have community governors boards of trustees of academies. The LA is represented on all the academies in Brent. It is therefore more important that the council communicates effectively with community governors, appoints high quality governors from across the community and gives training and development opportunities.

5.4 **Supporting vulnerable children to achieve positive outcomes**

The council continues to deliver a broad range of children's services in line with our statutory duties: support for special educational needs, safeguarding, looked after children etc. In order to fulfil these duties effectively, it is vital that the council works closely with schools to find school places children who are harder to place, to prevent exclusions and to place excluded pupils in appropriate schooling. Academies need to be as much part of this system as maintained schools, and this is achieved through a robust 'Fair Access' process. Services to vulnerable pupils, including the Pupil Referral Units and the Education Welfare Service are being reviewed with a view to them operating as a coherent whole and in a way that aligns with the council's approach to early intervention being established through the Working with Families Programme

6.0 **The development of the Brent Schools Partnership**

6.1 Brent has a strong tradition of some schools working together in successful clusters. In addition to this, the headteachers of secondary, primary and special schools meet together regularly in their phases. However, up until this year, this has not yet led to the formation of an overarching borough-wide partnership to support school improvement. From spring 2012, however, a steering group of headteachers has been working to develop a new 'Brent Schools Partnership' which was launched as a serious proposition to all schools in Brent in October 2012.

6.2 The Brent Schools Partnership (BSP) sets out to bring the schools together as a 'family of schools' with an overall objective as follows:

"The Partnership will support all members schools to ensure Brent children achieve highly, regardless of specific needs or starting point. The Partnership will work collaboratively to identify key areas of development, which will make a difference to children's lives and provide successful educational experiences".

6.3 The emphasis on the needs of individual pupils and on the equality objectives of schools in this statement, as well as the high aspirations for achievement are in line with the objectives of the council in its Children and Young People's Plan and other strategy statements.

6.4 The BSP sets out, that it will:

- Provide professional support and challenge to member schools through self-evaluation and mutual collaboration
- Build leadership capacity and effective succession planning by identifying and supporting emerging, developing and established leaders
- Share innovation and knowledge to improve practice and provision
- Enable schools to maximise their capacity and resources by helping them save time and money in procuring services, support, supplies and services.

6.5 The Partnership is being established, open to all schools regardless of status, on a subscription model with participating schools paying £4 per pupil per year. The majority of schools have signed up and a secondary headteacher and primary deputy have been seconded part time to work on the development of the partnership. It is early days in this development but it signals a recognition from schools that they need to work together, that even successful schools need considerable support to remain so and that where schools do experience challenges, their fellow schools are often in the best position to provide this support. Unsurprisingly there is a thriving commercial market in many areas of support to schools. Of course it makes sense that where schools go to the market, a collective approach is likely to lead to better purchasing decisions in terms of both quality and value for money.

6.6 The Partnership has recognised that this cannot be a partnership for headteachers alone and that governors have an important role to play. They are also at pains to emphasise that they are not wishing to compete with or negate the role of the council and its services. They wish to play a complementary role, recognising that the scope for the council to provide direct support to schools is inevitably reducing. Heads do recognise that it can be difficult for them to provide challenge to each other and understand as well that the council's statutory roles continue.

6.7 If the partnership structures in other boroughs are used as a model, then the BSP can be a means for schools and the council to work together to support improvement. Officers are working to support the development of the BSP and intend to establish joint commissioning arrangements for support for schools causing concern and other targeted support for schools.

7.0 Council traded services with schools

7.1 The Council provides an extensive offer of traded services to schools. These services are provided not just by Children and Families Directorate but by services across the Council. Some services are being provided with LB Harrow to enhance the range of services and make our services more cost efficient. The brochure is posted on the Brent Schools' Extranet at www.brent.gov.uk/tradedservices

The benefits of providing traded services are as follows:

- It helps maintain common standards in important areas such as HR and finance, where the stewardship of public money is at stake
- It maintains links with the schools and provides soft intelligence on emerging problems or issues

- It fills gaps in what is available through the commercial sector and provides services very closely tailored to local need in Brent
- It makes statutory services more cost effective and flexible by having a trading component. For the Education Welfare Service for example, having a trading component enables the team to be larger and to reach a critical mass which improves its overall resilience and viability.

Over the past 3 years the approach to Traded Services has developed into a more coordinated and “professional” annual process. This has revolved around the development of a brochure and annual “Trade Fairs”. Over that period income received from Schools did increase as follows:

- 2010/11 £2.0m
- 2011/12 £2.8m
- 2012/13 £2.7m (forecast)

Further improvements and developments in the range of services offered are planned for 2013/14 with the aim of trying to maintain income levels despite school budgets getting tighter and more challenging.

8.0 The development of new schools in the borough

- 8.1 As Members are aware, Brent has rapidly increasing school rolls. The extent of this was fully explored in reports to Executive in August 2012 and January 2013. These reports identified that 21 additional primary school forms of entry are required by 2020/21. Executive agreed to a three phase programme of expansions adding 19 forms of entry. It also noted that two sites for new schools are likely to come on line from developments at Oriental City and Fulton Road (Quintain). In terms of secondary provision, the increase in rolls moves through the age range to create the need for 19 additional forms of entry by 2020/21. The Executive in January 2013 on the detailed implications of this secondary need proposed how this need could be met initially through expanding existing schools.
- 8.2 The August Executive report also summarised the need for additional special school places (192 by 2020/21) and how these are to be delivered.
- 8.3 At the Executive meeting in August 2012, Members recognised that given the current legislative framework, new schools could only be delivered through the free schools route. If the council wishes to establish a school, it must advertise via the DfE for a free school provider. The Executive decided that it would be in the best interests of the council to identify preferred free school partners when deciding to go ahead with a new school. To this end, the Executive agreed a set of criteria to enable such partners to be identified (attached as appendix A). While work has been undertaken to consider potential partners, there are as yet no council-led new school proposals.
- 8.4 Up to this point no free schools have been approved by the DfE for Brent. During October 2012, however, the DfE announced another window for free schools to apply under the national scheme to open schools in September 2014. This application window ran to 4th January 2013. To be successful a

free school applicant has to submit a paper application to the DfE, be shortlisted and undergo an interview at the DfE. The council is not consulted by the DfE on the applications or called on to comment on their appropriateness to the local area. All those showing an interest in applying to open a free school have been provided with the council's 'criteria' so they are aware of our expectations of schools but there is no way of enforcing these with free schools.

8.5 A free school already approved by DfE is currently being relocated into Brent. Michaela Community School was approved as a free school to open in Lambeth in a previous round of DfE approvals but their site fell through in that borough and the DfE has purchased a site in Brent from the College of North West London. It plans to open as a 11 to 18 secondary school with four forms of entry in September 2014. It will be required to follow the admissions code and plans to be part of the council's admissions booklet etc. The school plans to offer a place to the local authority on its governing body and states its wish to work with the local authority and other schools in the borough. The School has begun a consultation which ends on 22nd April but its opening is effectively a 'done deal'.

8.6 A further free school application is going through the DfE's process. This is another secondary school in central Wembley, to be operated by a local independent school chain. Again the local authority is not consulted on these developments. Further information will be given to Members when available.

9.0 Financial Implications

9.1 There are no direct financial implications from this report and the financial aspects of academisation are covered in the body of the report.

10.0 Legal Implications

10.1 The main body of this report deals with the Council's reaction to the Government's legislation which fundamentally affects the relationship between the Local Authority and Maintained Schools.

11.0 Diversity Implications

11.1 The schools in Brent are among the most diverse in the country. In our schools there are some underachieving groups and we analyse the attainment data by ethnicity, gender and poverty (eligibility for free school meals is used as a proxy) to identify issues in specific groups, patterns of achievement and any emerging issues since the population changes so rapidly. The dialogue with schools that results from this work is increasingly important.

12.0 Staffing/Accommodation Implications (if appropriate)

12.1 There are no direct staffing implications from this report. Clearly staff in schools are affected by the change in status of schools and staff in the local authority are affected as the role of the local authority changes.

Background Papers

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Partnership commitment for academies and free school providers working in collaboration with the council

Academies and free school providers working with the Council will be expected to demonstrate:

1. An absolute commitment to the ethos and values of inclusive education for all Brent's children and recognition of the positive role schools should play in the wider community.
2. A commitment to a close working relationship with the local authority in order to maintain an appropriate focus on borough-wide priorities, including local authority nomination of a member of the governing body and a commitment to sharing performance information.
3. The ability to deliver school improvement in an urban context.
4. That the establishment of the proposed education provision would be supported by demonstrable parental demand and with a genuine commitment to providing school places for local children.
5. Appropriate staffing arrangements to ensure high quality teaching and learning from qualified staff and good employment practices, including in relation to support and contracted staff.
6. A commitment to meeting the needs of Brent's diverse community.
7. A commitment to ensuring the future employability of young people (in particular in secondary and 16 to 19) through links with business, industry and higher education.
8. A commitment to community access and use of facilities through agreed extended opening and lettings policy.
9. A commitment to good pupil nutrition and healthy eating.
10. A commitment to ensuring health and safety of pupils and staff through use of best practice as well as following legislative requirements.
11. A commitment to inclusive practice and fair access to the school for all pupils as governed by the Admission Code of Practice and the Authority's Fair Access Protocols.