

## **EXECUTIVE SUMMARY**

The report seeks ratification for the Expression of Interest for a Mixed Academy on the site of Park High School, and asks for approval to commence of the statutory consultation process for closure of the predecessor secondary schools.

### **1.0 Background**

- 1.1 At its meeting of 29th November 2007, Cabinet instructed that Phase 1 of the Secondary Places Review should comprise schools in Birkenhead and Bebington (Wirral South).
- 1.2 Phase 1 resulted in a complex option for consultation including the establishment of a mixed Academy and a Boys Academy, linked to the closure of three existing schools – Ridgeway High School, Rock Ferry High School and Park High School. This was reported to Cabinet on 19<sup>th</sup> March 2009.
- 1.3 On 1<sup>st</sup> October 2009, approval was given for the Expression of Interest documents for the two Academies, and for consultation to begin on the closure of the predecessor schools.
- 1.4 This decision was called in for scrutiny by the Conservative group. The Children and Young People Scrutiny Committee met on 3<sup>rd</sup> November 2009 with a single item agenda. This resulted in the decision being referred back to Cabinet on 26<sup>th</sup> November 2009.
- 1.5 At its meeting of 26<sup>th</sup> November, Cabinet decided that the option should revert to that approved on 6<sup>th</sup> November 2008, involving the closure of Rock Ferry High and Park High Schools, in order to establish a mixed Academy for their pupils, on either the Park High site or a new site, e.g. Borough Road/Shafesbury Playing fields. The Director was requested to consult with residents associations and Shafesbury Youth Club on the possibility of the Borough Road/Shafesbury playing fields site being utilised, with a report to Cabinet on 9<sup>th</sup> December 2009. The minute is attached as Appendix A.
- 1.6 On 9<sup>th</sup> December 2009, Cabinet approved the Park High site as the sole site for the Mixed Academy, and asked that further discussions should take place to reach agreement on the composition of the sponsor team for the new Academy. The minute is attached as Appendix B.

### **2.0 Sponsor team update**

- 2.1 Following the 9<sup>th</sup> December Cabinet, the Director contacted the Vice Chancellors of the University of Liverpool and the University of Chester to discuss the lead sponsor position on the sponsor team. Agreement was reached that the University of Chester as the pre-existing lead sponsor of the Mixed Academy should continue in that role.
- 2.2 The sponsor team was then put forward to the Office for the Schools Commissioner (OSC) for consideration in the Statement of Intent. All current sponsors involved in the Academy proposal have already passed a stringent “due diligence” examination by the DCSF.

### **3.0 Statement of Intent and Expression of Interest**

- 3.1 The Statement of Intent is produced by the OSC and outlines the intention of the Minister for Schools to establish a Mixed Academy in Birkenhead. The Statement of Intent was signed by the Minister for Schools and Learners on 21st December 2009.
- 3.2 The Statement of Intent also confirmed the sponsor team for the Academy as follows:

University of Chester (lead sponsor)

- 3.3 The next stage in the process was for the Academy sponsor team to devise an Expression of Interest. As the lead sponsor had not changed, the Vision Statement element of the Expression of Interest largely comprised the vision from the Expression of Interest previously approved by Cabinet on 1<sup>st</sup> October 2009. However, the specialisms now have Applied Learning with an emphasis on both Health and Social Care and on Science and Technology within the Vision in line with the new co-sponsors strengths.
- 3.4 As part of the EOI process, the governing bodies of the two existing schools have been asked to formally meet and minute their response to the EOI document, which took place on 6<sup>th</sup> January 2010 and will be verbally reported to Cabinet. It is not a requirement that the existing governing bodies approve the EOIs, but the process does require that they are given an opportunity to express their views.
- 3.5 The Cabinet Member for Children's Services and Lifelong Learning has given executive approval to the EOI both as Local Authority and as co-sponsor ahead of Cabinet's meeting.
- 3.6 The EOI has been approved by the Minister for Schools and Learners, conditional on receiving Cabinet approval. The approved EOI is included as Appendix C.
- 3.7 Cabinet are asked to ratify the Cabinet Member for Children's Services and Lifelong Learning's decision to approve the EOI, which will enable all sponsors to formally sign the EOI documentation and begin the next stage of the Academy process.

### **Feasibility**

- 4.0 Once the EOI is signed by all sponsors, the Feasibility Stage begins. This stage is about more detailed planning for the Academy, agreeing curriculum structure, leadership and management arrangements, staffing requirements, starting planning processes regarding buildings, planning ICT, deciding key policy statements and so on. The DCSF will appoint a Project Management company to support the sponsors in this process.
- 4.1 The Feasibility stage also includes the formal consultation with stakeholders on the establishment of the two new Academies, as well as the pre-statutory consultation on the closure of the predecessor schools, which is discussed in more detail in Section 4 below.
- 4.2 The outcome of this stage will be a further submission to the Minister for approval who, if he approves, signs the Funding Agreement.

### **Consultation on Closure**

- 4.3 In order to establish the Academy, it is necessary to follow the statutory procedures to close the existing community secondary schools. The process must to be completed during Feasibility before the Funding Agreement with the DCSF can be signed.
- 4.4 The Academy is due to open in September 2011. It is anticipated that the Funding Agreement between the sponsor team and the DCSF to finance the Academy will be signed by September 2010. For this to happen, it is necessary for the Council to secure the necessary approvals to close the existing schools.
- 4.5 The Local Authority undertakes formal consultations on the closure of the predecessor schools in order to make way for the new Academy. It is envisaged that this would take place in February/March 2010, with the outcome reported to Cabinet in April 2010. If it were then decided to proceed at that stage, statutory notices would be published, followed by a six week representation period during which comments and objections can be made by any person or organisation in relation to the proposals. Council's Cabinet, as the Decision Maker, would then be asked to determine the notices taking into consideration the representations received, to decide whether the predecessor schools should close,

with a proviso that approval of the closures is conditional on the Funding Agreement for the new Academy being successfully signed.

- 4.6 The timetable below outlines the necessary stages of consultation for each school concerned. Consultation will involve staff, governors, parents and the local community in relation to each affected school, as well as other statutory consultees set out in guidance.

Action	Date
Report to Cabinet	14 <sup>th</sup> January 2010
Formal closure consultation begins (6 weeks)	27 <sup>th</sup> January 2010
Formal closure consultation closes	10 <sup>th</sup> March 2010
Report to Cabinet	15 <sup>th</sup> April 2010
Statutory closure consultation begins (6 weeks)	28 <sup>th</sup> April 2010
Statutory closure consultation closes	9 <sup>th</sup> June 2010
Report to Cabinet	22 <sup>nd</sup> July 2010

- 4.7 At the same time, the sponsor team undertakes a non-statutory consultation on the opening of the Academy. The consultation outcomes are reported to the Secretary of State as part of the required documentation for the Funding Agreement.
- 4.8 It has been suggested that the timescale for the closure process can be compressed. The pre-notice consultation period on the closure of the predecessor schools should last 6 to 8 weeks. Any less than this could leave the Council open to legal challenge at a later date because of insufficient consultation. The 6 week representation period following notice publication is statutory and cannot be compressed any further.
- 4.9 A further factor to be considered is the likely timing for a general election. Advice from DCSF indicates that once a general election is called, a consultation process that has already begun can continue (such as Feasibility), although no public meetings could be held, or decisions taken. Statutory notices that had already been published would continue to run for their 6 week representation period, but no new notices could be published. This is likely to add a further 6 weeks delay to the process, so that the Funding Agreement would not be signed until September 2010 at the earliest.

## 5.0 Financial Implications

- 5.1 Operating a public consultation as part of the Feasibility stage of the Academy process will have financial implications to the Council in terms of resources and staff time.
- 5.2 Capital funding for new and refurbished Academy buildings is from the national Building Schools for the Future programme. The responsibility to provide sites for Academies rests with the LA. There are likely to be significant costs in the management of the Academy programme and the transition stage which will be the subject of future reports.
- 5.3 Establishment of an Academy will result in an on-going impact on the Dedicated Schools Grant (DSG). The Academy would be funded via an adjustment to the DSG through replication of the local formula, in addition, funding would also be removed based on the level of central expenditure within the schools budget. This funding adjustment would require the LA to cut central expenditure in line with the reduction in funding. Due to fixed costs, economies of scale and varying support provided for individual schools the budget reduction is unlikely to match the cost reductions achievable by no longer providing certain services to an Academy.
- 5.4 As the Academy would be located on the former Park High site, a leasing arrangement will need to be in place, otherwise at the end of the PFI term in 2031, the buildings and land which under Community status would previously have reverted to the Local Authority will be signed over to the Academy Trust without any payment or compensation to the Authority

5.5 Academies that open in the predecessor school buildings may be entitled to a small additional capital grant to cover costs such as renewed signage and other small capital projects required to open the school as an academy.

## **6.0 Staffing Implications**

6.1 There are none arising directly from this report.

6.2 The creation of the Mixed Academy will require significant staff transfers under TUPE, provision of staff matched to the transition arrangements and the management of the transfer from existing staffing structures to those of the new Academy.

6.3 Costs arising from redundancies agreed prior to establishment of the new Academy are shared between the LA and the DCSF. Any redundancy costs arising following the establishment of the Academy are to be met from the Academy's budget.

6.4 As a PFI school, the Academy Trust will not be able to directly employ staff providing services under the PFI contract until the end of the contract.

## **7.0 Equal Opportunities Implications**

7.1 It is essential to plan school provision across the Authority so that it is both efficient and effective in the interests of all pupils.

7.2 An equality impact assessment will be carried out on this report.

## **8.0 Community Safety Implications**

8.1 Rationalisation and refurbishment of schools allow the most vulnerable accommodation to be removed and other security improvements carried out.

## **9.0 Local Agenda 21 Implications**

9.1 The provision of efficient and effective education is a vital part of serving local communities; inefficient use of resources is wasteful both in educational and physical resource terms.

## **10.0 Planning Implications**

10.1 All capital works will be subject to the relevant national and local planning legislation.

## **11.0 Anti-Poverty Implications**

11.1 The capital investment in refurbished Academy provision is intended to contribute to "narrowing the gap" which is one of the Council's priorities.

11.2 The redistribution of funding released by school reorganisation, in combination with the Authority's intention to realign the schools budget to give higher levels of funding to schools with high levels of deprivation, as well as improved accommodation, goes towards raising aspirations and narrowing the attainment gap for vulnerable groups.

## **12.0 Social Inclusion Implications**

12.1 School re-organisation and transforming accommodation through the forthcoming Building Schools for the Future programme and other schemes, provides opportunities to promote joint agency work to promote co-ordinated solutions for pupils and their families.

## **13.0 Local Member Support Implications**

13.1 Secondary school re-organisation has relevance to all Wards.

13.2 The secondary schools named in this report are located in Claughton and Rock Ferry Wards.

## **14.0 Background Papers**

14.1 Reference documentation and guidance on the Academy programme produced by the DCSF

Working papers held in the Children and Young People's Department

## **Recommendations**

- (1) That Cabinet notes Ministerial approval of the Expression of Interest for the Mixed Academy and the commencement of Feasibility.
- (2) That approval be given to the Director of Children's Services to undertake all necessary formal consultations on the closure of the two predecessor schools as set out by guidance.

**Howard Cooper**

**Director of Children's Services**