

Cabinet – 16 July 2008

Shelfield Sports and Community College: outcome of consultation on proposed academy

Portfolio:	Councillor Zahid Ali, Children's Services
Service:	Education Walsall
Wards:	All Walsall wards but particularly Rushall/Shelfield
Key decision:	Yes
Forward plan:	Yes

1. Summary of report

- 1.1 This report provides details of the outcome of consultation on the proposal to close Shelfield Sports and Community College from 31 December 2008 subject to the agreement of the Secretary of State to approve the opening of the school as an academy from 1 January 2009. (For clarity this means that the closure would be followed immediately by the opening of the Academy with no disruption to the education of the students at the school. Should the Academy not be established, Shelfield would continue as a community school.)

2. Recommendations

- 2.1 That Cabinet approve the publication of a statutory proposal to close Shelfield Sports and Community College from 31 December 2008 Closure would be subject to the agreement of the Secretary of State to approve the opening of the school as an academy from 1 January 2009.

3. Background information

- 3.1 On 16 April 2008, Cabinet approved consultation on the proposal to close Shelfield Sports and Community College from 31 December 2008 subject to the agreement of the Secretary of State to approve the opening of the school as an academy from 1 January 2009.
- 3.2 This decision was subsequently called-in by five Elected Members and was considered by the Children and Young People Scrutiny and Performance Panel on 30 April 2008. After full consideration of the issues, Scrutiny approved the consultation subject to a report on the outcome being considered by Scrutiny prior to consideration by Cabinet.

- 3.3 The Children and Young People Scrutiny and Performance Panel considered a report on the consultation on the proposal on 17 June 2008 and discussion focused on admissions, staff and governance issues and also the possible impact of the proposed academy on other schools in future years. The Scrutiny Panel requested that Councillor Hughes, Chair of the Panel, attend the Cabinet meeting on 16 July and present the Panel's views.

4. Resource considerations

4.1 Financial:

Revenue

- 4.1.1 All education revenue funds (with the exception of money for statementing) and pupil-related grants for Walsall will be reduced if Shelfield becomes an academy; the new academy would receive these sums directly. The money removed from Council allocations and grants will be spread across a number of services provided by the Council and the education contractor. In addition to the traditionally traded services, the Council and education contractor could offer to sell more services to the new academy to reduce the impact of the lost revenue and grant allocation. The existing Walsall Academy does not buy any services from the Council or education contractor. LA supported 'community' academies will, however, have local authority representation on their governing bodies and this may result in them purchasing services from the Council and/or the education contractor.
- 4.1.2 Pupil-related grants and parts of grants would be reduced to reflect the change in pre-16 pupil numbers if Shelfield is established as an academy.
- 4.1.3 Shelfield's full year budget share (without grant) is £4.4 million.
- 4.1.4 Walsall's total Dedicated Schools Grant (DSG) is £172 million. This sum is split into money directed to schools through the Individual Schools Budget (ISB) (£157 million) and a centrally retained sum of £15 million. The centrally retained sum is used by the Council and the contractor to provide services to schools.
- 4.1.5 In addition, a sum would be removed from the centrally retained part of the DSG. For the period January to March 2009 this would be approximately £20k and in a full year this would increase to approximately £81k. These figures have been calculated using a central spend calculator provided by the DCSF.

Capital

- 4.1.6 The DCSF will make a fixed sum available for the new academy and the Council will be required to either manage the capital project within that fixed sum or meet the additional costs from its own resources.
- 4.1.7 Partnerships for Schools have indicated that it is proposed to take the capital project forward through the national framework. This may be reviewed if Walsall's bid for inclusion in wave 6a of the Building Schools for the Future Programme is successful. Representatives from Partnerships for Schools have identified suitability issues in the extension to the school building which was completed in 2003/4 and have indicated that resources to address these would not be made available. However, some health and safety issues will need to be remedied in the short term and these will be taken forward by Property Services.

- 4.1.8 After achieving academy status, Sheffield would receive future capital monies directly from the DCSF.

Site and Property

- 4.1.9 The DCSF has advised that the following arrangements would need to be put in place:
- upon opening, the existing buildings and site would be leased to the academy;
 - when work on the building commences, the site would become the Council's building site and an occupation licence would be put in place; this would last until the end of a 1-year snagging period; and
 - at the end of the snagging period, there would be a lease for 125 years.

4.2 **Legal:**

- 4.2.1 The closure of Sheffield Community and Sports College in order to enable the school to become an academy is subject to statutory procedures. Consultation on the proposal has now taken place and it is now for the proposing authority to decide whether it wishes to proceed with the proposal. Details of the consultation process are provided in section 10 of this report. If Cabinet decides to proceed, it is intended to publish a statutory proposal on 5 September 2008, following which there would be a representation period of six weeks during which objections could be made. A further report would be brought to Cabinet so that the final decision could be made in the light of any responses received during the representation period and the proposal be 'determined'. It is expected that the final decision would be taken in early November 2008.
- 4.2.2 The admission arrangements for the 2009/10 school year for community and controlled schools in Walsall were determined by Cabinet on 19 March 2008. The 'Information for Parents' handbook and the 'Walsall Preference Form' for secondary admissions for September 2009 will be issued to parents on 11 July 2008; the closing date for receipt of applications is 10 October 2008. These admission arrangements will apply to Sheffield or a successor academy as the final decision regarding the establishment of the proposed Sheffield academy will not have been taken until after these dates.
- 4.2.5 The sponsor has stated that the admission arrangements for the proposed academy would be the same as the current arrangements for Sheffield Sports and Community College.
- 4.2.6 The sponsor has confirmed that all students who have a place at Sheffield when the proposed academy opens would automatically be enrolled at the academy.
- #### 4.3 **Staffing:**
- 4.3.1 The staff employed at Sheffield are employees of Walsall Council. In an academy, however, the staff are employed by the governors (trustees). In circumstances where a school closes and reopens as an academy, staff are 'TUPEd' across to the new employer on the same terms and conditions of service.

- 4.3.2 The sponsor has confirmed that the national terms and conditions of service would apply to staff employed at the proposed academy.
- 4.3.3 As existing staff would be 'TUPEd' to the new employer, there should not be any redundancies.
- 4.3.3 It is understood that the DCSF would make available some funding towards the cost of any compromise agreements.

5. Citizen impact

- 5.1 There is the potential to more rapidly improve secondary education provision in the Pelsall area and there is also the potential for greater levels of community engagement.
- 5.2 The sponsor for the proposed academy is the Ormiston Trust. In the Expression of Interest, the Trust states that it is 'committed to the transformation of learning and the regeneration of communities particularly through its focus on the development of extended school provision achieved with multi-agency cooperation.'

6. Community safety

- 6.1 There are no direct implications for community safety.

7. Environmental impact

- 7.1 If Sheffield Sports and Community College is closed and a successor academy opened, it is envisaged that parts of the current building would be demolished and replacement accommodation be provided. Much of the recent building at the school would be retained and some of the older building would be refurbished and updated. Any new building would be built to the latest building and environmental standards and would incorporate the use of sustainable resources wherever possible; designs would incorporate developments to reduce the impact on the environment.

8. Performance and risk management issues

8.1 Risk:

- 8.1.1 There is a loss of direct control by the Council of property in schools that become academies. This would apply for the life of the academy and there would be conditions in the agreement to ensure that the property would return to the Council if the academy closes and can ensure that the property can only be used for specified purposes.
- 8.1.2 The loss of direct control would be mitigated by the transfer of liabilities and by the influence of LA representatives on the board of governors.

8.2 Performance management:

- 8.2.1 Evidence from the DCSF and the Academies and Specialist Schools Trust suggests that there is likely to be a rapid and significant improvement in Key Stage 3 and GCSE results within three years.

9. Equality implications

Admissions

- 9.1 The sponsor has confirmed that the proposed academy would comply with admissions law, the School Admissions Code of Practice and the School Admissions Appeals Code of Practice as they apply to maintained schools. It has also been confirmed that the academy would have regard to and have an independent appeal panel which acts in accordance with the Secretary of State's guidance on exclusions.
- 9.2 The sponsor has confirmed that all students who have a place at Sheffield when the proposed academy opens would automatically be enrolled at the academy.
- 9.3 The sponsor has confirmed that the proposed admission arrangements for the proposed academy would be the same as the current arrangements for Sheffield and would continue to include admitting 10% of pupils on the basis of their aptitude for sport.
- 9.4 Discussions between Education Walsall, Walsall LA, the Ormiston Trust and Sheffield have led to a clear agreement that the proposed academy would serve the same community as Sheffield College.

SEN

- 9.5 The sponsor has confirmed in the Expression of Interest that the proposed academy would meet the requirements of the SEN Code of Practice and would seek to be an inclusive school as part of the full LA provision for SEN.

10. Consultation

- 10.1 Consultation on the proposal to close Sheffield Sports and Community College in order to enable it to reopen as an academy, subject to the signing of a funding agreement by the Secretary of State commenced on 21 May and ended on 20 June 2008.
- 10.2 A consultation document which included information regarding the proposed closure of Sheffield and a newsletter from the sponsor which gave information about the proposed academy was issued to parents, staff, governors and members of the student council. It was also sent to all Walsall schools, other stakeholders and statutory consultees and was made available to the public through local libraries and Sheffield Sports and Community College; it was also posted on the Education Walsall website.
- 10.3 Consultation meetings, at which representatives from Education Walsall, the sponsor, the Ormiston Trust and PKF (project managers appointed by the DCSF) were present, were held as detailed in the table below.

School	Date	Staff	Parents	Governors
Sheffield Sports and Community College	Wednesday 21 May 2008	4 00 pm	7 30 pm	6.00 pm
Student Council	Wednesday 21 May 2008	11 00 am		
Community meeting	Tuesday 3 June 2008	7 30 pm		

- 10.4 Attendance at the various meetings comprised 11 students, 19 parents, 43 staff, 7 governors and the community meeting was attended by 11 people.
- 10.5 Representatives of Education Walsall also attended a meeting of the Pelsall and Rushall Community Action Group.
- 10.6 The meetings took the form of a presentation by Education Walsall and an outline of the work of the Ormiston Trust and details of the proposed academy were given by the sponsor and representatives from Ormiston Education; this was followed by a question and answer session. Matters raised by attendees included extended schools activities, curriculum developments, ethos of the proposed academy, school session times, staff conditions of service, school uniform, admission arrangements, the expected impact of the proposed academy, continuity of staff and governors, and the relationship of Sheffield with the local community. Comments were generally supportive of the proposal.
- 10.7 Approximately 1,700 copies of the consultation document, which included a response form, were issued. Fourteen consultation response forms have been received; six from parents, two from parent governors, two from other governors, two from staff, one from a local resident and one 'other'. Of these, twelve supported the proposal, one was unsure and one was against the proposal. Comments were generally supportive of the proposal. The local resident mentioned issues regarding the arrangements for pupils at the start and end of the school day.

Background papers

Cabinet Report 16 January 2008: Consideration of Academy Status Schools in Walsall.
 Cabinet Report 16 April 2008: Sheffield Sports and Community College – Proposed Academy.
 Notes taken at the consultation meetings.

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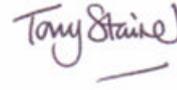
Signed:



David Brown
Executive Director: David Brown

Date: 7 July 2008

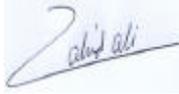
Signed:



Managing Director, Education Walsall

Date: 7 July 2008

Signed:



Portfolio Holder: Councillor Zahid Ali

Date: 7 July 2008