



COUNCIL CABINET
26 APRIL 2005

Report of the Director of Education

Landau Forte College - Academy Status

RECOMMENDATION

1. To support the application by Landau Forte College to convert from City Technology College status to an academy, subject to satisfactory agreements on the issues set out in the report.

REASONS FOR RECOMMENDATION

- 2.1 The establishment of academies is by no means a straightforward matter, given the widely differing views of the various interested parties. However, the conversion of Landau Forte to academy status should be viewed as a different matter from the establishment of a new academy to replace an existing maintained school.
- 2.2 The legal basis of City Technology Colleges – CTCs - means that they are all exempt from the DfES Codes of Practice on Admissions and Special Educational Needs - SEN - and are not funded through the same formula as local schools. If a CTC converts to an academy it will be required to comply with the Codes of Practice in these areas and will be funded broadly to match the LEA formula. Subject to addressing the points set out in this report, this represents greater equality and potentially the beginnings of a stronger relationship with the college than is currently the case.

SUPPORTING INFORMATION

- 3.1 Information about the Government's Academies Programme has previously been provided for Members through the Information Bulletin. The most important features of the programme are repeated below.
- 3.2 The Government's Academies Programme was introduced in March 2000. In the DfES's Five Year Strategy for Children and Learners, there is a target of establishing 200 'independently managed academies' by 2010 in areas with inadequate secondary schools. Where possible, academies will be promoted in co-operation with local authorities, but this is clearly not a pre-requisite. The Building Schools for the Future programme, which appears likely to apply to Derby towards the end of the decade, requires local authorities to consider academies and other options for new schools in their plans.

- 3.3 An essential element of the Academies Programme is that the capital costs are part-funded by sponsors. The intention is that a completely new or refurbished school building is provided. There is an expectation that an academy would share its expertise and facilities with other schools, and the wider community. Academies have specialist school status, and the nature of the specialism will often reflect the interest of the sponsors.
- 3.4 Academies are required to comply with the DfES Codes of Practice on Admissions and Special Educational Needs, and with guidance on exclusions.
- 3.5 Academies are also seen as having a key part to play in the regeneration of communities. A new academy should be a significant focus for learning for pupils, their families and other local people. The intention is that they help to break the cycle of under-achievement in areas of social and economic deprivation.
- 3.6 Broadly there are two routes to academy status. The first is through the replacement of an existing school or schools. The second is where a CTC converts to academy status. In the latter case, this would require a clear commitment by the school to work as part of the local family of schools to help raise achievement and increase post-16 participation. In some cases this would be through a formal partnership with a school where there is sustained level of underachievement. In other cases CTCs proposing to convert to an Academy have committed to strong collaborative work with local schools and also, on occasions, with schools outside the local authority concerned.
- 3.7 At the present time in Derby there is no sponsor known to be seeking to invest in a new academy. However, Landau Forte College has now submitted an expression of interest to the DfES in conversion to academy status, and this report addresses that development. There are two vital points of context to this application.
- 3.8 The first is the issue of a commitment to work in partnership to help raise standards and increase post-16 participation. Locally there is no current prospect of Landau Forte formally partnering a school with sustained levels of underachievement. At the present time there is only one secondary school in Derby in special measures - Merrill College. Merrill is, however, part of the Grouped Schools PFI project and will soon be provided with new buildings. Three other secondary schools which have been in special measures in recent years are all improving. One of these, da Vinci Community College, is also part of the PFI project.
- 3.9 The second point is the relationship between the authority and the secondary schools in the city, which has strengthened significantly in recent years. Collaboration between schools to develop, share and reinforce good practice has also greatly improved, and a more formal improvement partnership is now being pursued in line with the Government's Five Year Strategy. Results in public examinations have improved each year. It is therefore vital to preserve this positive

relationship. Landau Forte is not part of those collaborative arrangements and, in order to avoid any prejudice to them, the nature of any relationship with the College would need to be very carefully judged.

- 3.10 The Landau Forte application needs to be seen in the context of Government determination to meet its academies target. It wants all tax-funded schools to be funded at the local authority formula level, and to have regard to the codes of practice on admissions and SEN, thus addressing the different status of the relatively small number of CTCs. These codes of practice and the guidance on exclusions are seen by the DfES as public and transparent mechanisms for ensuring fairness for parents, students and schools.
- 3.11 The Government expects to achieve local authority support for such applications, where necessary through mediation of any local issues. Apparently no cases have been unresolved so far. If the Council did not support the application, the DfES would take a view of the reasons and their validity, and would be likely to reject opposition which is based only on principle. Information from other local authorities strongly suggests that the Government expects them to include academies in their plans for Building Schools for the Future. The following paragraphs of this report set out the points which need to be considered in determining whether to lend support to the application.
- 3.12 As an academy, the college will be expected to contribute to the **school improvement** process, to increase participation and achievement in Derby. This is similar to the expectations on academies generally. The points above about partnering with a school where there is sustained level of underachievement have been contentious in Derby, given the current status of our schools and the historical relationship with Landau Forte. Whilst secondary schools have been pragmatic about the possible development of academies, at present it is unlikely that any one school would enter into formal partnership with Landau Forte.
- 3.13 The contribution to the school improvement process needs to be a sharing both ways of knowledge, experience and expertise, involving primary and secondary schools. The College states in its draft proposals for conversion that it would be very willing to work in partnership with local schools and the authority to share good practice, staff training and school resources. Landau Forte would also seek to gain from the good practice in all the city schools. If Landau Forte succeeds in conversion to academy status and wishes to pursue partnering a school at a later date, *where there is agreement on all sides*, the DfES is likely to support this approach. In this event the partner school need not be in Derby.
- 3.14 Landau Forte is prepared to commit to the co-ordinated **admissions** system, though there may be timing issues as the college operates a five term year. The admissions criteria cited in their application reflect the key aspects of those in use in the city. The catchment area for Landau Forte is very different from that for other Derby schools, in that

50% of the intake is from the five inner-city wards, and 50% from the outer wards, and there is a selection process that seeks to ensure that the intake reflects the overall ability profile of the students who apply for a place. This is acceptable to the DfES within the terms of the code of practice. The establishment of a catchment area similar to those for other Derby schools is unlikely to be acceptable to the college governors, nor practical, given the turbulence it could cause for a number of schools. However, it would be reasonable to expect complete openness about the intake and the approach to admissions within the context of the co-ordinated admissions system. This could involve local authority officers monitoring the process, and the allocation of places through the co-ordinated system. In addition, there should be complete transparency about Key Stage 2 data on the intake and Key Stage 3, GCSE and GCE results. Such information is, in any case, now generally available.

- 3.15 Currently, **intakes** into Year 7 at the college are 160. The application proposes an intake number of 168. This is logical in terms of six forms of entry at 28 pupils per form. We are, however, facing a period of falling rolls and any increase in one school's intake could adversely affect another. It would be helpful if the college were to agree to be part of discussions about school organisation and dealing with falling rolls in the city in the future. The tension between the agenda of supporting popular schools and that of managing numbers across the city applies in this case.
- 3.16 There may be issues about the size of **post-16** provision at the college, but there is in any case a DfES expectation of an 85% staying-on rate for academies that were CTCs. This needs to be considered in the context of any impact on the city's 11-18 schools, the development of the Joseph Wright Centre and the importance of developing and sustaining a strong network of post-16 provision, but will ultimately be an issue for the LSC to resolve.
- 3.17 With regard to the **Special Educational Needs** Code of Practice, there is a slight difference in the expectations on academies, relating to the resolution of any disagreements over the admission of pupils with statements. For academies, this rests with the Secretary of State, whilst for other schools it is a matter for the local authority. In the circumstances it would be a positive gesture for Landau Forte to adopt the local approach. The statementing process would then need to ensure that Landau Forte provision is known and communicated to pupils and parents/carers, similar to all city schools. This will contribute to informed decisions and ensure Landau Forte is an option for learners with a range of special educational needs. Unconfirmed figures show that the college, as a CTC and therefore currently exempt from the SEN Code of Practice, has few pupils with statements and none has been placed after a parental request for some time.
- 3.18 Although **capital funding** would apply to a partner school, where formal partnering occurs, the expression of interest does include a bid for capital funding for the college itself. This is from a different 'pot' from the capital funding for the local authority. Given the high quality of

the Landau Forte buildings, capital investment there is questionable and may well impact on overall allocations.

- 3.19 Unlike CTCs, **revenue funding** would mirror the funding formula for schools in the city, though the approach to the equivalent of the LEA budget is uncertain. It seems unlikely that the change would have a significant effect on our funding position.
- 3.20 The college is applying for a technology and business enterprise **specialism**. In Derby we have tried to ensure a coherent spread of specialisms across the city in the applications that are made. There are two technology specialist schools and none with business enterprise at the moment, though two schools are interested. This could conflict with other schools and the city-wide spread, though not critically.
- 3.21 As part of the aim of raising standards and sharing resources, it is important that the college plays a part in the city-wide **14-19 strategy**, which looks to introduce more flexible pathways including traditional and vocational courses.
- 3.22 The trade unions have been consulted about academies, through the departmental JCC, and have unanimously expressed strong opposition to their development. This is on the basis of the importance of schools being part of a local authority network and a national system of pay and conditions for staff, which would not apply in academies. In the case of Landau Forte, as a CTC, these attributes already apply and would not change through conversion to an academy.
- 3.23 The conversion of Landau Forte to academy status is a different matter from the establishment of a new academy to replace an existing maintained school. During consultation, some secondary headteachers have indicated strong opposition to aspects of such a change. Others have suggested that the college's conversion to academy status gives an opportunity to begin to develop a stronger relationship and to involve the college in the same DfES Codes of Practice and processes which seek to provide better opportunities for all the city's students. Subject to addressing the points set out above, this could represent the beginnings of a move in a more positive direction.
- 3.24 The Heads' and Governors' Liaison Groups have also been consulted. Whilst there are reservations about academy status, the potential to build relationships and to bring some benefits were noted. Key to this would be the conditions relating to the issues outlined above, and transparency in them.

OTHER OPTIONS CONSIDERED

4. This report focuses on the request by Landau Forte College for support for its application to convert from City Technology College to Academy status. Other than determining this issue, the only options relate to the agreements that might be sought by the Council in relation to support for the application.

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Background papers: None
List of appendices: Appendix 1 – Implications

IMPLICATIONS

Financial

- 1.1 Sponsorship may come from a single individual or organisation, or a group of like-minded people acting as a consortium. There are three types of funding for academies. Initial grants cover the revenue costs of feasibility planning and the implementation of plans to establish an academy.
- 1.2 For completely new academies there are capital grants for buildings. Sponsors meet up to 20% of the costs of new or refurbished school buildings – up to £2 million – and the Government provides the balance of the funding in line with an agreed budget. The position for the conversion of Landau Forte is as indicated in paragraph 3.18.
- 1.3 Where an existing local authority maintained school becomes an academy, its pupil population is excluded from the Schools Budget Formula Spending Share (FSS). At the same time, we no longer have to fund the school's formula budget. This broadly represents a neutral position, though whether this is precisely so will depend on how closely the local funding formula matches the national FSS formula. However, a change is proposed for funding statemented pupils, and LEAs would have to pay the academy for this element. It is unclear how this would be calculated. No adjustment is made to the LEA Budget. In this situation, if a CTC is converting into an academy, there should be very limited impact on the Council's budget, as the CTC pupil numbers are not included in our FSS calculation to start with.

Legal

- 2.1 It is stated in the guidance that "Sponsors will also make the decisions about the academy's vision and ethos and structures for governing and managing the new school. They will appoint a majority of the members of the governing body which runs the academy. Through their involvement in the governing body, sponsors will continue to contribute their support as the academy develops".
- 2.2 It is further stated that all academy governors have a legal duty to act only in the interests of the academy. This is an interesting point in relation to collaboration with other agencies and schools.
- 2.3 All academies are required by the DfES to have an LEA appointed governor. Academies are also required to have DfES appointed governors. In practice, the Secretary of State nominates a single governor to each academy but reserves the legal right to nominate as many governors as are needed to confirm a majority of the governing body.

Personnel

3. In the case of conversion by Landau Forte, the change to academy status is unlikely to change the employment situation for staff.

Equalities impact

4. It will clearly be important to address issues surrounding the admissions and special educational needs codes of practice, and processes around exclusions and other student support issues. The college currently draws half of its pupil population from five inner city wards.

Corporate objectives and priorities for change

5. The aim should be to ensure that support for the application can contribute to the Corporate Plan priority of **raising standards of achievement in our schools**. The extent to which this happens will depend crucially on the resolution of the issues set out in the report.