

CABINET

28 OCTOBER 2014

CO-SPONSORSHIP OF ACADEMIES

Portfolio Holder: Councillor Mike O'Brien, Children's Services (Lead Member)

Report from: Barbara Peacock, Director of Children and Adult Services

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Summary

Medway Council is currently a co-sponsor to three academy schools in Medway. This report recommends that Medway ceases to be a co-sponsor of one school Bishop of Rochester Academy (BORA) and takes forward a review of co-sponsorship with the other two schools Brompton Academy and Strood Academy.

1. Budget and Policy Framework

1.1 The decision to review the Council's sponsorship arrangement of Academies is in line with government guidance and a changed national approach to Academies. Medway needs to review current arrangements to ensure they fit within the new national framework. As such this is a matter for Cabinet.

2. Background

2.1 Academy Schools were originally introduced by the previous Government from 2002. These first wave academies were focused in areas of deprivation. Poorly performing schools were awarded academy status to replace or take over schools with a long history of poor performance or schools which were in special measures. These first wave academies had to have external sponsors who were willing to invest substantial sums of money and to have an independence from the Local Authority. This approach was then slightly adapted as few sponsors were coming forward with the financial resources to invest. It is in this phase that a number of Local Authorities stepped forward to act as co-sponsors.

2.2 Many of these first wave of academies also had the opportunity to bid for substantial capital funding through the Building Schools for the Future (BSF) program. This was a clear incentive for local authorities to engage with the first academies. Medway has three secondary schools that benefited from BSF and were part of this first wave of academies. These are Bishop of Rochester Academy (BORA); Brompton Academy and Strood Academy. For all three of these schools Medway is one of the school sponsors.

- 2.3 Since 2010, under the current Government there has been much focus on academies and education, alongside a changing role for the Local Authority in relation to education. The national commitment to academy school status is stronger than ever with increasing numbers, especially across secondary provision. There has been a further strengthening and increased expectation in relation to the autonomy of academy schools and a changing role for the Local Authority and Director of Children's Services (DCS) within this. The DCS and the Local Authority continue to have a strong role to play in ensuring all children have a good school place and that outcomes for our children are improving, including narrowing the gap of the more vulnerable pupils. The Local Authority no longer has a role in day to day management of schools.

3. Current Situation

- 3.1 The current Government expects all academy schools to be more independent from the Local Authority. Although it is good practice for the Local Authority to have a key role in enabling all schools to work together as a 'family of schools' and enabling a strong school to school network to flourish. There is a new role of the Regional Schools Commissioner, established from September 2014. There are 8 Regional Schools Commissioners, appointed by the Department for Education. The Regional Schools Commissioner has an increasing place within the new educational architecture around performance of open academies where schools are not good or outstanding, the opening of new academies and the approval of new sponsors for academies.
- 3.2 The Bishop of Rochester Academy (BORA) is a school with three sponsors. These are The Rochester Diocese, Canterbury Christ Church and Medway Council. These tripartite arrangements are no longer viewed positively by Ofsted or by the Department for Education, especially if a school is neither good or outstanding. BORA is the only secondary school in Medway that is not yet good or outstanding. The GCSE results at BORA remain below the national floor target. All three sponsors are in agreement that the current tripartite sponsorship should be reviewed. It is thought that a single sponsor with a strong track record of secondary school improvement is what is needed to accelerate the progress of BORA to be a good school and to rapidly improve the standards at GCSE.
- 3.3 Both Brompton Academy and Strood Academy are 'good' schools. The need to review co-sponsorship is less pressing for these two schools. However, a review of sponsorship arrangements would be timely and would facilitate a greater clarity around the role of the Local Authority as a sponsor of a local authority.

4. Options

- 4.1 It would be possible not to review the sponsorship of BORA. However the other two sponsors have indicated that they wish for a review to happen. The Regional Schools Commissioner has an active interest in BORA as this is a school that 'Requires Improvement' and has standards below the national floor target. If we as the Local Authority fail to take any action, the Regional Commissioner has the powers to act to make a change of sponsor. It is recommended that the Local Authority is proactive in reviewing the tripartite sponsorship arrangement at BORA and supports the school to find a single sponsor with a strong track record of secondary school improvement.

- 4.2 The two other co-sponsored schools, Brompton Academy and Strood Academy are both 'good' schools rated as 'good' at their last Ofsted Inspections. However, it is timely to review these arrangements. The review of all these sponsorship arrangements will regularise the Local Authorities position.
- 4.3 The Local Authority will continue to be an active supporter of all the schools in Medway and to champion education high standards and inclusive practice across all schools.

5. Risk Management

Risk	Description	Action to avoid or mitigate risk	Risk rating
i. School goes into Special Measures	Standards do not rise and child do not receive a good education	Secure a strong sponsor with a track record of improvement	Medium
ii. LA has inconsistent arrangements across schools	LA less able to challenge constructively in areas of key responsibility	Review and clarify future role.	Low

6. Consultation

- 6.1 No formal consultation needs to happen from the Local Authority, however, the Governing Bodies of each school will need to consult on any change of sponsor.

7. Financial Implications

- 7.1 All three schools received a £500,000 covenanted donation to be held by the Academy on trusts for educational purposes.
- 7.2 BORA received £480,000 capital investment to secure Special Education Needs (SEN) inclusive provision within the school campus. The Local Authority will seek to ensure that any new sponsor will continue to honour this agreement for SEN provision. Failure to honour this commitment may lead to more children with SEN needing to attend a school outside of Medway at an additional cost to the Local Authority.

8. Legal Implications

- 8.1 The decision that the Council should cease to be a sponsor of an academy is a decision for Cabinet.
- 8.2 The Department for Education published guidance for academy trusts in January 2014 "Making Significant Changes to an Existing Academy" sets out the procedure that an academy must follow to make significant changes to their existing arrangements. A minimum of four weeks consultation is required.

- 8.3 On 11 October 2010, the Council entered into a Deed of Gift and Declaration of Trust (“the Deed”) to establish an endowment fund for BORA. Under the terms of the Deed, the Council donated the sum of £500,000 to be held by the Academy on trusts for educational purposes, namely “to advance education for the benefit of the community of Chatham”.
- 8.4 There is no provision in the Deed requiring the Academy to repay any of the endowment fund to the Council. The effect of the Deed is to create a trust for the benefit of the community of Chatham. Even if the school closes permanently, the money could not be repaid to the Council for its own purposes – it would be held on trust to assist and support the education of people under the age of 25 in the community of Medway with a preference for those who have been pupils at the school.

9. Recommendations

- 9.1 To authorise the Director of Children and Adults Services to take all necessary steps to terminate the Council’s sponsorship of the Bishop of Rochester Academy (BORA) and to support BORA to secure a new single sponsor with a strong track record of secondary school improvement.
- 9.2 To authorise the Director of Children and Adults Services, in consultation with the Portfolio Holder for Children’s Services (Lead Member) to:
- (i) Review the co- sponsorship arrangements at Brompton Academy and Strood Academy, to consider the withdrawal of the Local Authority’s sponsorship in the most timely way to meet the new national framework around Local Authority sponsorship of Academy schools. This review will need to be undertaken with the other sponsors and the Governing Bodies of both Academies. The review will take place over the next academic term and;
 - (ii) to take all necessary steps to implement the outcome of this review.

10. Suggested Reasons for Decision

- 10.1 The Council’s review of its sponsorship arrangements with these Academies is in line with current Government guidance.

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Background papers

The role of Regional Schools Commissioners:

<https://www.gov.uk/government/policies/increasing-the-number-of-academies-and-free-schools-to-create-a-better-and-more-diverse-school-system/supporting-pages/regional-schools-commissioners-rscs>