



## AGENDA

### SCHOOL ORGANISATION ADVISORY BOARD

**Wednesday, 14th July, 2010, at 10.30 am**      Ask for:      **Geoff Mills/Karen Mannering**  
**Council Chamber, Sessions House, County Hall, Maidstone**      Telephone      **(01622) 694289/694367**

*Tea/Coffee will be available from 10.15am outside the meeting room*

#### **UNRESTRICTED ITEMS**

*(During these items the meeting is likely to be open to the public)*

1. Substitutes
2. Declarations of Interests by Members in items on the Agenda for this meeting.
3. Minutes - 17 March 2010 (Pages 1 - 4)
4. Proposed Change of Age Range for Newington CE (Voluntary Controlled) Primary School, Sittingbourne (from 3 - 11 years to 4 - 11 years) by the Closure of the Maintained Nursery Unit (and its Replacement by a Voluntary Pre-School Provision) (Pages 5 - 14)
5. Proposed Primary School at Repton Park - Modification of Proposal (Pages 15 - 16)
6. Update on Proposed Changes to School Organisation (Pages 17 - 22)
7. Schools Applying for Foundation/Trust Status (Pages 23 - 24)

#### **EXEMPT ITEMS**

*(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)*

Peter Sass  
Head of Democratic Services and Local Leadership  
(01622) 694002

**Tuesday, 6 July 2010**

*Please note that any background documents referred to in the accompanying papers maybe inspected by arrangement with the officer responsible for preparing the relevant report.*

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**KENT COUNTY COUNCIL**

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**SCHOOL ORGANISATION ADVISORY BOARD**

MINUTES of a meeting of the School Organisation Advisory Board held at Sessions House, County Hall, Maidstone on Wednesday 17 March 2010

PRESENT: Mrs V J Dagger (Chairman), Mr C J Capon, Miss S J Carey, Mr M C Dance, Mr M J Northey and Mr M J Vye

ALSO PRESENT: Mr G Cooke, Mrs A Allen and the Rev. N Genders

IN ATTENDANCE: Mr D Adams (Area Children's Services Officer, Ashford & Shepway), Mr S Webb (Area Children's Services Officer Education Officer Dartford and Gravesham) and Mr G Mills ( Democratic Services)

**UNRESTRICTED ITEMS**

**1. Minutes - 4 February 2010**  
*(Item 3)*

**Resolved** that the Minutes of the meeting held on 4 February 2010 be agreed and signed by the Chairman as a true record.

**2. Proposed Closure of Wilmington Enterprise College and its replacement with a Government Funded Academy.**  
*( item 4 – report by Managing Director for Children, Families and Education)*

(i) In presenting this report Mr Webb highlighted the main areas for members to consider in reaching a view on the proposal to close the College and to replace it with a government funded academy.

(ii) Mrs Allen spoke on this matter as the local County Member and said whilst she agreed with the principles of the proposal she did have some concerns of detail. She said she felt that over a period of time the school had been let down by the local education authority and the College had never been given the chance to develop its own local identity. At present student numbers at Wilmington were for good reasons 'boy' weighted and there were a number of students who had special educational needs or were 'Looked After Children. Mrs Allen said the development of an academy would need to be carefully managed and the changes must not be allowed to interrupt the robust progress that had been made at the school in recent times. In conclusion Mrs Allen said she supported the proposals and wished the school well.

(ii) During the course of further discussion officers responded to the points raised by Mrs Allen as well as to a number of points of detail raised by members of the Advisory Board.

(iii) **Resolved** that a public notice be issued in respect of the proposal to close the Wilmington Enterprise College and its replacement with a government funded academy.

**3. Proposal to Expand the John Wesley School from 210 places to 420 places** *(item 5 - report by Managing Director for Children, Families and Education)*

(i) This report set out the results of the public consultation and sought the views of the Advisory Board on the issuing of a public notice to expand the school.

(ii) Mr Adams briefed the Advisory Board on the outcomes of the public consultation and said whilst this had brought forward some concerns he was confident the proposal was the right way forward and the expansion would not lead to some of the problems some parents thought it would. The Rev. Genders also spoke in support of the proposals.

(iii) During the course of discussion members of the Advisory Board raised a number of points of detail to which Officers responded accordingly. As part of this discussion the view was reached that the time-scale for implementing this change by September 2010 would now be too tight for the proposal to be introduced in a reasonable and timely way. It was therefore agreed the implementation date should be moved back to September 2011.

(iv) **Resolved** that the Cabinet Member for Children, Families and Education be recommended that a public notice be issued for the expansion of the John Wesley School from 210 places to 420 places with a commencement date of September 2011.

**4. Proposal to Re-Designate Foxwood School as a School for Profound and Severe Learning Needs and Highview School as a School for Complex Learning Needs; Relocate both Schools to an alternative site; Remove the Boarding Provision at Foxwood School and Change the Age Range of Highview School to include post -16.**

*(item 6 - report by Managing Director for Children, Families and Education)*

(i) ) Mr Adams gave a detailed introduction as to the background to this matter and highlighted the main areas for members to consider in reaching a view on the proposals detailed in the report.

(ii) Following publication of the consultation document, further discussions had been held with the Governing Body of Brockhill Park Performing Arts College regarding the precise siting of the schools. It was originally proposed to locate the special schools close to the college itself, but an alternative location on site, to the south, was now proposed. Additionally, the County Council felt it appropriate to consult on an alternative site location for the two special schools. The second site proposed was land fronting Park Farm Road - part of the former Channel School site. The site adjoined the Folkestone Academy which was an all ability school for boys and girls aged 4-

18 years. Also It had now been necessary to move the position of Foxwood and Highview Schools in the sequence of school rebuilds within Wave 5 of BSF. As a result it was now anticipated the schools would be completed by January 2015 and this therefore would alter the proposed relocation date.

(iii) Miss Carey and Mr Capon both spoke on this matter but in their capacity as local County Members. Miss Carey said the impact of this proposal on the local area had to be looked at very carefully with the concerns of local people being taken fully into account. She said that in and around the Brockhill Park Performing Arts College local residents were already twice a day experiencing considerable traffic problems and there were concerns that these coupled with other problems such as litter and graffiti could mean any expansion at the site could make an already difficult situation even worse. Miss Carey said that what ever site option was chosen sufficient money would need to be set aside from the development costs to address local traffic problems, particularly if the chosen site was Brockhill College. Miss Carey also said that KCC should not take a 'silo' view and the Council had to look at the proposal in the context of not just its education responsibilities but also in terms of its responsibilities for highways and communities. Overall and taking into account local circumstances Miss Carey said of the two proposed sites she believed Brockhill would present the most problems and for the reasons she had put forward was therefore in her view the least favourable of the two options.

(iv) Mr Capon also spoke as a local county member and said in hearing the views of local people it was obvious that the traffic issues were causing the most concern, and these issues would have to be properly addressed which ever site option was adopted. He said he believed Saltwood Parish Council had adopted a sensible stance in deciding not to comment at this stage and await the submission of a planning application, if and when received. Mr Capon also said that as elements of the proposal were in Hythe, the Town Council should have been consulted but to date that had not happened. Mr Adams apologised for this and said the views of the Town Council would be sought without delay. Mr Capon said the development of either site would present problems but with the County Council owning the land which formed part of the former Channel School that presented a more preferable alternative given that all the issues related Brockhill potentially made a successful relocation to that site impossible.

(v) Members of the Advisory Board then discussed the proposal in detail during and raised a number of specific points to which officers responded accordingly. Among the concerns members expressed was the need to ensure any disruption to the education of the children who would be attending the two schools at the time of the relocation had to be kept to an absolute minimum, the various concerns which had been expressed regarding the access arrangements in and around both sites should be investigated further, with the options being properly assessed. Also further discussions needed to be held with Brockhill College to clarify the perception of some that it may not wholly want the two schools relocated onto its site.

(vi) At the conclusion of discussion Mr Adams summarised his views on the relative merits of the two sites and what may be needed to be done in order to solve access and development issues. As to the choice of site he believed that the planning issues related to the land at the former Channel School site were less problematic and with that land being in the ownership of the County Council there was more certainty that a relocation to that site would be more easy to deliver.

(vii) The Advisory Board **Resolved** to

- (a) recommend the Cabinet Member for Children, Families and Education to issue a public notice to redesignate Foxwood and Highview Schools; to remove the boarding provision at Foxwood; and to change the age range of Highview School to include post 16 provision.
- (b) The Advisory Board decided that on the balance of the information to hand and the need for there to be further investigations and discussions it would not be appropriate for it to express a formal view as to which site to recommend to the Cabinet Member.

By: Rosalind Turner, Managing Director, Children, Families and Education

To: School Organisation Advisory Board – Briefing 23 June 2010

Subject: PROPOSED CHANGE OF AGE RANGE FOR NEWINGTON CE (VOLUNTARY CONTROLLED) PRIMARY SCHOOL, SITTINGBOURNE (FROM 3 - 11 YEARS TO 4 - 11 YEARS) BY THE CLOSURE OF THE MAINTAINED NURSERY UNIT (AND ITS REPLACEMENT BY A VOLUNTARY PRE-SCHOOL PROVISION)

Classification: Unrestricted

Summary: The report explains the need to consider a proposal to close the maintained nursery unit at Newington CE Primary School in Sittingbourne and to change the age-range of the school from 3-11 years to 4-11 years with effect from 26 April 2011. This report seeks the views of the School Organisation Advisory Board on whether to move to public consultation on this issue.

## Introduction

1. (1) Newington CE Primary School is a 1FE school serving the rural village of Newington, situated three miles from Sittingbourne. The majority of pupils live in the immediate neighbourhood. A dot map showing the home location of the pupils is attached as Appendix 1. The school has suffered from a decline in standards which is being addressed. It remains the school of choice for the village community but the school roll has become less stable.

### Current School Roll

PAN	Year R	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Total
30	28	21	11	24	20	13	22	139

A small number of Traveller Children attend the school. The school has an above average percentage of pupils with Special Educational Needs.

(2) The School has a 52 place (26 full time equivalent) maintained nursery unit which opened in September 2006. When Kent County Council committed (in 2004) to expand the number of maintained nursery units in Kent, it was decided that units would be established in areas of the highest social need or low pre-school provision. Newington fitted both these categories but especially the low number of pre-school places available in the locality. At the time there were 60 children aged three and four in the Newington locality and 26 existing funded early education places. Within a 2 mile radius (Newington and adjacent wards) there were 291 children aged three and four and 116 existing funded

early education places. This gave a shortfall of 175 places within 2 miles of the school, with a shortfall of 34 places within the Newington ward.

(3) Newington has one pre-school provision other than the maintained nursery unit. The Cherries Pre-school is a charity-based organisation run by a partnership of qualified staff and a parent Management Committee. The Cherries Pre-school operates from the Village Hall and provides term time sessional childcare five days per week for children aged from two years until they reach school age. The pre-school has 26 registered places. Currently 18 children attend The Cherries Pre-School including 8 funded 3 to 4 year olds, 7 fee paying 2 year olds and 3 funded 2 year olds. The school has good links with The Cherries Pre-school which was last inspected in June 2009 and judged as good.

## Background

2. (1) The maintained nursery unit is managed by the headteacher and the governing body of the school. Admission to the nursery does not guarantee admission to Newington CE Primary School. Currently there are 18 children attending the maintained nursery unit on a part time basis and the nursery operates in the mornings only.

(2) The table below shows the number of pre-school children living in the Newington locality (2009 based data).

Aged 0+	Aged 1+	Aged 2+	Aged 3+	Aged 4+ (current Year R)
33	32	23	13	39

(3) The beneficial impact of good quality pre-school provision on children's learning and social behaviour is recognised by Kent County Council. However, the maintained nursery unit is unable to offer the flexible childcare that many families are looking for. The maintained nursery unit has therefore been undersubscribed since it opened.

### Maintained Nursery Unit Historic and Current Roll Numbers – January PLASC

	Jan 07	Jan 08	Jan 09	Jan 10
Number on Roll	9	23	20	15

The table attached as Appendix 2 gives the maintained nursery unit roll numbers for East Kent over the last 4 years. This shows that Newington CE Primary School has the lowest uptake of places.

(3) The school is finding the nursery unit a burden financially and the governing body has asked the Local Authority to consider bringing forward a proposal that would enable the local pre-school provider, The Cherries Pre-School, to move into the maintained nursery unit accommodation.

(4) If The Cherries relocated to the maintained nursery unit accommodation from the village hall, they would be able to consult the community about their childcare needs, and increase the offer available to include breakfast clubs, lunch clubs, afterschool clubs, afternoon and all day sessions.



## **The Proposal**

3. (1) The proposal is to close the maintained nursery unit. This would be achieved by changing the age-range of Newington CE Primary School from 3-11 years to 4-11 years.

(2) The school would cease to offer nursery classes from 1 April 2010. The Cherries Pre-school would move into the maintained nursery unit accommodation in September 2010. Children entitled to receive the Early Years Foundation Stage Entitlement for 15 hours a term after their 3<sup>rd</sup> birthday would be able to do so at The Cherries Pre-school, so provision in the locality would be maintained in a flexible offer which parents prefer. If this proposal goes ahead, any children attending the maintained nursery unit at the time of its closure would be guaranteed a place at The Cherries Pre-School.

(3) The Cherries Pre-school has well qualified staff as follows:

- Early Years Leader – Early Years Foundation Degree, working towards BA Hons and Early Years Professional Status.
- Deputy Early Years Leader – Level 4 Certificate in Leading and Managing Quality Practice
- Senior Early Years Educator – Level 4 Certificate in Leading and Managing Quality Practice
- Early Years Educator – Level 3 Certificate in Early Years Care and Education

(4) The Grove Park Children's Centre mobile bus visits The Cherries on a weekly basis. The bus promotes The Cherries and gives out information regarding the free places for 2 year olds.

## **Site Issues**

4. (1) The maintained nursery accommodation comprises a teaching area, a safe covered external area and has its own entrance, kitchen, office and toilet provision. The accommodation is excellent; the only problem has been that as a maintained nursery unit it has not been able to provide the flexible childcare that many working parents today are looking for.

(2) The Cherries has been operating in the Village Hall for 40 years. The Village Hall was rebuilt in 1991 and although it offers good accommodation for the pre-school there are the inevitable drawbacks, especially the location of the toilets and outdoor play area and sharing the accommodation with other users. Moving into the maintained nursery accommodation would remove these problems and provide purpose build nursery accommodation with excellent facilities.

## **Resource Issues**

### *Capital & Revenue*

5. (1) For a three year period from its opening in September 2006 the maintained nursery operated for two sessions each day with a full time teacher and two nursery assistants. This resulted in the maintained nursery unit operating at an annual deficit of £27,000. During the current academic year the maintained nursery unit has only opened

in the mornings and the current year end shows a deficit of £1,062.20. If this proposal goes ahead, the school will no longer have to bear this loss from the school budget.

(2) If this proposal goes ahead, The Cherries Pre-School would move into the maintained nursery unit accommodation and pay an estimated rent of £8,000 per annum. The rent would be payable to Kent County Council. A percentage of the rent would be paid to the school. Future maintenance of the accommodation would be the responsibility of The Cherries Pre-School.

(3) The Cherries Pre-School has produced a Business Plan outlining the future financial sustainability of the Pre-School should the proposal goes ahead.

#### *Human*

(4) The primary school employs a part time nursery teacher and from September this teacher would continue her employment with the school and there would not be a need for redundancy.

(5) The nursery assistant would have the opportunity to transfer to the employ of The Cherries Pre-school should she wish to do so.

#### **Views of the Local Member**

6. The Local Member is Mr Keith Ferrin. Mr Ferrin has been informed and does not wish to object to the proposal at this stage.

#### **Views of the Governing Body**

7. The Governors of Newington CE Primary School have fully examined and debated the issues concerning the future of the Nursery and are unanimously in favour of the proposal tabled at their meeting on 29th April, 2010.

#### **Views of the Partnership Board**

8. The Partnership Board is in favour of this proposal going forward to public consultation as they understand that the locality cannot sustain the two provisions.

#### **Views of Early Years & Childcare**

9. The Senior Advisor for Early Years and Childcare supports the proposal and believes that The Cherries would benefit from the improved environment and the school would benefit from the closer links, as the setting works with children who feed into the school. "The Cherries has always had a good reputation in the village."

#### **School Improvement Implications**

10. Maintaining continuity of provision through an alternative provider should ensure that there are no adverse implications for school improvement.

## Equality Issues

11. (1) All pupils who access their free maintained nursery education entitlement through the school's maintained nursery unit would be guaranteed a place at The Cherries Pre-school and so would be able to continue to access their entitlement locally.
- (2) Continuing access to high quality provision on the Newington school site should avoid any detrimental impact.

## Transport & Environmental Impact, Including Community Implications

12. (1) The continued use of the maintained nursery unit accommodation is not expected to have any transport implications.
- (2) Children currently attending the maintained nursery unit would be able to have a place with The Cherries Pre-School should parents wish.
- (3) The nursery unit is under-utilised and its closure should not impact adversely on the local community with the continued use of the maintained nursery unit accommodation through an alternative provider.
- (4) Members of the Village Hall committee are aware of this proposal and have been very supportive of the idea of the Cherries relocating to the maintained nursery unit accommodation at the primary school and expanding their offer to the community.

## Proposed Timetable

13. SOAB 1 meeting	14 July 2010
Public Consultation Period	13 September to 25 October 2010
Public Meeting	week commencing 27 September 2010
SOAB 2 meeting	10 December 2010
Cabinet Member decision (to issue a public notice)	December 2010
Public Notice Period	13 January to 24 February 2011
Cabinet Member Decision and appeal period	March 2011
Implementation	April 2011

## Recommendations

14. Members are asked to give their views on whether there should be a consultation on a change of age range for Newington CE Primary School, Sittingbourne, by closing the maintained nursery class.

Alison Osborne  
Area Children's Services Officer: Canterbury & Swale 01227 284461

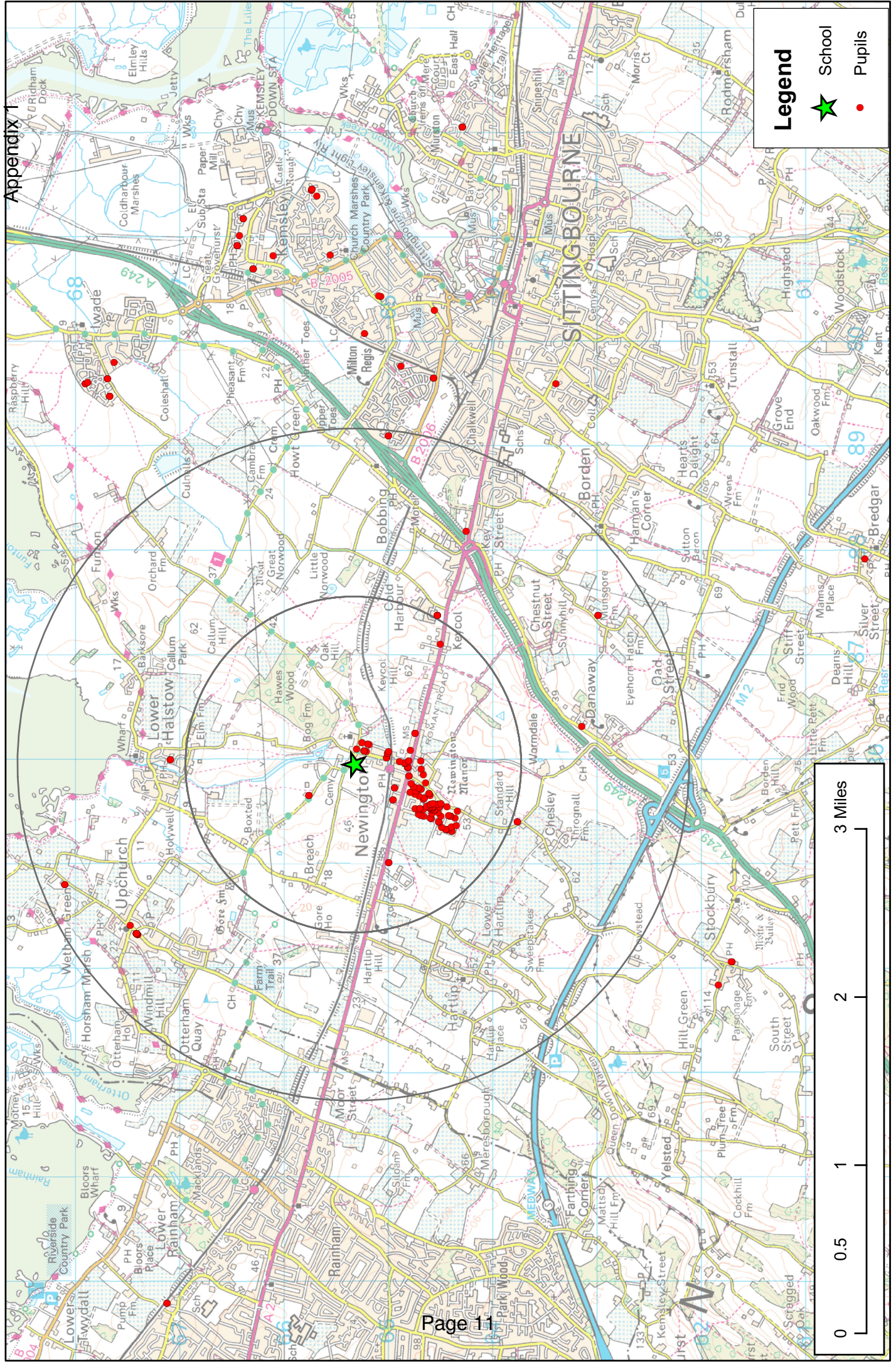
The Local Member is Mr Keith Ferrin

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*Background Documents: None*

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# Pupils Attending Newington CEP School as at October 2009



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**East Kent Maintained Nursery Unit Rolls**

Appendix 2

<b>School</b>	<b>Partnership</b>	<b>Jan-07</b>	<b>Jan-08</b>	<b>Jan-09</b>	<b>Jan-10</b>
Herne CE Infant School	Canterbury Coastal	35	51	45	52
Herne Bay Infant School	Canterbury Coastal	0	52	52	53
St Alphege CE Infant School	Canterbury Coastal	16	37	49	41
Diocesan & Payne Smith CE Primary School	Canterbury C & C	37	37	48	34
Parkside Community Primary School	Canterbury C & C	34	27	32	23
Pilgrim's Way Primary School	Canterbury C & C	0	33	34	26
Murston Infant School	Rural Swale	30	39	34	40
Eastchurch CE Primary School	Urban Swale	31	48	52	52
Kemsley Primary School	Urban Swale	48	42	47	40
Milton Court Primary School	Urban Swale	13	44	50	48
Newington CE Primary School	Urban Swale	9	23	20	15
The Oaks Community Primary School	Urban Swale	51	45	43	47
Queenborough First School	Urban Swale	62	62	65	71
Regis Manor Community School	Urban Swale	33	26	36	50
Richmond First School	Urban Swale	52	52	52	52
Rose Street School	Urban Swale	37	29	39	52
West Minster Primary School	Urban Swale	50	52	42	51
Cartwright CE Primary School	Deal & Sandwich	34	37	27	35
Aylesham Primary School	Dover	34	27	42	27
Green Park Community Primary School	Dover	13	15	Closed	Closed
Shatterlocks Infant School	Dover	37	37	42	46
Vale View Community School	Dover	32	36	33	31
Cliftonville Primary School	Thanet 1	52	52	52	52
Drapers Mills Primary School	Thanet 1	15	31	52	41
Garlinge Primary School and Nursery	Thanet 1	45	32	40	46
Holy Trinity & St John's CE Primary School	Thanet 1	49	47	52	43
Northdown Primary School	Thanet 1	41	47	36	43
Salmestone Primary School	Thanet 1	50	50	42	52
St Gregory's Catholic Primary School	Thanet 1	41	49	41	37
Callis Grange Nursery & Infant School	Thanet 2	52	52	52	52
Dame Janet Community Infant & Nursery School	Thanet 2	52	52	52	52
Newington Community Primary School & Nursery	Thanet 2	51	49	52	54
<b>Total</b>		<b>1136</b>	<b>1312</b>	<b>1355</b>	<b>1358</b>





By: DAVID ADAMS, AREA EDUCATION OFFICER, CHILDREN,  
FAMILIES AND EDUCATION

To: SCHOOL ORGANISATION ADVISORY BOARD – 14<sup>th</sup> JULY 2010

Subject: PROPOSED PRIMARY SCHOOL AT REPTON PARK –  
MODIFICATION OF PROPOSAL

Classification: UNRESTRICTED

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Summary: This report is to inform Members of the latest position relating to  
the proposed primary school at Repton Park, Ashford

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## **Background**

1. (1) Following a school competition process, in January 2008 the Local Authority approved a proposal from three named individuals to promote the planned primary school at Repton Park, Ashford. All of these individuals were governors of Homewood School and Sixth Form Centre, Tenterden. At that point in time the governing bodies were not able to promote new schools, thus three individuals were named. They proposed to establish a Trust, to be known as The Homewood Trust, to support the school. The three individuals were:

- Mr W Cotterell (Principal)
- Mrs J Kirk (Chair of Governors)
- Mr M Frey (Vice-Chair of Governors).

## **The Original Approval**

2. (1) The Cabinet Member's approval was subject to several conditions including; (i) formation of The Homewood School Trust and (ii) KCC's agreement to any further Trust Partners that join the Trust before the date of opening. Originally the school was to open in September 2010, but due to the reduction in house building this was delayed until September 2012.

## **The Modification**

3. (1) The circumstances of the original members of the Trust have changed and they are requesting a change of individuals who will form the Homewood Trust, and promote the school as follows:

- Mr I Kirkland (current Vice-Chair of Homewood School) to replace Mr M Frey.
- Mrs Sally Lees (Principal designate of Homewood School) to replace Mr W Cotterell
- Mr Wayne Wills (current Chair of Finance of Homewood School) to be added as a new member.

(2) Mrs J Kirk, Chair of Homewood School will remain as a named individual and all other aspects of the original proposal will continue.

(3) In light of the fact that The Homewood Trust will continue to be formed to promote the school, the request for a modification is not viewed as a significant change to the proposal. Given that the Members of a Trust will change over time, it would seem that the important issue is the continuation of the Trust, rather than the individual members of it.

### **Recommendation**

4. (1) Member's are asked to recommend that the Cabinet Member:
- agree the change of the named individuals as set out above;
  - agree to the addition of Mr Wayne Wills, as a promoter/partner to The Homewood Trust

### **David Adams**

Area Education Officer, Ashford & Shepway  
Tel : 01233 898559

By: ROSALIND TURNER, MANAGING DIRECTOR, CHILDREN,  
FAMILIES AND EDUCATION

To: SCHOOL ORGANISATION ADVISORY BOARD – 14<sup>th</sup> JULY 2010

Subject: UPDATE ON PROPOSED CHANGES TO SCHOOL ORGANISATION

Classification: UNRESTRICTED

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Summary: This report is to inform Members of the latest position relating to  
Government announcements on Academies and Free Schools

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### **Academies Announcement**

1. (1) In May 2010 the Secretary of State for Education announced legislation (the Academies Bill) which will allow him to approve applications from schools that wish to become Academies. This will be through a simplified, streamlined process detailed below. Importantly, this policy is aimed at all schools, rather than schools in challenging circumstances which were the focus of the academies programme under the previous Government. It is envisaged that this Bill will become an Act by the summer recess 2010.

(2) These new academies will, like their predecessors, be publicly funded independent schools, outside of local authority control. They will continue to enjoy the key freedoms and flexibilities of: setting their own pay and conditions for staff; freedom from following some of the National Curriculum; the ability to change the lengths of their terms and school days; being their own admissions authority.

(3) The Department for Education (DfE) are also making plans for further freedoms for Academies in the way they engage in local partnerships and deliver 14-19 education, relaxing the requirements currently in the Funding Agreement (the contract between the Secretary of State and the Academy Trust) and freedom from further inspection.

(4) The proposed legislation will allow primary, secondary and special schools to apply to become Academies (previously primary and special schools could not be academies). The DfE have stated that where a maintained school operates selective arrangements, these can be retained, and therefore the programme is open to grammar schools too.

(5) In the first instance, Governing Bodies of schools that have been rated outstanding by Ofsted in their most recent inspection can apply to become Academies. Where applicable, the Governing Body will need the support of their Foundation and Trustees to apply. Unlike existing Academies, no additional external sponsor will be required where an outstanding school converts to Academy status. For schools with existing Foundations, the Foundation will retain its involvement with the school.

(6) Schools will be expected to sign up, in principle, to support another school to raise attainment.

(7) The Academies Bill proposes to give the Secretary of State the ability to issue an Academies Order to (a) schools which apply to become academies, and (b) schools that are eligible for intervention (ie in an Ofsted Category). The issuing of an Academies Order removes all requirements for statutory consultation around the closure of a maintained school. The order will specify the date that the Local Authority ceases to maintain the school, and the date the Academy opens. The Local Authority is not consulted, nor is it the decision maker.

### **Conversion process for outstanding schools**

2. (1) Schools rated outstanding by Ofsted in their last inspection that want to convert to an Academy will need to:

- (a) Complete an on-line registration form. The DfE will liaise with the school direct. A DfE official will be appointed as the school's named contact to support the school throughout the process.
- (b) Submit a short application to convert form, including the confirmation of the Governing Body resolution; the agreement of any Foundation and Trustees (if applicable); and, confirmation of the school's outstanding rating from Ofsted. Schools will also discuss with the DfE contact in-principle agreement to support another school to help raise standards. The Secretary of State will confirm whether he is content for the school to proceed to the next stage and, if he is, will make an Academy Order.
- (c) The DfE will support the Governing Body and Headteacher to ensure that all legal documents are completed relating to governance, land, property and staff transfer and company registration. This stage of the process is completed when the Academy Trust and the Secretary of State sign the Funding Agreement for the Academy. The Funding Agreement will stipulate the date when the Academy will open.
- (d) The Local Authority's role in this process will vary – transfer staff under TUPE (Transfer of Undertakings Protection of Employment) procedures in cases where the LA is the employer; land transfers from governing bodies/trustees to the LA (e.g. for foundation schools where the land transferred from the LA to governors or trustees as a consequence of the schools category); agreeing long lease arrangements for land and buildings with the Academy's Trust; closing down school accounts; termination of contracts.
- (e) Pre-opening, the Governing Body will need to finalise matters in preparation for the Academy opening. This will include setting up new contractual arrangements as required and completing registrations.

### **Length of time to convert to an Academy**

3. (1) The DfE expect the four steps detailed above to take a minimum of three months, although this may be longer if there are complicated issues to resolve. This means that in straightforward cases outstanding schools could become Academies by September 2010. Schools will, however, be able to complete the conversion process more slowly if they wish. It is not essential for schools to open as Academies from the beginning of a term, although many will wish to do so as it will make school planning easier.

## Academy Funding

4. (1) The DfE is offering outstanding schools a one off £25k payment in the form an 'Academy Conversion Grant'. New Academies will be funded at a comparable level to maintained schools. New Academies will also receive a share of the local authority budget that currently provides for central services. Academies need to consider how they will obtain or provide services previously provided by the local authority using the additional funding they receive. Schools are free to buy back the services from the local authority or find them elsewhere.

(2) The funding for academies comes in the form of a grant, known as the General Annual Grant (GAG), paid by the Young People's Learning Agency (YPLA). For schools converting in September, the YPLA will issue formal notification of grant funding for each school in August. The GAG is made up of different elements:

- **An amount equivalent to the school's current budget share**- By far the largest element of GAG is the school's core funding, known as its delegated budget share. This will be the same as the school's current budget share received from the local authority.
- **Local authority central spend equivalent grant (LACSEG)** - This is the additional money to cover those central services that the local authority no longer provides. This figure varies between local authorities and will reflect the amount the local authority already holds back to pay for central services. This element of grant is calculated by the Young People's Learning Agency (not the local authority), using a formula, based on an academy's pupil numbers and the amount that the relevant local authority spends on the services and costs. It is not based on the actual costs of the services supplied to the individual school.
- **Other funding** - Academies also receive grant funding to meet the additional VAT they incur because they cannot use the local authority's VAT reclaim facility and to meet their insurance costs. All other specific grants, including Standards Fund grants and Schools Standards grants will continue to be paid as normal by the local authority up to 31 March 2011. Arrangements for these grants after that date, for all schools, are still under consideration

(3) The local authority also retains some funding for services that it has to continue to provide, and related costs. These are:

- Home to school transport (including SEN)
- Education psychology, SEN statementing and assessment
- Monitoring of SEN provision, parent partnerships, etc
- Prosecution of parents for non-attendance
- Individually assigned SEN resources for pupils with rare conditions needing expensive tailored provision (this is usually a top-up to formula funding)
- Provision of pupil referral units or education otherwise for a pupil who is no longer registered at an academy.

(4) Previously maintained schools, which closed to become academies, left their budget surpluses or deficits with the Local Authority. In respect of these new academies, the budget surplus or deficit transfers with them. Any school transferring with a deficit budget will be expected to agree a remedial action plan with the YPLA at the earliest opportunity, a plan to repay it from GAG installments. Any that develops a deficit after opening will have to agree a restructuring plan with the YPLA.

(5) The Key questions/concerns still in discussion with DfE are:

- What is the basis for the calculation of the funding which new academies will receive from the centrally retained LA budgets?
- What responsibilities will transfer to the new academies with this additional funding?
- How will the DfE negotiate and agree which schools the new academies will support? The LA is keen to be involved in this given our knowledge of which schools will benefit most from these arrangements.
- We are very pleased that the DfE is now guaranteeing that the LA will be reimbursed for any outstanding deficit which is not transferred with the new academy. We are taking action to protect the LA in relation to any loans which have been taken out by converting schools using our generous, and popular, loan scheme against school balances, to ensure that these are paid off at the point of transfer.
- We are concerned about the impact of a reducing totality of DSG on our PFI/BSF arrangements. We have negotiated agreements with our schools funding forum (currently £12m, rising to £17m pa) which underpin these considerable investment programmes in Kent and the transformation of our education system which has benefited many of our schools.
- The LA has expressed a desire to work with Central Government to help clarify the future direction and role and function of local authorities in relation to schools and education generally. The Administration strongly supports the principles behind the Coalition government's agenda, but also believe in the vital importance of a supportive, enabling local authority, as a champion for children, young people and their families.

## **Free Schools Announcements**

5. (1) On 18 June 2010 the Secretary of State unveiled the next step in the Government's school reform programme. He outlined the process for allowing Free Schools to be opened in response to parental demand. Free Schools are all-ability state-funded schools. Charities, universities, business, educational groups, teachers and groups of parents can set up these new schools. The Government are seeking to remove the red tape which can prevent new schools from being set up (e.g. relaxing/removing planning and school premises rules and regulations) – legislation to come in Autumn, Education and Children's Bill. The Government expects the first Free Schools to be open in September 2011.

(2) The Secretary of State has:

- Set out the process for how groups can start new schools and published a "Proposal Form" for groups to complete.
- Stated the Government's commitment to making it easier to secure sites for need for 'change of use' consent.
- Agreed with The Secretary of State for Communities and Local Government to update guidelines to local planning authorities to make it clear there is a presumption in favour of setting up of new schools.

- Re-allocated £50m of funding from the Harnessing Technology Grant to create a Standards and Diversity Fund to provide capital funding for Free Schools up to the 31 March 2011. Future funding for Free Schools will be a top priority for the DFE in the forthcoming Spending Review.
- Written to the New Schools Network to establish a formal relationship and to offer £500,000 initial funding to enable groups across the country to receive support they need to start forming new schools. The New Schools Network will act as the first point of contact for all groups who wish to start new schools and will provide them with information as they prepare their proposals.

(3) Free schools will have the same freedoms as Academies, and will similarly be publicly funded independent schools, outside of Local Authority control. All applicants for New Schools will be checked for their suitability to run a school as part of the approval process. Groups who wish to set up schools will have to comply with all aspects of suitability and vetting tests including due diligence and CRB checks.

(4) When drafting proposals groups will have to set out:

- the aims and objectives of the new school;
- the main people and organisations involved in the project;
- evidence of parental demand (e.g. a petition);
- an outline of the curriculum and their teaching methods;
- possible premises that have been considered.

(5) At a later date successful groups will have to complete a full business plan including setting out the school's financial viability. The Local Authority will not need to approve proposals for a free school and cannot veto a new school. The Secretary of State will authorise the establishment of a free school by signing a funding agreement between the providers of new schools and the Department for Education (in the same way as an academy).

(6) Free Schools will be inspected regularly by Ofsted.

(7) Free Schools will get their revenue funding from three sources:

- The amount the Local Authority spends per pupil on state funded schools. When a parent takes their child out of a state school now, and moves them to another state school, money 'follows the pupil' to the new school. The same would be true for new Free Schools.
- The Local Authority 'hold back' - Local Authorities keep a percentage of school spending for 'central services' - although the amount each Local Authority keeps varies massively. Free Schools, like Academies, will get a large percentage of this 'holdback' so they can procure services elsewhere if they wish.
- The Pupil Premium - All schools will get more funding for children who are from deprived backgrounds. The Department has not yet announced how this will be defined or how much money this will mean.

### **Recommendation**

5. Members are asked to note the report.

### **David Adams**

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By: Rosalind Turner, Managing Director, Children Families and Education

To: School Organisation Advisory Board – 14 July 2010

Subject: SCHOOLS APPLYING FOR FOUNDATION/TRUST STATUS

Classification: Unrestricted

Summary: To inform Members of SOAB of the current situation regarding Foundation/Trust proposals

## **FOR INFORMATION**

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### **Background**

1. (1) A paper was presented to SOAB on 17 October 2007 informing Members of the Government's encouragement of all schools to consider Foundation/Trust status, and of the 'fast track' procedures to achieve it. These procedures require a governing body to consult 'interested parties' (including the LA) over a minimum of a four week period, before determining themselves.

### **Determinations**

2. (1) Since the last report to the Board there has been one new determination reported to the local authority.

(2) On 12 April 2010, KCC received notification from Swanley Technology College that the Governing Body intends to make a prescribed alteration to Swanley Technology College (Community). The proposed alteration is to change School Category from Community to Foundation, acquire a Foundation established otherwise than under the new School Standards and Framework Act 1998 and acquire a Majority of Foundation Governors from 8 June 2010. The name of the Foundation to be acquired by the Governing Body is The Kemnal Trust. The Local Member Robert Brookbank was informed..

(3) There are now 63 Foundation schools in Kent (13 Primary, 49 Secondary and 1 Special), 92 Aided schools (80 Primary and 12 Secondary), 6 Trust Schools (1 Primary and 5 Secondary) and in addition 10 Academies = a total of 171.

(4) For the sake of simplicity, Aided schools should be considered as having the same status as Foundation/Trust schools.

(5) In implementing the decision of the Governing Body of Swanley Technology College, the Local Authority will proceed with transferring the staff and land/buildings to the Governing Body. The school will continue to be maintained by the Local Authority and to receive a delegated budget.

(6) In respect of the school the Local Authority will continue to have monitoring, evaluation and intervention functions, when necessary.

### **Consultations**

3. Since the last report no new schools have informed us that they have begun consultations

### **Recommendations**

4. Members are asked to note the report.

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### *Background Documents:*

- School Standards and Framework Act; DFES 1998
- Education and Inspection Act; DFES 2006
- Changing Category to Foundation; DCSF 2007
- School Organisation; Prescribed Alterations to Maintained Schools in England Regulations; DCSF 2007
- Schools Applying for Foundation/Trust Status;  
SOAB - 17 October 2007/14 November 2007/  
10 January 2008/7 February 2008/2 April 2008/  
7 May 2008/17 July 2008/ 5 November 2008 / 10 December  
2008/ 8 January 2009/ 12 March 2009/ 23 April 2009/ 16 July  
2009/ 4 February 2010.