

Update on the Academy Schools Programme

Purpose of Report

1. On 25 May 2012 the briefing paper at **Appendix 1, 'Academy Types and Governance Models'** was sent to all elected members following a request from the previous Children's Services Select Committee. This outlines the background to academies and free schools both nationally and locally. Rather than repeat information, this report is a brief update on developments since May 2012 for information purposes only. As background to this paper it is advisable to read Appendix 1 first.

Main Considerations for the Council

2. Currently of Wiltshire's 234 schools (199 primary, 29 secondary and 6 special schools) 26 of them are academies (17 secondary, 8 primary and 1 special). It is important to examine the number of children in Wiltshire in academies as the amount of money taken from the LA to support academies to purchase services they would have received as maintained schools is based on numbers of pupils rather than numbers of schools. Currently there are 64,892 (as at January 2012 census) children in Wiltshire's schools and 17,806 or 27.4% of pupils are being educated in academies.
3. **Appendix 2** shows the percentage of Wiltshire's academies that are purchasing Local Authority (LA) services. All academies buy back some services from the LA with high proportions of buyback in many areas. 81% of academies buy back support for Newly Qualified Teachers (NQT), 77% buy back support for Governors, Wiltshire/Swindon Learning Resources (W/SLR for primary academies only) and the QES system which checks risk assessments for residential and day visits. 69% buy back support for finance (Accounting and Budget Support A&BS) and payroll, 65% buy back support for Education Welfare Officers (EWOs) and Health and Safety and 62% buy back the Free School Meal administration service and HR Advisory. School improvement buyback on the chart has been separated to show the School Improvement Advisers although this service also offers: Newly Qualified Teachers (NQTs 81%), Governor Services (77%) and data for self evaluation (75%). When this is examined in its entirety school improvement buy back is 68%. Some academies are buying in our School Improvement Advisers directly without coming through the LA. This is therefore not shown on the chart in Appendix 2.
4. The School Ofsted Framework is changing for September 2012. Schools will no longer be deemed to be adequate/satisfactory when inspected. New categories for schools causing concern will be in place. Special Measures will continue to exist

for schools that do not have the capacity to improve without considerable support. The Serious Weaknesses label returns to replace schools deemed to require a Notice to Improve and a new category of Requires Improvement will be introduced to replace adequate/satisfactory schools. With this change we anticipate more schools receiving an Ofsted category of concern and potentially more schools facing formal intervention by the DfE if underperforming. The DfE appear to consider schools to be underperforming where they have been below floor standards in both attainment and progress for 1+ years. The DfE are discussing these schools with the LA and the schools themselves and the prospect of conversion to an academy with a sponsor is considered.

5. Free schools are described at the end of **Appendix 1**. The first 24 of them opened in September 2011. These are expanding at a phenomenal rate nationally. **Appendix 3** shows the 85 new free schools opening in 2013 and **Appendix 4** maps the location of these free schools. It appears that there is little strategic planning as to where these schools are opening. This is causing surplus places in schools. For example, in Bristol there are in excess of 300 surplus places in schools within a few miles of each other and more free schools are opening.

Environmental Impact

6. The change of status of a school, for example from Community Maintained to Academy, in itself does not have any environmental impact. However if parents decide to move their children to academies or free schools this increased diversity of school provision may well increase the 'school run' traffic on our roads. However in terms of the Steiner Free School using the former Corsley Primary Church of England Voluntary Aided building, the school has agreed to transport children by small minibus rather than increase the cars on the narrow roads on route to Corsley.

Equalities Impact

7. The Authority does not discriminate in the way that it provides services to academies and it does all it can to promote equality and good relations between different groups and schools.

Risk Assessment

8. The risks associated with the self-governing, practitioner-led schools' system where all schools are moved towards academy status are mainly financial and these are explained below.

Financial Implications

9. As schools convert to academy status an adjustment is made to the Dedicated Schools Grant (DSG) and to the Formula Grant received by the authority to reflect the cost of services that the LA provides to maintained schools free of charge. Currently this is known as the Local Authority Central Spend Equivalent Grant (LACSEG). Adjustments to the DSG are made in year as each school converts whilst adjustments to the LA formula grant are made on an annual basis. In both cases the reduction in funding is based on the proportion of pupils in academies

compared with maintained schools. As explained in paragraph 1 we currently have 27.4% of our pupils educated in academies.

10. With the implementation of school funding reforms in 2013-14 the methodology for funding academies and maintained schools for central services will change. Within the proposals for 2013-14 there is a presumption that many of the budgets currently funded from centrally retained DSG will be delegated to all schools. As part of the implementation of the funding reforms Wiltshire will therefore need to develop a formula to delegate centrally funded services to schools. Academies will receive this funding as part of the funding formula and this will replace the LACSEG adjustment. For maintained schools it is possible that Schools Forum, following consultation with schools, could agree to de-delegate this funding and therefore continue to retain the funding centrally. It will not be possible to de-delegate for academies or for special schools. A separate briefing has previously been provided to Members on the proposed school funding reforms.
11. As part of the consultation with all schools in Wiltshire on the proposed new funding formula, schools will be asked to consider those services which have to be delegated for 2013-14 but which could be subject to de-delegation for maintained schools. Total funding for services in this category is approximately £3.2 million including central support charges and the proposals for consultation were considered as a Part II report to Schools Forum on 13th July. Implications for individual services will not become clear until after the consultation with schools but for some services there may be a need for staffing reductions if budgets are not de-delegated. Whilst it is possible that some services may continue to be provided on a traded basis this would need to reflect the full cost of those services and an assessment would need to be carried out as to whether the LA could compete with other providers.
12. The DfE and DCLG have also indicated that they will consult on changes to the way in which central Education functions within LA budgets will be funded from 2013-14. There are proposals to fund these services through specific grant in future with the grant divided between the LA and academies pro-rata to pupil numbers. Again, this could have implications for funding levels for services in 2013-14 that will need to be addressed in the budget setting process.

Legal Implications

13. Each time a school converts to an academy a member of the LA's legal department oversees the process of establishing the Funding Agreement with each Academy Trust.

Conclusions

14. The LA, in its support for schools continues to go from strength to strength. Early indications of Foundation Stage and Key Stage 2 performance results in English and mathematics for 2012 are looking good. As schools convert to academies the LA is facing budget reductions as a result of changes to the DSG and the grant received in the LA. This may mean reduced central support for schools to raise standards and narrow attainment gaps. However, as schools receive increased DSG funding and Pupil Premium, it is inherent that they rise to the challenge and

offer the very best opportunities to the children and young people of Wiltshire. This is in line with the Government's desire to see all schools convert to academies and become self-governing and practitioner-led.

Name and title of Director: Carolyn Godfrey

Report Author: Stephanie Denovan, Service Director Schools and Learning, Tel: 01225 713838

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Background Papers

None

Appendices

List any appendices referred to in your report.

Appendix 1: Academy Types and Governance Models

Appendix 2: Academy Purchases % of Schools

Appendix 3: National Free Schools opening in 2013

Appendix 4: Map of Free Schools opening in 2013

Academy Types and Governance Models

- 1. What is an academy?** An academy is a public funded independent school (not maintained by a LA) and accountable to the Department for Education (DfE). Academies were originally intended to raise educational standards and aspirations in deprived areas, often replacing schools with a long history of under-performance. From May 2010 the academies programme was opened up to all schools. Academies have freedoms to set their own pay and conditions of service for staff, they are free to deliver the curriculum as they see fit and they can vary the length of school terms and the length of the school day. Academies must follow the same admissions, exclusions and processes for pupils with Special Educational Needs (SEN) and the same arrangements for Freedom of Information as for all other schools. Academies are inspected by Ofsted.
- 2.** Academies fall into a number of different types, both **traditional** and **converter** with four main governance models emerging nationally and locally: Single Academy Trust (SAT), Multi-Academy Trust (MAT) chains, Umbrella Trust (UT) and Schools Working in Partnership Together (SWiPT).
- 3. Traditional** academies with an independent sponsor were originally a feature of the previous Government and originally sponsors had to provide a £2million sponsorship fund. These academies were established in areas of the highest deprivation where standards of achievement were traditionally hard to improve. Money was provided through the previous national Building Schools for the Future (BSF) programme to rebuild these schools. Wiltshire has 2 of these traditional academies: The Wellington Academy, Tidworth and Sarum Academy, Bemerton Heath, Salisbury. In the case of the latter Wiltshire Council is a part sponsor with Salisbury Diocese (main sponsor), Bryanston School and Bath Spa University. Wiltshire Council received a grant to fund fully the building of Wellington Academy and is receiving a partial grant to re-build Sarum Academy. However, new academy sponsors are developing (see later section on new academy sponsors for converter academies).
- 4. Converter** academies are a feature of the Coalition Government. At first schools with an Outstanding Ofsted judgement were the first to convert, followed by those with a good Ofsted judgement. Currently all schools can convert to an academy within the following four governance models, although not all four governance models are open to all schools. This could be for two reasons. Firstly the DfE does not consider that some schools will be successful converting to an academy on their own without support and secondly it considers that SWiPT is too loose an arrangement for schools requiring a great deal of support. The definition of requiring support in the main appears to be based on the standards achieved and Ofsted judgements.

Four Academy Governance Models

Four main types of academies are emerging:

5. **Single Academy Trust (SAT)** One school in a single academy trust governed by a funding agreement between the academy and the secretary of state
6. **Multi-Academy Trust (MAT)** There is one legal entity accountable for all schools within the chain. (These schools keep their DfE numbers but the chain is responsible for outcomes and standards)
7. **Umbrella Trust (UT)** Each academy continues to exist as a separate legal entity which sits beneath an umbrella trust e.g. Diocese
8. **Schools Work in Partnership Together (SWiPT).** Each school is an academy with its own funding agreement. There are no shared governance arrangements between schools in this partnership but they may have written agreements to collaborate on particular matters.
9. The DfE expects all schools to eventually convert to academy status although the timescale for this is not prescribed. As at 1 May 2012, 6.5% (1807) of schools nationally are academies or free schools although this is unevenly based across the country and within the phases of education. Forty-five percent of all secondary schools nationally are academies. There are 28,000 schools nationally and of the 1807 national academy/free schools, there are 357 open sponsored academies. The chart below shows how these have grown over the last few years with an average of 70 sponsored academies opening each year over the last four years.

Open Sponsored Academies

Academic Year	Number Opened	Total
2002/3	3	3
2003/4	9	12
2004/5	5	17
2005/6	10	27
2006/7	20	47
2007/8	36	83
2008/9	50	133
2009/10	70	203
2010/11	71	274
2011/12	83	357

10. The DfE website shows the Open Academies and the Sponsored Academies in Development. These lists are updated monthly. The list of Sponsored Academies shows the agreed sponsor, the planned opening date and the stage the project has reached. Of the 224 Sponsored Academies in Development, 153 have Ministerial Approval, 64 have had their Expression of Interest approved and 7 have had their Funding Agreement approved. None of these 224 on the published list is from Wiltshire although there are some schools in negotiation with the DfE. Of these 224 Sponsored Academies in Development, 76 are secondary, 141 are primary and 7 are all-through schools.

11. As at 1 May 2012, Wiltshire has 25 academies in total: 17 secondary academies, 7 primary academies and 1 special school academy. Primary schools are much slower than secondaries to convert to academies probably due to the lack of capacity to convert and a sense of feeling that they may lose more than they might gain. From current studies, such as: The Future of Local Authorities in School Improvement - Jonathan Crossley-Holland, it is anticipated that over the next four years about 20% of primary schools will convert to academies. Currently we have 7 primary schools over the last two years that have converted to academies and 20% of primary schools in Wiltshire would be approximately 40 primaries. This would still leave the large majority of 158 primary schools as maintained LA schools.

12. Sequential Stages in the process of Converting to an Academy

The Statement of Intent (SOI) is the approval in principle to move forward with a sponsor. The Expression of Interest (EOI) is the business case with the vision and numbers involved and the Funding Agreement (FA) is the legally binding agreement between the Academy Trust and the Secretary of State, established by the sponsor, which sets out the details including the opening date and the school to be replaced. The DfE has published a Project Management and Educational Services (PMES) Framework to support schools converting to an academy. It is a Framework of suppliers to support academies and free schools in the pre-opening stages although schools do not have to use it. The Project Management services are a list of 6 approved suppliers who can provide legal, financial and TUPE support and the Educational Services is another list of 6 approved suppliers who help to develop the academy's policies and procedures and can provide curriculum and staff appointment advice. The DfE Project Lead runs a mini tender round, there are 10 days to submit bids from these 12 suppliers and contracts are evaluated then awarded.

13. The Local Authority (LA) has been assigned a DfE adviser to discuss the schools where performance has been below floor standards on all three threshold measures for some time. This was announced in Michael Gove's speech in July 2011. This measure has been applied retrospectively over the last five years although the progress measures have not been in place for that length of time. Our DfE adviser has been changed within a matter of months to divide the patch of South West authorities so we are about to meet our second adviser on Monday 28 May 2012. Currently there are no secondary schools below floor standards and a handful of primary schools that have been below for three years.

14. When schools become subject to Ofsted categories, as part of the LA's Statement of Action, we have to consider structural solutions to restoring them to health. These structural solutions include exploring whether converting to academy status with a sponsor is a good way forward. Currently we have one primary and one secondary school in Special Measures and four other primary schools with a Notice to Improve category. At least four of these schools are exploring converting to academy status with a sponsor. In addition, two other primary schools that are not in an Ofsted category but where standards are difficult to raise are exploring this same route.

15. Academy Sponsors and Funding Academies. Sponsors can be successful schools, businesses, universities, charities or faith bodies. Sponsors should have a vision and leadership, which is vital to the academy. Academies receive the same

level of per pupil funding as they would receive from a LA with additions to cover the services no longer provided for them by the LA. If academies choose to buy these services they pay a subscription through the Wiltshire Learning Trust/Right Choice Brochure. Funding for academies goes directly from the Education Funding Agency (EFA). Academies are expected to have at least two parent governors on their governing bodies.

16. **New academy sponsors for converter academies.** The Local Authority is meeting with a number of academy sponsors to support schools who want to convert to academy with a sponsor. So far we have had contacts or meetings with:

Active Learning Trust (ALT) - this is a group of ex National Strategies colleagues
Edison – Collaborative Academies Trust (CAT) – a not for profit organisation of ex LA colleagues from Essex

Academies Enterprise Trust (AET) – set up in 2008 David Triggs, Richard Bassett

The Education Fellowship

17. **What is proposed for ‘failing’ academies?** Mixed messages and confusion abound. For example, Jon Coles the former Director General of Standards at the DfE who is now chief executive of the ULT (speaking at the academies show May 2012) is suggesting that academies should be accountable to councils and not central government. However, this assumes that there are no longer any community schools and the LA is no longer a provider of educational services. This would be similar to what is happening in most cases in housing where the LA is no longer a provider but has a clear role for sufficiency and quality and holds housing associations to account against performance indicators. Michael Gove when providing evidence for a Commons Select Committee in April 2012 said he felt that failing academies should be returned to local authorities. Michael Gove was asked to establish triggers for monitoring and intervening in under-performing autonomous schools, such as checking on high exclusions, poor SEN provision and inclusion and withdrawing from partnership working. The future is not easy to predict in relation to schools becoming academies. The Commons Select Committee is monitoring the impact of academies and academy sponsors and as it stated as early as January 2011: ‘The Department has struggled to administer and monitor the academies to date and must now cope with a rapid expansion across many more schools.’

18. **What is a free school?** A free school is an all ability state funded school set up in response to what local people say they want and need to improve education in their community. Free schools are non profit making independent schools. Local teachers, charities, independent schools, faith groups and parents can all request to open schools in their area to meet demand. The first 24 of these nationally opened in September 2011. A free school has the freedoms of an academy; however, teachers in free schools do not necessarily need to have Qualified Teacher Status (QTS.) Free schools are funded on a comparable basis to other state funded schools and are inspected by Ofsted. Free schools cannot be academically selective. They have to take part in locally co-ordinated admissions so applications follow the same process.

19. Free schools are not defined by size or location; they can be primary, secondary or all-through schools as there is not a one size fits all approach. Free schools can be

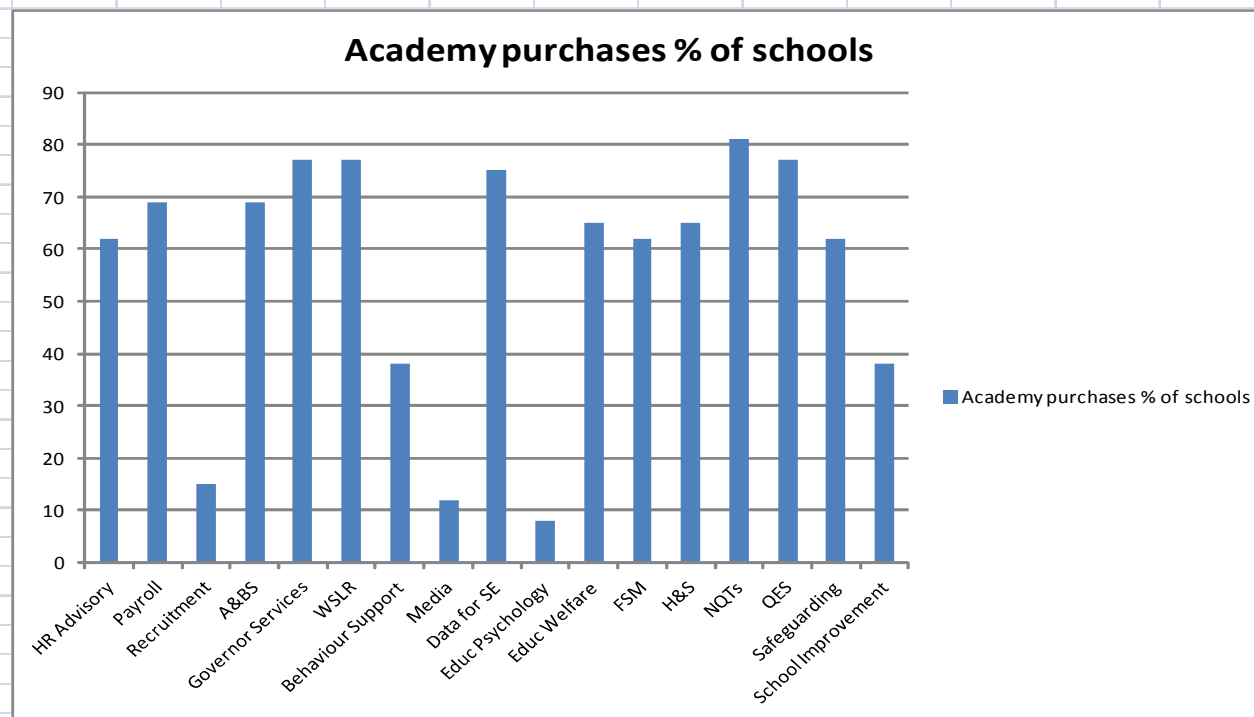
located in traditional school buildings, offices or for example, church halls. Each proposal for a free school is looked at on its merits, staff have to undertake CRB vetting and projects are rejected if they run counter to the UK's democratic values. Free schools are similar to the Charter Schools in America established in areas of high deprivation. The most successful chain of Charter Schools in America is the KIPP Knowledge is Power Programme where 85% of students go to College despite 80% of them from low-income families. A faith based independent school in the Salisbury area is exploring becoming a Free School. In addition, a Steiner-based Free School being established in Frome will use the former Corsley Primary School building from September for its infants as the building in Frome is not yet available. Only 1 or 2 children from Wiltshire have been registered so far

20. In the fast changing self-governing, practitioner-led school system we will work to support our schools to follow the best structural solutions to meet their needs.

Stephanie Denovan Service Director Schools and Learning May 2012

Appendix 2

Academy purchases Service	% of schools
HR Advisory	62
Payroll	69
Recruitment	15
A&BS	69
Governor Services	77
WSLR	77
Behaviour Support	38
Media	12
Data for SE	75
Educ Psychology	8
Educ Welfare	65
FSM	62
H&S	65
NQTs	81
QES	77
Safeguarding	62
School Improvement	38



Appendix 3

National Free Schools Opening in 2013

Abacus Belsize Primary School	Camden
Anand Primary School	Wolverhampton
ARK Enfield Academy	Enfield
Balham Free Primary School	Wandsworth
Barnfield Fernwood Free School	Central Bedfordshire
Boston Free School	Lincolnshire
Bradford Girls' Grammar School	Bradford
Cambourne Village College	Cambridgeshire
Cathedral Primary School	Bristol
Chichester Free School	West Sussex
Collective Spirit	Oldham
Durham Free School Ltd	Durham
East London Science School	Tower Hamlets
East Sussex Free School	East Sussex
Exemplar – Newark Business Academy	Nottinghamshire
Fulham Boys School	Hammersmith and Fulham
Hackney New School	Hackney
Hadlow Rural Community School	Kent
Harris Free School Tottenham	Haringey
Hatcham Temple Grove Free School	Lewisham
Heron Hall Academy	Enfield
Hewens Primary School	Hillingdon
Heyford Park Free School	Oxfordshire
Holyport Free School	Windsor and Maidenhead
Hope Community School	Bexley
International Academy of Greenwich	Greenwich
Isaac Newton Primary Academy	Redbridge
Judith Kerr Primary School	Southwark
Khalsa Science Academy	Leeds
Khalsa Secondary School	Slough
Kimberley 16 – 19 STEM College	Bedford
King's School, Hove	Brighton and Hove
Langdale Free School	Blackpool
Leeds Jewish Free School	Leeds
Longsight Community Primary	Manchester
Lynch Hill Enterprise Academy	Slough
Marine Academy Primary	Plymouth
Nanaksar Primary School	Hillingdon
New Islington Free School	Manchester
Nishkam School West London	Hounslow
Oasis Community School Waterloo	Lambeth
Peaslake Free School	Surrey
Plymouth School of Creative Arts	Plymouth
Rainbow Schools	Nottingham
River Bank Primary School	Luton
Riverside Co-operative Free School	Barking and Dagenham
Robert Owen School	Herefordshire
Route 39 Free School	Devon
Sevenoaks Christian School	Kent
Sir Isaac Newton Free School	Norfolk
Sir Thomas Fremantle Free School	Buckinghamshire
South London Jewish Primary School	Wandsworth
Sparkwell All Saints Primary School	Devon

St Andrew the Apostle Greek Orthodox School
St Anthony's School
St Martin's Academy
St Mary's CE Primary School
St Mary's Hampton Church of England Primary School
Steiner Academy Exeter
STEM Academy
Stockport Technical School
The Archer Academy
The Bristol Primary School
The Connell Sixth Form College
The Free School Leeds
The Leeds Retail and Financial Services Academy
The London Riverside School
The Maltings Free College
The New Jewish Primary School
The Northern Lights Primary School
The Olive School, Blackburn
The Olive School, Hackney
The Olive Tree Primary School
The Reach Free School
The SASH School
The University of Birmingham School and Sixth Form
The Wells Free School
Thomson House School
Tooting Primary School
Tyndale Community School
University Cathedral Free School
Warrington Montessori School
West London Free School Primary
West Newcastle Academy
Wye Free School

Enfield
Gloucestershire
Cheshire West and Chester
Herefordshire
Richmond upon Thames
Devon
Hackney
Stockport
Barnet
Bristol
Manchester
Leeds
Leeds
Barking and Dagenham
Calderdale
Barnet
Calderdale
Blackburn with Darwen
Hackney
Bolton
Hertfordshire
Slough
Birmingham
Kent
Richmond upon Thames
Wandsworth
Oxfordshire
Cheshire West and Chester
Cheshire West and Chester
Hammersmith and Fulham
Newcastle upon Tyne
Kent

Map of Free Schools opening in 2013



map of free schools
opening in 2013 and b