

CABINET– 4 SEPTEMBER 2012

NEW ACADEMIES AND FREE SCHOOLS IN OXFORDSHIRE - CREATING NEW SCHOOLS TO MEET HOUSING GROWTH POST EDUCATION ACT 2011

Report by Director for Children's Services

Introduction

1. In February 2012, Cabinet agreed the role of the Local Authority (LA) in future provision of education services as set out below:
 - Ensure sufficiency of high quality places.
 - Champion for children and families in the county.
 - Commitment to improve educational outcomes for those children.
 - Council's support for the conversion of schools to become academies and the establishment of new academies.

2. In July 2012, Cabinet built upon the above statement and reaffirmed its support for the academies programme in Oxfordshire and adopted a formal policy statement on how this would be achieved. The paper is attached as Annex 1. The proposed key principles behind the project are:
 - a) Oxfordshire County Council will continue to see its democratic mandate as having regard for the educational outcomes for all Oxfordshire children and young people in state funded education, regardless of the status of the provider institutions.
 - b) The project supports school governing bodies who are ultimately responsible for deciding whether to move to academy status, except in circumstances where the Council has determined that the Governing Body is failing in its duties to secure an appropriate standard of education for the children and young people attending the school.
 - c) Schools are encouraged to continue to collaborate with each other in order to develop viable and sustainable academy units (Multi-Academy Trusts), particularly at primary level where there is a specific need to raise standards of leadership (including governance) and to achieve economies of scale.
 - d) Individual conversions will not be encouraged unless converting schools join with others under "umbrella" arrangements.
 - e) While all schools will be encouraged to consider academy status, Oxfordshire County Council's resources will be prioritised initially towards supporting the transformation of under-performing schools.

- f) The focus of the collective endeavours of those involved in education in Oxfordshire will be to raise standards and improve outcomes for all children.

Oxfordshire County Council will implement its policy on academies through an Academies Programme Project as part of its overarching Education Strategy. This will focus direction and work over the three year period September 2012 – July 2015. There are three main strands of activity within the project:

- Encouraging and supporting groups of schools to convert.
 - Ensuring that underperforming schools become academies with an appropriate sponsor.
 - Developing new academies and free schools in response to demographic need or parental demand.
3. This paper focuses on the third strand, particularly where demographic growth is due to the provision of new housing.
4. In the next five years the Authority is likely to have to procure a number of new schools due to planned housing growth. The Education Act 2011 determined that all new schools should be academies or free schools unless no provider can be found by the Authority or Department for Education (DfE). The Authority has embraced the idea of academies and free schools and seeks to identify the best provision it can for school places in Oxfordshire. It also retains the role of identifying a preferred provider for which academy provider is chosen, subject to agreement from the Secretary of State. Existing legislation and procedures which apply to the creation of new maintained schools will not be applicable.
5. The purpose of this report is to set out procedures which will allow the Authority to carry out its new role in the context of the new legislation and the Education Strategy.

Creating New Schools Post Education Act 2011

6. It is likely that up to 10 new schools (primary and secondary) will come forward in the next five years from the following list:

Location	Phase of Education
Banbury, Bankside	Primary
Heyford Park*	Primary
Bicester, Gavray Drive	Primary
NW Bicester Ecotown	Primary x 2
Witney	Primary
Oxford, West End	Primary
Oxford, Barton	Primary
Grove Airfield	Primary Secondary
Wantage, Crab Hill	Primary

Location	Phase of Education
Didcot , Great Western Park	Primary Secondary
Didcot , North East	Primary
Didcot, Ladygrove	Primary

*A bid to open a free school at this site in September 2013 (ahead of housing growth) has been successful at interview stage with DfE. Detailed discussions as to whether the school will be approved to enter into a funding agreement and formally approved for opening are in progress and a decision is expected in the Autumn.

In particular, major developments are on site in the towns of Bicester and Didcot and sales continue at a steady pace. To ensure delivery of the schools in a timely fashion, it will be necessary to commence public consultations on some of these proposals in Autumn 2012. A mechanism is required to choose both academy or free school provider and model of school organisation required to suit the needs of the local community.

7. In February 2012, the Council held an event to identify prospective academy providers for new academies in Oxfordshire. The organisations represented at this event included:

- Oxfordshire County Council
- Oxfordshire Secondary Schools Headteachers' Association
- Existing Oxfordshire academies: King Alfred's Academy; Oxford Spires Academy
- Other Oxfordshire schools, including those in process of converting: Faringdon Community College; Burford School; The Cherwell School, Bicester Community College
- Colleges and universities: Oxford & Cherwell Valley College; Abingdon & Witney College; Oxford Brookes University
- Portsmouth (Catholic) Diocese; Oxford (Anglican) Diocese
- Free school and academy promoters: Oxford Pillars School; New Oxford School Trust; Oxfordshire Community Churches/The King's Centre; The Free School Oxford; Aspirations Academies Trust; Chapel Street Community Schools Trust
- Existing academy providers: Academies Enterprise Trust; United Learning Trust; Oasis Community Learning; CfBT Schools Trust

Areas of interest of those involved include: faith provision; community hubs; technical provision; special education provision; 3-19 schools; "traditional" schools; academic support services to academies. Some experience of, plus some interest in providing, all-through schools.

8. The DfE has recently issued guidance on procedures for local authorities in the implementation of this part of the Education Act 2011. The proposed system to be used by the County Council based upon this guidance, along with the outcome of consultation with interested parties, is outlined below:

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- a) Undertake a public consultation to identify the academy model to be implemented. First consultations to take place Autumn 2012.
 - LA to identify number of places required, phase of education and date required.
 - Models of school organisation to include all variety of relevant academies, for example, University Technical College, Studio School, 4-11, 4-16, 4-18, 11-16, 11-18 etc.
 - Identify local provision at present and specific local/county issues. This could include the demand, or not, for faith education, mixed sex education, single sex education for example.
- b) Invite initial expressions of interest in running the school through DfE website set up for this purpose.
 - Assess applications received against high level criteria consistent with the position statement and Education Strategy noted above.
 - Criteria to identify track record and size of academy provider operation.
- c) LA assesses expressions of interest and then invites detailed bids from three or less providers to show clear plans of how they will contribute to the raising of education standards, add diversity of choice and which best fits the local requirements and meets the needs of those within groups offered specific protection under s149 Equality Act 2010.
- d) Assess bids against criteria and rank in order of preference. Agree a preferred option to be approved by Lead Member for Education or Cabinet as appropriate.
- e) Submit report to Secretary of State for decision.
- f) Proposal developed with provider approved by Secretary of State through sharing vision of community, county and sponsor.
- g) Statutory notice published and approved.

Financial and Staff Implications

9. The costs associated with the implementation of these processes will be met from existing resources within the Children Education & Families Directorate.

Legal Implications

10. The report has been compiled to allow the Authority to discharge its school place planning obligations under the Education Act 2011.

Equality and Inclusion Implications

11. The report recommends an approach which will ensure that the needs of the local community and those within groups offered specific protection under s149 Equality Act 2010 will be met with high quality places in education. The public consultation process for school organisation changes has already been the subject of an equalities impact assessment.

Sustainability Implications

12. The report is not considered to raise any sustainability issues.

RECOMMENDATION

13. **The Cabinet is RECOMMENDED to approve the process to identify academy and free school providers for new schools in Oxfordshire.**

JIM LEIVERS

Director for Children's Services

Contact Officer: Allyson Milward, Academies Manager (Tel: 01865 816447)

Background papers:

Report to School Organisation Stakeholders Group - 26 March 2012

August 2012

Division(s):

CABINET – 17 JULY 2012

IMPROVING EDUCATIONAL PROVISION IN OXFORDSHIRE THROUGH THE DEVELOPMENT OF ACADEMIES

Report by the Director for Children Services

Purpose of Report

1. To update Cabinet on the work underway to improve educational provision in Oxfordshire through the development of Academies (the Academies Programme).
2. To approve the Council's Policy on Academies which will underpin work over the next three years.

Background

3. This paper builds upon the Cabinet paper and decision of 14 February 2012, which outlined the national policy context (in summary, a Government campaign to encourage, in the case of those deemed to be good, or require, in the case of those deemed to be under-performing, all schools to become Academies) and some of the local challenges, including promoting high standards of education and avoiding an unplanned drift towards Academy status in the absence of a clear Local Authority policy.
4. Over the last three to four months considerable work has been undertaken with schools and others to firm up the Council's position, raise awareness of the issues of conversion and help a significant number of schools to move towards Academy status. Time and effort has been dedicated to working with those schools who need to become sponsored academies due to their ongoing shortcomings either identified in attainment or as a consequence of poor Ofsted inspections

Issues

Policy Statement relating to Academies

5. It is proposed that the statement at Annex 1 is approved as the County Council's policy in relation to Academies.

Implementation of the Project

6. For **all schools**, the current Government position is to consider applications from any school, including special schools that can make a compelling case for Academy status – looking in particular at:
 - Exam performance over the last three years
 - Comparison with local and national exam performance
 - Latest Ofsted reports with a specific focus on ‘capacity to improve’, ‘outcomes’, and ‘leadership and management’
 - For special schools, in addition to the above, other success in supporting the learning of pupils with special educational needs
 - Any other matters that the school may rely on in order to demonstrate that it is performing well

7. **High performing schools** are encouraged to establish a link with a lower performing school. The development of partnerships between high performing schools and lower performing schools will support the plan to deal with under-performance. Oxfordshire County Council will need, therefore, to be able to service the demand for conversion by schools that meet the Government’s criteria.

8. Priority will be given to working with schools that are persistently at, or below, current ‘floor’ targets, and/or are in an Ofsted category or at risk of going into an Ofsted category and, therefore, deemed **under-performing schools**. All schools that fall into this category will be encouraged to move towards sponsored Academy status. The Department for Education (DfE) works closely with Oxfordshire County Council (OCC) in brokering sponsorships and the allocation of a sponsor is ultimately the decision of the Secretary of State. However, the County Council will seek to:
 - Develop local capacity to sponsor schools
 - Make recommendations on its preferred sponsors to the DfE

9. As a first step, under-performing primary schools will be “partnered” with high performing secondary or primary schools that are, or will be, moving to converted Academy status. These partnerships will vary from loose federations retaining separate governing bodies to fully integrated, multi-site Academies under a single governing body. Schools will be encouraged to build these partnerships within the existing contexts of Localities and Area Partnerships. The policy stresses the importance of openness and transparency between schools with regard to their thinking about Academy status.

10. For **Established Academies**, the County Council will fulfil its minimum residual statutory functions (particularly with regard to school admissions and provision for children with SEN and disabilities), and carry out its democratic mandate to champion the needs of parents and children, with regard to state

funded education. It will also support Academies to work in collaboration with other schools to share expertise and resources in order to meet the needs of all children in their communities, and to influence the commissioning of services from other agencies (particularly Health).

11. Over the next three years, the County Council will be operating in a mixed educational economy and the Council will need to continue its commitments to maintained schools. Even at the end of this period, it is likely that a substantial number of schools, particularly primary schools, will not yet have achieved Academy status. While helping schools to become Academies and adjusting services accordingly, the County Council will sustain its capacity, within existing budget allocations, to fulfil its statutory duties and functions in relation to all the schools that have not yet become Academies.

Formal Protocols

12. As the number of proposed Academy conversions has increased, the need to put in place a series of formal protocols has emerged; the intention being that the protocols are followed for all existing and any new Academy conversions. For example, a data sharing protocol between schools and the Local Authority is currently being developed.

The Future Role of Local Authorities

13. In line with the requirements set out in the 2011 Education Act, Oxfordshire County Council will, for all children and young people, including those attending Academies:
 - Ensure fair access to all schools for every child
 - Support vulnerable children to access appropriate education – including looked after children, those with SEN, and those outside mainstream provision
 - Help broker support to implement new curriculum requirements
 - Support the commissioning of post 16 provision, including access for 17 year-olds to full-time education and training from 2013, and for 18 year-olds from 2015
 - Use Members' democratic mandate to stand up for the interests of children and parents

Governance of the Academies Programme

14. The Cabinet Member for Education will be accountable for agreeing the strategy with Cabinet and ensuring that it is implemented. Scrutiny of the countywide strategy will be within the remit of the Children's Services Scrutiny Committee. Individual County Councillors have an important role to play in the engagement of local communities and to monitor the impact on local provision.
15. The Deputy Director, Education and Early Intervention will be accountable to the Cabinet Member for ensuring that there is a cross-service strategy plan

with clear objectives and risk assessments that can be monitored on a monthly basis. The Deputy Director will also ensure, through monthly meetings, that the Director for Children, Education & Families, and the Chief Executive, are informed of progress.

16. A project-based approach will be adopted for each Academy conversion. An Academies Programme Project Group will monitor the implementation of the strategy and report to the over-arching Education Transformation Board, chaired by the Deputy Director.
17. In order to manage and co-ordinate the process of shifting people, land, buildings, and business contracts from the County Council to Academy sponsors and governing bodies, the project group will meet monthly and will ensure co-ordination of the following County Council functions:
 - Learning, including Admissions and SEN
 - Asset Management and Place Planning
 - Financial
 - Legal
 - HR, Pay and Employment
 - Pensions
 - Commercial

Communications and Engagement

19. The following groups will be engaged in, and consulted on, the development and implementation of this strategy:
 - Local Members
 - District and Borough Councils
 - The Diocesan Authorities
 - Existing and potential Academy sponsors
 - The Oxfordshire Governors' Association
 - Head teacher Executives
 - Teacher and Head teacher Associations
20. Both the Birmingham Roman Catholic Archdiocese and the Oxford Church of England Diocese have held events to indicate how each of their respective Education Boards will promote Academy status for their own schools in the future. The County Council held its first event on 20 June for Headteachers and Chairs of Governors. This was the first of a continuing dialogue with schools.

Legal Implications

21. There are a number of national policy changes and initiatives affecting the Children, Education & Families Directorate, including the Academies Act 2010 and the Education Act 2011.

Equality and Inclusion Implications

22. A Service and Community Impact Assessment will be undertaken as part of the project plan.

Risk Implications

23. The County Council has worked hard to mitigate potential issues linked to resources being diverted away from the Local Authority as a result of academy status for schools. Commercialising services to schools, taking a planned approach and supporting new providers to ensure continuity of provision where it is wanted by schools will help a smooth transition. The Council is also working to encourage local sponsors for underperforming schools to ensure high there is a breadth of high quality providers going forward.

Financial and Staff Implications

23. Resources have been allocated through ear marked reserves of £600,000 to support the Academies Programme. This will cover staff costs and any other associated costs. Where the County Council necessarily and demonstrably incurs additional costs in supporting schools to convert, it needs to be determined whether to pass on charges. Consideration also needs to be given to identifying resources if conversion activity peaks at levels that cannot be serviced within the County Council's existing resources.

Conclusion

24. This report highlights the current position within Oxfordshire regarding the delivery of the Government's Academies agenda. Over the last three months considerable activity has taken place to position the Local Authority to enable the ambitions of the Council laid out in February 2012 to be achieved.
25. Although more work is required, the Local Authority is in a robust starting position and has considerable support from both the Council and from interested parties outside to achieve the commitment to improve the standards of attainment for all young people. The agreement of the Policy Statement and the improved clarity of the Council's position will allow further progress to be made over the next three years.

RECOMMENDATIONS

26. **The Cabinet is RECOMMENDED to:**
 - a) **Note the progress made since its last report in February 2012.**

b) Approve the Policy in relation to Academies at Annex 1, and in particular the headline position which is:

- **The County Council wishes to support all schools to become academies. The Council recognises that this is a process and some schools will be at different stages in taking this step.**
- **The Council wishes to encourage Governing Bodies and the leadership of the school (Headteachers and leadership teams) to consider how they might become an academy as part of a larger group of schools. This is to ensure that schools are not isolated and are mutually supportive of each other in raising attainment standards.**
- **The Council will ensure that support services for schools continue to be available, whether they are provided in-house or through the commercial market place. We will not seek to retain them in-house unless there is strategic value in doing so, but will work with schools to ensure they have access to services.**

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Director for Childrens Services

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Background papers:

Annex 1: Academies Policy Statement

Annex 2: Academies Programme to Date

July 2012

Academies Policy Statement

- The County Council wishes to support all schools to become academies. The Council recognises that this is a process and some schools will be at different stages in taking this step
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- The Council will ensure that support services for schools continue to be available, whether they are provided in-house or through the commercial market place. We will not seek to retain them in-house unless there is strategic value in doing so, but will work with schools to ensure they have access to services.

Key Principles

The proposed key principles behind the project are:

- Oxfordshire County Council will continue to see its democratic mandate as having regard for the educational outcomes for all Oxfordshire children and young people in state funded education, regardless of the status of the provider institutions
- The project supports school governing bodies who are ultimately responsible for deciding whether to move to Academy status, except in circumstances where the Council has determined that the Governing Body is failing in its duties to secure an appropriate standard of education for the children and young people attending the school
- Schools are encouraged to continue to collaborate with each other in order to develop viable and sustainable academy units (Multi-Academy Trusts), particularly at primary level where there is a specific need to raise standards of leadership (including governance) and to achieve economies of scale
- Individual conversions will not be encouraged unless converting schools join with others under 'umbrella' arrangements
- While all schools will be encouraged to consider Academy status, Oxfordshire County Council's resources will be prioritised initially towards supporting the transformation of under-performing schools
- The focus of the collective endeavours of those involved in education in Oxfordshire will be to raise standards and improve outcomes for all children

Project Approach

Oxfordshire County Council will implement its policy on Academies through an Academies Programme Project as part of its overarching Education Strategy. This will focus direction and work over the three year period September 2012 – July 2015. There are three main strands of activity within the project:

- Encouraging and supporting groups of schools to convert
- Ensuring that underperforming schools become Academies with an appropriate sponsor
- Developing new Academies and Free Schools in response to demographic need or parental demand

All schools at risk (performing at or below “floor” targets and/or in an Ofsted category) will be supported to engage in the Academy process.

In order to promote the conversion of schools to Academies, Oxfordshire County Council will play a strategic role in developing the culture and conditions, as well as the practical know how in the form of a toolkit that will inform, facilitate and enable schools to achieve Academy status. A co-ordinated approach is needed across a range of County Council Services. The approach will focus on the following key areas:

Conversion to Academy Status

- Support the governing bodies of schools wishing to convert to Academy status
- Manage the transfer of assets and responsibilities to the Academy governing bodies/sponsors
- Encourage schools to ensure that parents and carers are informed and engaged as part of the conversion process
- Be clear with schools at the outset of the conversion process about any charges we might make for services where the County Council necessarily and demonstrably incurs additional costs
- Ensure that converting schools have equality of access to relevant support services which may be provided by Oxfordshire County Council and that any service level agreements and contracts for any services which governing bodies/sponsors purchased are made available

Working Together

- Work with schools to ensure that the benefits of collaboration and cooperation between schools and the Local Authority are maintained. This will be a strategic relationship that will continue to build on the arrangements already in place. This will be with all types of schools, including those in the independent sector
- Strongly encourage schools through the 26 Local Partnerships to be open and transparent with each other about their intentions to convert to Academy status and to build on current local partnerships to develop a cluster-based approach, particularly for primary Academies, to raise standards of leadership and achieve economies of scale
- Work with the relevant Diocese and other stakeholders to enable them to progress their engagement with Academies and ensure a shared understanding of the Academy process
- Be a champion for Oxfordshire residents to ensure that appropriate interventions are undertaken in underperforming Academies

Market Growth

Help to grow the local market for support services for the benefit of all schools. This will include facilitating access to school improvement consultancy in order to nurture and advance the talent of children, young people and communities in the County.

Proactivity and Support

- Identify schools at risk of failing to meet minimum standards and/or failing Ofsted inspections. Concentrate County Council resources on the transformation of underperforming schools through facilitating sponsored Academies and by supporting high performing schools to work with lower performing schools as part of their Academy conversion process, brokering partnerships between the two sets of governors
- Work with governing bodies of under-performing schools to move them towards accepting sponsored Academy status or partnerships with converting Academies, using powers to establish Interim Executive Boards, where necessary
- Help meet the demand for Academy sponsorship by sustaining strategic relationships with current sponsors and developing relationships with other potential sponsors, in collaboration with the DfE. Be proactive in supporting schools to identify sponsors or partners, recognising that it is the DfE who agree the sponsor
- Engage constructively with those wishing to set up new Academies such as Free Schools, Studio Schools and University Technical Colleges and that Free Schools are encouraged to play an active role in Locality and Area Partnership arrangements

In the longer term, the County Council will maintain its role of ensuring the best possible learning outcomes for children and young people resident in Oxfordshire, including those who attend schools in other local authorities. This will ensure that as Academies are rolled out in Oxfordshire high standards are maintained whilst driving improvement.

The Programme to Date

47 schools have either converted or are in the process of converting. Many of these pre-date the new approach, in that they are single school conversions. However, schools agreeing to become Academies most recently (e.g. Pegasus) will do so as part of multi-academy trusts.

Completed Academy Conversions (16)

- North Oxfordshire Academy
- Oxford Academy
- Oxford Spires Academy (formerly Oxford School)
- Wallingford School
- King Alfred's Academy
- Bartholomew School
- Gillotts School
- Chipping Norton School
- Langtree School
- The Cherwell School
- Faringdon Community College
- Hanwell Fields Community School
- Faringdon Infant School
- Faringdon Junior School
- Rush Common Primary School
- The Henry Box School

Academy Conversions in progress with target date (10)

- | | |
|------------------------------------------------|----------------|
| • Burford Secondary School | 1 July 2012 |
| • Banbury School) | |
| • Dashwood Primary School) multi academy trust | 1 August 2012 |
| • Didcot Girls' School | 1 August 2012 |
| • Northern House School | 1 Sept 2012 |
| • St Birinus School | 1 Sept 2012 |
| • Lord Williams's School | 1 Sept 2012 |
| • Gosford Hill School | 1 October 2012 |
| • The Marlborough CE School | 1 October 2012 |
| • Cheney School | |

Schools currently consulting on conversion to academy status with target date if known (2)

- Matthew Arnold School
- Iffley Mead School

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Schools which have completed change to Foundation status as part of two stage academy conversion (1)

- Chiltern Edge School conversion date tba

Schools currently consulting on conversion to Foundation status as part of two stage academy conversion (1)

- Bicester Community College

Schools which have agreed to become sponsored academies (10)

- The John Henry Newman CE(A) Primary School 1 September 2012
- Cutteslowe Primary School 1 January 2013
- Wheatley CE Primary School 1 January 2013
- Church Cowley St James CE Primary School 1 January 2013
- Cumnor CE Primary School 1 January 2013
- Kingfisher School
- Pegasus School (voluntary Conversion to join a Multi Academy Trust)
- Orchard Meadow School
- Windale Primary School
- Bayards Hill Primary School

Primary schools which may be required to become sponsored academies for reasons related to standards and inadequacies as identified by Ofsted (7)

- Middle Barton School
- Eynsham Community Primary School
- Larkrise Primary School
- Orchard Fields Community School
- Berinsfield Community Primary School
- St Nicholas Church of England Primary School, East Challow
- Millbrook Primary School

Free schools

Free schools are new schools set up by bodies other than LAs to provide state-funded independent education. They may be primary, secondary or special schools, but not nurseries. They represent the government's version of the Swedish Free Schools or the United States Charter Schools. They are established under Academies legislation and as such will have the same freedoms and flexibilities. DfE have established an annual bidding round for submission of proposals of this type. Bids were invited in February this year for proposals to open free schools in September 2013. A number of proposals were considered at a detailed interview with DfE officials in May 2012. A list of those proposals based in Oxfordshire is set out below. Decisions will be made and notified to proposers and LAs in July 2012. The LA will also be formally asked for its views on the proposal at that stage.

- Oxford New School 11-18 years 360 places
- Heyford Park 4-18 years 840 places

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- Harwell Enterprise Academy 11-18 years 800 places
- Aspirations Academy, Banbury 4-11 years 210 places
- Weston on the Green School 4-11 years 105 places
- The Free School, Oxford East 4-11 years 196 places
- Tyndale Community Primary 4-11 years 420 places