

Subject: An Academy at Portslade Community College
Date of Meeting: 9 December 2010
Report of: Strategic Director, People
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Key Decision: Yes Forward Plan No: CAB18341
Wards Affected: All

FOR GENERAL RELEASE**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 In line with the Council's policy to ensure that all pupils are given every opportunity to excel, this report updates Members on the proposed Academy at Portslade Community College (PCC).
- 1.2 To allow the formation of the Academy Trust it is necessary to formally close the predecessor school following the procedures laid down in legislation. To progress this, the Council needs to publish a statutory notice for a period of six weeks. To allow sufficient time for this process to be concluded in time for an academy to open in September 2011 it is necessary for the publication of a statutory notice to be agreed before January 2011.

2. RECOMMENDATIONS:

- 2.1 That Cabinet authorises the Director of Children's Services to publish the statutory notice necessary to close the predecessor school on 31st August 2011 pending the opening of the new academy on 1st September 2011. (Copy attached at Appendix 1.
- 2.2 That Cabinet agrees to further consultation with the community on the proposed Academy alongside publication of the required statutory notice for closure of PCC subject to it becoming an academy.
- 2.3 That Cabinet authorises the Cabinet Member for Children's Services to approve the revised Expression of Interest regarding PCC becoming an academy for early submission to the DfE.
- 2.4 That Cabinet notes it is the intention of the Aldridge Foundation that the head of PCC, Stuart McLaughlin, be appointed as Principal Designate of the proposed academy.
- 2.5 That Cabinet notes the ongoing discussions with the Department for Education (DfE) to partner with the Aldridge Foundation (the lead sponsor) and Brighton & Hove City Council (the co-sponsor) to pilot improved approaches to procurement, design and construction. If agreed, DfE will provide capital for the construction of

a new sixth form on the Chalky Road site as part of plans for the proposed academy at Portslade Community College (PCC).

- 2.6 That Cabinet notes that in addition to capital for the construction of a new sixth form, the DfE is reviewing the PCC site and will allocate additional funding for PCC to become an academy.

3. RELEVANT BACKGROUND INFORMATION

- 3.1 A report was received by Cabinet on 22nd July 2010 detailing the reasons for the proposed academy and the intended method of procurement.
- 3.2 On 6th August 2010 the DfE announced 44 academies at the most advanced stage in their capital planning with Partnerships for Schools (PfS) would receive capital now, but that the Capital allocations for the remaining 75 would be decided in the Comprehensive Spending Review (CSR). Unfortunately the proposed Portslade Academy was one of the 75 academies that had to wait until the outcome of the CSR to find out about the possible capital allocation.
- 3.3 At the same time, the DfE also stated that they wished to work with a small number of sponsors to pilot new ways of procurement that would demonstrate improved ways of working and delivering academies in a shorter timescale.
- 3.4 As a result of work undertaken by the lead sponsor and the co-sponsor, the DfE have indicated that they are considering selecting the Aldridge Foundation and the council as partners for a pilot project. Since August they have been considering awarding capital for the immediate construction of a new on-site sixth form at their main Chalky Road site. An integrated sixth form is central to the educational vision of the proposed new academy.
- 3.5 The sixth form centre proposed under this pilot project would be a stand alone project and would not prejudice any further allocations of capital that may be made following the outcome of the CSR.
- 3.6 The DfE is considering the procurement options as part of their Capital Review for schools.
- 3.7 In August the intention of the pilot was to deliver the new building by Easter 2012.
- 3.8 The creation of an Academy Trust will continue in parallel with this pilot project. It is still proposed that the academy will open in existing buildings in September 2011 with the prospect of further capital works being completed by September 2014.
- 3.9 For a school to be converted into an academy there needs to be an expression of interest (EoI) agreed by all parties to that agreement, in this case, Brighton & Hove City Council, the DfE and the sponsor. We understand from the DfE that this EoI will be with us in mid-December. Agreeing an EoI is normally a decision for Cabinet. However, in the case of PCC, there has been extensive discussion and consideration of the issues, and this agreement was expected in the summer. Any further delay in establishing the academy will both add costs to the programme and continue the uncertainty around the decision. This may impact

for example on the ability of the Principal Designate to plan to September 2011. It is recommended therefore that the agreement of the EoI be delegated to the Cabinet Member for Children so that that decision may be taken in a timely manner.

4. CONSULTATION

- 4.1 To ensure that the local community were fully informed about the proposed creation of an academy at PCC, extensive discussions have already taken place. Details of these consultations are included in the Cabinet report of 22nd July 2010.
- 4.2 One of the main concerns raised during the previous consultation exercise was that the current head teacher, Stuart McLaughlin, should become the principal of the proposed academy. The sponsor and DfE have agreed that the current head teacher will become the Principal Designate of the proposed academy on the evidence of the improvements already secured by him, and on the basis of his future plans for further improvements.
- 4.3 It is proposed that consultation with the community will now continue as part of the statutory closure notice.
- 4.4 As mentioned in paragraph 1.2 above it is now necessary to undertake the process to formally close the predecessor school on 31st August 2011 to allow the academy to open on 1st September 2011, should the proposal for PCC to become an academy be accepted.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 There are no direct financial implications as a result of the recommendations in the report; however if the Statutory Notice is completed and PCC does become an academy from 01/09/11, then there may well be financial implications as a result of any TUPE implications and that the college will have a deficit of approximately £100,000 as at 31/08/11, which may transfer to the academy sponsor or remain with the council depending upon discussions with the DfE.

Finance Officer consulted: Andy Moore *Date: 25/11/10*

Legal Implications:

- 5.2 Submission and approval of the EOI is the next formal step in the process of establishing an Academy to replace PCC. It is designed to provide all the key details about the proposed academy project to the DfE and will inform Minister's decisions about whether the project should proceed to the next stage, the Feasibility stage. If as proposed by the council there is an early transfer of assets to the academy, the risks around both procurement and build of future academy buildings will need to be managed by the sponsor and its contractor.

Lawyer consulted: Bob Bruce *Date: 26/11/10*

Equalities Implications:

- 5.3 Planning and provision of school places is conducted in such a way as to avoid potentially discriminatory admissions priorities or planning processes. The city council and voluntary aided school bodies must be mindful of best practice as described in the Admission Code of Practice.

Sustainability Implications:

- 5.4 Any future building developments associated with the proposed academy would adhere to DfE guidelines.

Crime & Disorder Implications:

- 5.5 Throughout the development of the proposed academy, consultation with both community groups and the Community Safety team and police liaison officers would take place. Sussex Police Service endorse the view that the engagement of the community in the use of the facilities at the academy and with the availability of those facilities outside normal school hours, it is envisaged that crime and disorder in the local area would be reduced, as would the numbers of pupils not in education, employment or training (NEET).

Risk & Opportunity Management Implications:

- 5.6 There are no main risk implications associated with the submission of the EOI. Should the EOI be approved by Cabinet and the Department of Education a risk register would be compiled as part of completing the Outline Business Case (OBC).

Corporate / Citywide Implications:

- 5.7 The proposed development of an academy on the PCC site is in accord with the Department of Education's policy on developing a range of schools in each Local Authority, thereby increasing the variety of types of school available to parents. The lead sponsor is committed to supporting community services and community regeneration as part of the development of the academy, careful consideration would be given to developing the community use of the facilities and a community engagement plan. The City's Neighbourhood Manager for the area has taken an active part in the community engagement.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 Officers and the Lead Member of the CYPT have considered the alternatives to an academy (detailed in Cabinet Report 22 April 2010). Only the academy option would secure a transformation in standards and investment in extending and refurbishing the existing accommodation.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 Given the opportunity afforded both to pupils and the local community, the possibility of substantial capital investment that will be made by the DfE together with the lead sponsor's academic and entrepreneurial expertise, Members are asked to approve the recommendations of this report.

SUPPORTING DOCUMENTATION

Appendices:

1. Statutory Notice for Closure of PCC

Documents In Members' Rooms

None

Background Documents

1. Cabinet Report dated 22 July 2010

