

Subject:	Moulsecoomb Primary School Update	
Date of Meeting:	13th January 2019	
Report of:	Executive Director Families Children & Learning	
Contact Officer: Name:	Mark Storey	Tel: 01273 293513
	Email:	mark.storey@brighton-hove.gov.uk
Ward(s) affected:	(All Wards);	

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 Children, Young People and Skills Committee requested a further update report on Moulsecoomb Primary School.

2. RECOMMENDATIONS

- 2.1 That the report is noted

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 Moulsecoomb Primary School is a two-form entry primary school with 283 children currently on roll. Over 50% of children qualify for pupil premium subsidy. The proportion of pupils with Special Educational Needs or Disabilities (SEND) is also well above that seen in other schools across the country.

- 3.2 Moulsecoomb Primary School was inspected by Ofsted on 3rd and 4th of April 2019 in a section 5 inspection. Following this inspection the school's overall judgement moved from Requires Improvement to Inadequate.

The arrangements for safeguarding are effective. All safeguarding requirements are met.

- 3.3 The reasons for the inadequate judgement are outlined in the report. [Moulsecoomb Primary School Ofsted Report](#).

Schools that have been judged inadequate fall into two categories: Schools Ofsted judge as requiring significant improvement (known as serious weaknesses) and schools Ofsted judge as requiring special measures.

Moulsecoomb has been judged to have serious weaknesses. This is the better of the two categories as it means that Ofsted consider leaders, managers and governors are demonstrating the capacity to improve the school.

3.4 The school has made significant progress since last inspection as outlined at November Children Committee.

3.5 There has been no further inspection at the school or monitoring visit. The council has written to Ofsted to request that the school be reinspected.

4. UPDATE ON ACADEMISATION

4.1 An academy chain, New Horizons Academy Trust, was identified to sponsor Moulsecoomb Primary School. New Horizons Academy Trust completed a range of due diligence checks including finance.

4.2 On Monday 16th December 2019 the school and Council became aware through a press article that New Horizons Academy Trust had withdrawn from becoming the Academy sponsor for Moulsecoomb Primary School. Neither the school nor the Council were notified of this by either the Department of Education or New Horizons Academy Trust.

4.3 The article in the press suggests that the school may close. This is not the case and there are no plans to close Moulsecoomb Primary School.

4.4 The Department for Education do still want Moulsecoomb Primary School to become an Academy.

4.5 The Council will continue its commitment to support Moulsecoomb Primary School.

4.6 There has been no further meeting between the Regional Schools Commissioner and the Council and, as yet, the Council has no details regarding any other potential sponsors.

4.7 The Regional School Commissioner (RSC) has a legal duty to make an academy order for any maintained school that has been judged inadequate, to enable it to become an academy. This academy order has been made. The Regional Schools Commissioner, acting on behalf of the Secretary of State, takes responsibility for ensuring that conversion to academy happens. The RSC chooses academy sponsors and make arrangements with those sponsors to enable academisation to take place.

5. LIABILITY FOR DEFICIT

5.1 When academisation takes place the Local Authority is liable for any deficit Moulsecoomb has at that time. This is currently approximately £230,000. It has not yet been agreed where in the council this funding will come from. This could come several budgets including council core funding or schools contingency funding.

6. DUE DILIGENCE

6.1 Due diligence is a process that will be conducted by a Trust before a school

joins that trust. It helps them to understand the implications and liabilities they would be taking on. Any trust will only be able to agree to take on Moulsecoomb if they are satisfied by these checks. If any trust at this time felt unable to take on Moulsecoomb for any reason then the Regional Schools Commissioner would find a new sponsor.

- 6.2 This document explains the due diligence process undertaken.
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/778091/Due_diligence_best_practice_guide.pdf

7. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 7.1 None identified

8. COMMUNITY ENGAGEMENT & CONSULTATION

- 8.1 Detailed within the report.

9. CONCLUSION

- 9.1 The report is for information purposes.

10. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications

- 10.1 The Local Authority is responsible for the deficit of the school when it transfers to academy status, as per the DfE guidance. The DfE guidance also says – “School deficits are not an allowable charge on the LA’s schools budget (funded by its allocation of Dedicated Schools Grant (DSG)); however, if the schools’ forum has agreed to de-delegate a contingency provision, then the deficit may be funded from that contingency, depending on the criteria agreed for its use.” We have de-delegated £300,000 for schools contingency and one of the criteria for use of that contingency is “Additional costs relating to new, reorganised or closing schools”, so the deficit could be funded by any available balance of the £300,000 in 2019/20, or from any contingency agreed in 2020/21.

If the deficit is not covered by the balance in the schools contingency then the local authority’s council budget will have to meet the deficit. The Licensed Deficit agreed with the school is £204,979, however the current position indicated by the school is around £230,000. Discussion is needed with the school to ensure they keep within the agreed deficit, or improve this. Checks and controls will need to be put in place to ensure the school does not spend any of the school’s budget on things that will be the responsibility of a new academy sponsor or the new Academy.

If the balance or part of it is not met by the schools contingency then this will impact on the council budget when the school converts to an Academy. The timescale for this is still to be determined, however this is most likely to be during the financial year 2020/21.

11. Legal Implications

- 11.1 Following the recent Ofsted inspection the school has been issued with an Academy Order under section 4 of the Academies Act 2010. The Order will not take effect until the date of conversion.
- 11.2 Under section 5B of the Academies Act 2010, the governing body of the school and the local authority are under a legal duty to take all reasonable steps to facilitate the conversion of the school into an academy by a date to be determined by the Regional Schools Commissioner. This will include co operating with the proposed sponsor during the due diligence process referred to in the body of the report. Due diligence enables the proposed sponsor to make an informed decision about whether to bring the school into its trust.
- 11.3 During the interim period between a maintained school receiving an academy order and the school re-opening as an academy the local authority retains the responsibility for the school's performance, including provision for school improvement.
- 11.4 The RSC has the power to revoke the order only in exceptional circumstances

Lawyer Consulted: Serena Kynaston

Date: 19.12.2019