

To:
Co-Chairs of Governors
West Blatchington Primary and Nursery
School

Date: 27 February 2023
Email deb.austin@brighton-hove.gov.uk

Via Email

Dear Simon and Matt,

Families, Children and Learning response to West Blatchington Primary and Nursery School consultation to become part of The Pioneer Academy Trust

Further to my previous correspondence with you on this matter, this letter sets out my directorate's formal response to your current consultation.

We remain concerned about your approach to the consultation. We do not feel you have allowed enough time to get full engagement from all of your stakeholders and especially families at risk of disadvantage. One of the weeks allocated for consultation was also a half term.

In 2022 the school had English as an Additional Language population of 31.2% with 20 different languages being recorded as spoken. The time given to the consultation has not enabled enough consideration to be given to ensuring this potentially vulnerable sector of the school community has had a chance to raise questions. The LA average for EAL is 15% so this is a significant difference.

We have also raised concerns with you about the lack of a robust published options appraisal.

Decision made by governing board to consult on becoming an academy

As raised with you previously, the Schools Bill, which had intended that all schools would be required to convert to academies by 2030, has now been shelved by the government. Currently, we feel there is a lack of clarity and direction for schools nationally and therefore a decision to make this type of structural move now is poorly timed.

You know that we are keen that any decisions about future partnerships in Brighton & Hove are made strategically, considering the wider impact on the family of schools in the city.

Additionally, as you'll be aware, the city is continuing to grapple with the impact of falling pupil numbers and the funding pressures brought about by national pay settlements and funding allocations. As a result, working through those issues in a consistent partnership structure is more beneficial, with the council as the predominant employer and determiner of support staff pay scales.

Our main objections and concerns around your proposal are outlined below.

School improvement and partnership

Concerns have been raised regarding the quality of education at West Blatchington Primary and Nursery School. These were first raised in December 2021. For this reason, the council has categorised the school as 'requiring support and intervention'. The school has had a strategy board for over a year and through this has received significant support to improve outcomes. This has included funding to support the headteacher of the school and additional support to help with the development of specific areas of the curriculum and the development of subject leadership. Despite this support, the outcomes in the SATs last year were a concern, in particular in KS2 where overall standards are significantly below the national average. We are also concerned about the poor progress in reading and writing in KS2.

In addition to the above we are very concerned about the outcomes for pupils who are disadvantaged. The results last year indicate these children achieve below the national average for disadvantaged pupils in many different areas and this needs to be a priority for the school moving forward.

Work is happening to address these issues, and whilst it is encouraging the school continues to engage with the LA support, this keen focus on improving outcomes and school improvement needs to be the key priority. We are concerned that this focus on joining The Pioneer Academy Trust is a distraction and will mean that standards continue to slip. The governors in particular need to be focusing on their role of monitoring and holding the school leadership to account.

It is not the time, in our opinion, to be focusing on structural change when there are such important issues to focus on within the school.

We also believe that a close partnership or federation with one or more Brighton & Hove schools would provide a better and more effective means to bring about swift improvement. Whilst the governors have listened to this option in principle, it is extremely disappointing that no work has been done to develop potential models with other schools, or to properly explore the many benefits. In other parts of the city, these partnerships have led to swift improvements and we do believe this could be the case for West Blatchington. This option would be quick to implement, not require such a significant change, especially for staff, as is being proposed, nor be a distraction from the important priorities such as outcomes for the disadvantaged children who attend West Blatchington Primary and Nursery School.

We expand further below on our concerns re governance. However, we want to reiterate that our approach with the city's schools, where we encourage the models such as federation, continues to allow for more flexibility in arrangements for the school in the future. A move to academisation does not allow for such flexibility. We believe our approach allows for a greater choice for governing boards over the future of their schools.

Up to now, West Blatchington has played an important role in our 'Family of Schools'. Local collaboration and partnership, we believe, would lead to the best outcomes for pupils. We also note that the school is overspending and has significant financial challenges. A model of partnership that involves neighbouring schools is much more likely to achieve some economies of scale to support in addressing this.

Currently the school hosts the Reading Centre. Again, it is very disappointing that no consideration has been given to this and the Reading Centre will likely have to move.

Significant levels of LA support had been provided to the school. The detail or nature of this support has not always been shared with staff, and there seems to be confusion over precisely what will be lost by no longer being an LA maintained school. We have significant concern that the information about what the LA currently provides and the support that will be lost through this move has not been transparently shared with staff nor with parents and carers in order to inform their decisions and the kind of questions they would wish to ask.

Track record of The Pioneer Academy Trust

There are concerns about the capacity for The Pioneer Academy Trust to support the school. The Trust was formed in 2011 and now has 15 schools within it. According to the Ofsted website 10 of these schools (or the predecessor schools) are good or better. 5 of the schools (or the predecessor schools) are requiring improvement or inadequate. This means The Pioneer Academy Trust appears to have a high percentage of schools less than good who need enhanced support. This raises questions as to the Trust's capacity to support another school that needs significant support. There is also only one other school within Sussex, Moulsecomb Primary, so there may be practical difficulties in providing much needed support within the Trust to you locally.

Under the direct responsibility of The Pioneer Academy Trust, eight settings have been inspected by Ofsted. Six received a good or better judgement. However two schools received a 'requires improvement' judgement. We also note the DfE information provided about the Trust does not include the performance of all 15 schools. We therefore do not think The Pioneer Academy Trust can yet demonstrate a track record of school improvement in the same way this local authority or other academy trusts can. We have seen no evidence that you have in fact carried out appropriate due diligence and considered in the same way a range of academy trusts.

School Organisation

Whilst we appreciate the recognition that the school's PAN would not alter as a result of any proposed change to academy status, the inclusion of a new admission priority to include children of staff members does reduce the number of places available to children from the local area at the school, which seems contrary to the aspirations of seeking academy status. It will mean the school's admission arrangements no longer reflect those of other community schools in the city.

We would also be concerned about how any changes made by The Pioneer Academy would impact on the school and its staff interrelationships with other city schools. For example alternative term dates, could create additional difficulties for staff and families who either live and work across the city or beyond. We would also want to receive assurances that pupils will continue to receive 190 days of education to maximise their opportunities.

It is also worth noting that for any future capital works needed to the site, the services available from the LA to act as agents for the school will no longer be available as it is currently.

Governance

Multi academy trusts organise their governance structures differently, so you should ensure this is fully understood by all members of the school community, as it has a huge impact. Trust boards are accountable for all major decisions about the schools in the Trust, so decision making powers at local board level will be limited. Local boards are usually only responsible for monitoring the work of the school and being the link between the Trust and the school community.

Delegation of functions may vary between the schools in the MAT, depending on the risk level. The school may be given even lower levels of delegation, due to the current school improvement concerns and having a new headteacher, so it is essential the scheme of delegation is understood by all stakeholders.

While members of the local board are often still called governors, they should be clear that they are not governors in the same sense as they are in maintained schools, where governing boards and governors act in accordance with school governance regulations.

The Trust's board will expect the school's vision and strategy to align with its own, using the Trust-wide policies. The local board will have no financial decision-making powers and the Trust is likely to be involved in the headteacher's performance management and will make decisions about the headteacher and staff pay.

Local boards in MATs have significantly less autonomy than that of a maintained school governing board.

At this point of time you have several Governor vacancies, in our view we think this undermines any Governing Board in taking such a significant decision about moving towards academisation.

We are concerned that the factors listed above will further risk the necessary focus on school improvement at West Blatchington.

Supporting EAL children

The support provided to these families is likely to change and they need to understand the implications and potential impact on their children's education. There will be increased charges related to a continuing service from Ethnic Minority Achievement Service (EMAS) as the school would no longer be part of the delegated group of schools. So the current provision of a specialist EAL teacher for 3 hours a week, ad hoc Home School liaison and Bilingual Liaison Assistant support would all result in increased charges for the school.

ASC Specialist facility

In our previous correspondence with you we highlighted that should conversion occur there will need to be a change from the existing Service Level Agreement to a formal commissioning contract between the Trust and the local authority. This will set out the continued arrangements regarding the placement by the local authority of pupils with the appropriate special educational needs identified in their EHCP's in the facility.

During the transfer of the facility from Hill Park to yourselves it was with the understanding that the facility would continue to be developed. We would like assurances that commitment can still be met under any academisation arrangements. We want to take this opportunity to provide a reminder that should West Blatchington become an academy it will not be possible to change the characteristics of the special facility, including the number of places for which they are funded and the types of special educational needs they provide for, as part of the conversion process. Any future proposed change to the facility's characteristics would have to be considered by the Education Funding Agency, with the final decision resting with the Secretary of State. The school would be obliged to involve the council in the consultation process.

We are disappointed to note the governors have not held a separate consultation event for the parents/carers of children who have the ASC facility named in their EHCP. As we have stated previously these parents may well have had some specific questions around the future of the facility and whether/how academy status will affect its operation.

We also remain concerned that there is no specific reference in the governors' Q&A document to the admission of children into the special facility. Parents should be advised that regardless of whether the school converts to become an academy the LA will remain responsible for deciding whether children should have the facility named in their EHCP.

Impact on the workforce

We are also concerned about the impact on staff. In addition to the consultation that you have launched, you will be required to undertake a consultation with staff specifically in relation to their employment transferring to a different employer, in accordance with the Transfer of Undertakings (Protection of Employment) Regulations (TUPE). By law, you must allow enough time to inform and fully consult before the transfer.

We know from experience with other academy conversions within Brighton & Hove that trade unions are likely to strongly oppose any conversion and this could result in potential ballots for strike action being instigated.

It was apparent from the attendance at the staff meeting on 8 February that a number of staff have not fully considered the implications on their own employment should the governing body take a decision to seek academy status. A break in the collective employment of support staff in the school could negatively impact the recruitment and retention of staff at West Blatchington Primary and Nursery School, as well as those in other schools in the city. It is recognised the school and its support staff may individually benefit should terms and conditions be better than those received by other staff employed directly by the council in other schools, and thereby giving the school more staff to recruit. This is likely to have a detrimental impact on other schools in the city. Should The Pioneer Academy Trust re-negotiate contracts then there is the potential for support staff to be worse off.

Furthermore, it was clear at this meeting that staff do not understand what they stand to lose in this transfer with regard to support as an LA maintained school. There were significant misconceptions regarding the level of LA support and it was clear that they had not been informed fully by the school leadership. Additionally, there was confusion regarding what are LA responsibilities and statutory duties and what are the many benefits from being within the B&H partnership of maintained schools and the potential impacts this will have on them as professionals working in the city.

There is no guarantee that a support staff member's length of service will be honoured in future and those whose career takes them through positions in both community and academy schools may be adversely affected than those whose career progression is solely in community schools. As these are often some of the lowest paid members of the workforce the council remains significantly concerned about the impact on their careers and financial position. It is our opinion that staff development and career opportunities will be better if the school and its staff remain in the employment of the council, which is a much larger employer than The Pioneer Academy Trust, with more schools and therefore greater opportunities available to all staff.

In conclusion

This letter sets out our concerns about your proposal to become an academy and to join The Pioneer Academy Trust.

**Executive Director for Families, Children &
Learning
Hove Town Hall,
Norton Road,
Hove
BN3 3BQ**

We have also raised with you our concerns about the short timescales of your consultation and urge you to consider extending it to allow for a full range of stakeholders to properly consider the implications of the proposal and to have sufficient time to provide an informed response. Academisation is an irreversible decision and there is no turning back. I am concerned that this is likely not understood by parents, staff and the community and the short time given for consultation makes this even more likely. There have been parent meetings but no public meetings that engaged the community to allow all to understand the significance of the proposal.

Yours sincerely



Deb Austin
Executive Director, Families, Children & Learning

