

REPORT TO:	Cabinet 11 June 2012
AGENDA ITEM:	11
SUBJECT:	Response to the recommendations from the Scrutiny task and finish working group on The impact of new academies and free schools on schooling in Croydon
LEAD OFFICER:	Paul Greenhalgh, Executive Director, Children, Families and Learning
LEAD MEMBER:	Councillor Tim Pollard, Deputy Leader (Communications) and Cabinet Member for Children, Families & Learning
WARDS:	All
<p>CORPORATE PRIORITY/POLICY CONTEXT: The council constitution states that any recommendation of a Scrutiny and Overview Committee, or a Sub-Committee with delegated powers, that is directed to the Leader or Executive for response shall be made by way of a report summarizing the matter and setting out the recommendation to be considered.</p>	
<p>FINANCIAL IMPACT: The recommendations in this report may have a financial implication and as each recommendation is developed the financial implication will be explored and approved.</p>	
<p>FORWARD PLAN KEY DECISION REFERENCE NO.: Not a key decision</p>	
<p>The Leader of the Council has delegated to the Cabinet the power to make the decisions set out in the recommendations below</p> <p>1. RECOMMENDATION</p> <p>1.1. to approve the responses to the recommendations on The impact of new academies and free schools on schooling in Croydon contained in Appendix 1 for report back to the Scrutiny and Overview Committee.</p>	

2. EXECUTIVE SUMMARY

2.1 This report conveys a series of recommendations from the Scrutiny task and finish working group on 'The impact of new academies and free schools on schooling in Croydon' and asks Cabinet to approve a response for report back to the Scrutiny and Overview Committee, as requested at the Cabinet meeting on 23 April 2012.

3. SCRUTINY RECOMMENDATIONS ON THE IMPACT OF ACADEMIES

- 3.1 A task and finish working group on the above topic was established by the Education Scrutiny Sub-committee in October 2011. The working group completed its work on 12 April 2012 and the group's final report was submitted for final approval by the Education Sub-Committee on 17 April 2012.
- 3.2 In keeping with normal practice, the report simply conveyed the scrutiny recommendations to Cabinet and asked Cabinet to request officers to prepare a response for consideration by Cabinet at its next meeting on 11 June 2012.
- 3.3 The report of the Scrutiny task and finish group summarised findings and made recommendations on several areas. In considering the evidence on the Council's existing approach to engaging academies, members of the Scrutiny task and finish group were encouraged by the open approach taken by the Council and officers' consensual approach to engaging academies and made the following recommendations:
- (a) The Council needs to adapt its role in education to become more of a co-ordinator, facilitator and broker of partnerships, rather than the more traditional paternal top-down approach. A consulting advisor should be offered to all schools undergoing a conversion and there should be a designated link officer for all academies.
 - (b) Through encouraging a consensual, partnership approach the Council should seek to work with academy providers to ensure that performance data is shared to enable the Council to monitor the quality of education in the Borough and meet its statutory obligations.
 - (c) The Council should be open to working with groups wishing to establish a free school and encourage the free school sponsors to share issues that they feel are not being addressed by the current education provision in Croydon. The Council should also help to identify potential sites and share population data to ensure any new schools remain viable.
- 3.4 In relation to the evidence given from academies' perspectives, the report made the following recommendations:
- (d) The Council should work with existing conversion academies, the DfE and London Councils to develop a 'conversion handbook' to help future schools (and their pupils) that are considering converting and to highlight ways in which the Council can assist the process.
 - (e) The Council should consider, as a first priority, working with local academy chains and clusters with equal and engaged partners that display a willingness to support neighbouring schools.
 - (f) Council officers should work with schools converting to an academy to ensure that the purpose, intentions and reasons for the conversion are clearly stated and communicated to pupils and

parents to foster support and buy-in to a new way of working, and to contribute to the development of a positive working relationship with the academy

- (g) The Council should not view academies as the only route to high performance and should work to improve or replace the leadership of struggling schools rather than supporting academisation as the default solution
 - (h) The Council should review its school procurement guidelines and find ways that the value for money achieved by academies for capital project building work can be replicated in its maintained schools
- 3.5 The Scrutiny task and finish group also met with local representatives of two teaching unions who explored two main areas related to academy performance and staff relations. The following recommendations were made:
- (i) The Council should lobby Government to establish what the procedures and responsibilities would be, should an academy be found to be providing an inadequate education to Croydon's children, and communicate any progress to members
 - (j) The Council is an important impartial adjudicator in employment disputes between schools and staff. The feasibility of offering to perform a similar role for academies should be explored
- 3.6 The final section of the report considered the development of Traded Services within the Council. The following recommendations were made:
- (k) The Group supports the development of the Council's traded services offer. The level of provision and number of available services should be expanded where possible to meet the needs of Croydon schools as well as offering services to areas outside of the Borough for schools whose needs are not being sufficiently met
 - (l) An annual report on the quality and financial performance of the traded services should be received by Cabinet or Scrutiny to ensure they are of a sufficient standard and financially viable
 - (m) To provide feedback to officers, the governing bodies of maintained schools should be asked to include an annual agenda item that assesses the services it receives from the Council. The reasons why services were not purchased from the local authority should also be requested to help the Council ensure it is meeting the demands of its customers
 - (n) The training for councillors who become school governors should include their role as ambassadors for the Council's traded

services and how they can promote take-up. Such a session could also be held as a stand-alone event as part of the Member Learning & Development programme

- (o) A greater distinction between officers delivering statutory, free services to schools and the discretionary, traded services should be considered. Options for creating a Local Authority Trading Company should also be explored
- (p) Scrutiny should be provided with an annual report on issues of key concern regarding academies in order to establish empirical evidence of the full impact of academies on education in Croydon
- (q) The Education Scrutiny Sub-committee should be provided with a report in June/July 2012 outlining the Council's long-term view regarding whether all schools should become academies and how the transition is being financially modelled. The report should also identify the level of academisation that would mean that it would no longer be viable or cost effective for the Council to maintain the remaining schools

3.7 A proposed Cabinet response to all the recommendations in 3.2 and 3.6 is contained in **Appendix 1 attached**.

4. CONSULTATION

4.1 There are no direct consultation implications arising from this report.

5. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

5.1 Some of the recommendations in this report have financial implications for the Council and are detailed in the attached appendix. For all recommendations that have been accepted any financial implications can be contained within the current resources.

5.2 Recommendation 4 – To develop a conversion handbook for potential future academies has been rejected as the anticipated cost of £5k is greater than the available resources and there is substantial DfE guidance. If this recommendation is to be progress further the financial implications will need to be reviewed to ensure there is sufficient funds available.

5.3 Approved by: Lisa Taylor – Head of Finance - Children, Families and Learning.

6. COMMENTS OF THE COUNCIL SOLICITOR AND MONITORING OFFICER

6.1 The Solicitor to the Council comments that there are no specific legal implications arising from the content of this report.

6.2 Approved by: J Harris Baker, head of social care and education law, on behalf of the Director of democratic and legal services.

7. HUMAN RESOURCES IMPACT

- 7.1 There are no direct human resources implications arising from this report. However, the adoption of a facilitated partnership approach to academies and free schools will assist in the retention of LA expertise to support all Croydon schools in raising standards.
- 7.2 Approved by: Atia Williams on behalf of Director Workforce and community relations

8. EQUALITIES IMPACT

- 8.1 There is no direct equalities impact arising from this report.

9. ENVIRONMENTAL IMPACT

- 9.1 There is no direct environmental impact arising from this report.

10. CRIME AND DISORDER REDUCTION IMPACT

- 10.1 There is no direct impact on crime and disorder reduction arising from this report.

CONTACT OFFICERS:

Tina Andrews, Strategic Lead for Educational Improvement
Sylvia McNamara, Director - Learning, School Improvement & Inclusion

BACKGROUND DOCUMENTS :

Report to the Education Sub-Committee on 17 April 2012

Appendix 1: draft responses to the Task and Finish Group recommendations

BACKGROUND DOCUMENTS:

Notes of meetings of the Scrutiny task and finish working group

Appendix 1

	SCRUTINY RECOMMENDATION	RECOMMENDED CABINET RESPONSE (To accept, reject or amend the recommendation)	ACTION PLAN AND IDENTIFIED OFFICER (IF RECOMMENDATION ACCEPTED)	ANY FINANCIAL IMPLICATIONS
1	<p>The Council needs to adapt its role in education to become more of a co-ordinator, facilitator and broker of partnerships, rather than the more traditional paternal top-down approach. A consulting advisor should be offered to all schools undergoing a conversion and there should be a designated link officer for all academies.</p>	<p>Amend to: The Council should adapt its role in education to respond to the changing context. The Council has an interest in the performance of all of its schools and the standards achieved by all pupils. It therefore needs to ensure that the provision of services meets the needs of schools. The Council should therefore develop the school improvement model with schools in partnership. This will include a combination of service providers with the council providing some services complemented by commissioning services from schools. A consulting adviser should be offered to all schools undergoing conversion and there should be a designated link officer for all academies.</p>	<p>Further develop the school improvement model with all schools (June 2013, Director – Learning, School Improvement & Inclusion);</p> <p>Develop a business model for the service for the next three years that reflects the agreed model (Sept. 2012, Director – Learning, School Improvement & Inclusion);</p> <p>Ensure a consulting adviser is available for schools converting (Associate Adviser available through traded service - completed);</p> <p>Develop the role of the designated link officer for academies (designated link officer- Strategic Lead Commissioning for Educational Improvement - completed) Tina Andrews</p>	<p>Providing support to schools considering becoming academies, on a traded basis means there are no implications for the Council's general budget.</p>

	SCRUTINY RECOMMENDATION	RECOMMENDED CABINET RESPONSE (To accept, reject or amend the recommendation)	ACTION PLAN AND IDENTIFIED OFFICER (IF RECOMMENDATION ACCEPTED)	ANY FINANCIAL IMPLICATIONS
2	Through encouraging a consensual, partnership approach the Council should seek to work with academy providers to ensure that performance data is shared to enable the Council to monitor the quality of education in the Borough and meet its statutory obligations	Accept: This is already in place to some extent. We have access to data from the DfE but this is not always timely.	Review current data sharing protocols with academies and progress any necessary data agreements (Sept.2012, Head of Strategy and Performance) Cathy Moore	
3	The Council should be open to working with groups wishing to establish a free school and encourage the free school sponsors to share issues that they feel are not being addressed by the current education provision in Croydon. The Council should also help to identify potential sites and share population data to ensure any new schools remain viable	Accept	Establish a project board with appropriate officers to have oversight of academy conversions and requests from free school sponsors (Sept. 2012, Head of School Place Planning and Admissions) June Maw	

	SCRUTINY RECOMMENDATION	RECOMMENDED CABINET RESPONSE (To accept, reject or amend the recommendation)	ACTION PLAN AND IDENTIFIED OFFICER (IF RECOMMENDATION ACCEPTED)	ANY FINANCIAL IMPLICATIONS
4	The Council should work with existing conversion academies, the DfE and London Councils to develop a 'conversion handbook' to help future schools (and their pupils) that are considering converting and to highlight ways in which the Council can assist the process	Reject on the grounds of costs – see financial implications Whilst this is a good idea, unfortunately due to costs of the consultancy, we could be unable to implement. Substantial guidance is now available from the DfE. A designated associate adviser is available to support schools through the process and liaises with relevant departments in the Council, including estates management, HR and legal. This is a cost that should be borne by schools that become academies, with support as indicated in the response to Recommendation 1.		Cost of consultancy to undertake work on the handbook – estimated at £5K

	SCRUTINY RECOMMENDATION	RECOMMENDED CABINET RESPONSE (To accept, reject or amend the recommendation)	ACTION PLAN AND IDENTIFIED OFFICER (IF RECOMMENDATION ACCEPTED)	ANY FINANCIAL IMPLICATIONS
5	The Council should consider, as a first priority, working with local academy chains and clusters with equal and engaged partners that display a willingness to support neighbouring schools	Accept	<p>Develop an overarching strategy for School Improvement that outlines the way the LA will work with all schools through partnership (Director – Learning, School Improvement & Inclusion + Strategic Lead Commissioning for Educational Improvement, Sept. 2012) Sylvia McNamara Tina Andrews</p> <p>Continue to develop school to school partnerships for all schools irrespective of designation, maximising the sharing of expertise and good practice (On-going, Strategic Leads School Improvement) C. Nicholls A. Ljumovic</p>	

	SCRUTINY RECOMMENDATION	RECOMMENDED CABINET RESPONSE (To accept, reject or amend the recommendation)	ACTION PLAN AND IDENTIFIED OFFICER (IF RECOMMENDATION ACCEPTED)	ANY FINANCIAL IMPLICATIONS
6	Council officers should work with schools converting to an academy to ensure that the purpose, intentions and reasons for the conversion are clearly stated and communicated to pupils and parents to foster support and buy-in to a new way of working, and to contribute to the development of a positive working relationship with the academy	Accept	<p>Ensure that designated link officers work with schools converting to support the process (on-going, Strategic Lead Commissioning for Educational Improvement); Tina Andrews</p> <p>Ensure that there is effective liaison between officers and designated associate adviser supporting schools (on-going, Strategic Lead Commissioning for Educational Improvement); Tina Andrews, P.Morgan</p> <p>Develops FAQ to help governors communicate with parents the reasons for conversion (Jul. 2012, Improvement Officer Governance). C. Davies</p>	Cost of designated link officer's time in addition to agreed existing role

	SCRUTINY RECOMMENDATION	RECOMMENDED CABINET RESPONSE (To accept, reject or amend the recommendation)	ACTION PLAN AND IDENTIFIED OFFICER (IF RECOMMENDATION ACCEPTED)	ANY FINANCIAL IMPLICATIONS
7	The Council should not view academies as the only route to high performance and should work to improve or replace the leadership of struggling schools rather than supporting academisation as the default solution	Accept	<p>Ensure school support plans for struggling schools address leadership issues (on-going, Director – Learning, School Improvement & Inclusion); S. McNamara, C. Moore</p> <p>Ensure that the school improvement service and senior officers explore alternatives to academisation (on-going, Director – Learning, School Improvement & Inclusion). S. McNamara, C. Nicholls</p>	
8	The Council should review its school procurement guidelines and find ways that the value for money achieved by academies for capital project building work can be replicated in its maintained schools	Accept	<p>Invite academies to a lessons learnt workshop so the Council can learn from their procurement practice (Dec. 2012, Directors – Jane Doyle, S. McNamara);</p> <p>Consider and review procurement guidelines to ensure value for money for capital projects(Dec. 2012, Directors – Jane Doyle, S. McNamara).</p>	

	SCRUTINY RECOMMENDATION	RECOMMENDED CABINET RESPONSE (To accept, reject or amend the recommendation)	ACTION PLAN AND IDENTIFIED OFFICER (IF RECOMMENDATION ACCEPTED)	ANY FINANCIAL IMPLICATIONS
9	The Council should lobby Government to establish what the procedures and responsibilities would be, should an academy be found to be providing an inadequate education to Croydon's children, and communicate any progress to members	Amend to: The Council should work through the Association of Directors of Children's Services to establish what the procedures and responsibilities would be, should an academy be found to be providing an inadequate education to Croydon's children, and communicate any progress to members. This is because ADCS has already commissioned this work.	Executive Director Children, Families and Learning to continue to liaise with ADCS (on-going).P.Greenhalgh	
10	The Council is an important impartial adjudicator in employment disputes between schools and staff. The feasibility of offering to perform a similar role for academies should be explored	Amend to: The Council should build on its existing service offer to all schools, including academies, the opportunity to purchase an HR service which covers all employment issues	Review the existing service level agreement to ensure it is fit for purpose in the emerging new environment (September 2012, Senior HR Consultant). C. Brearley .	

	SCRUTINY RECOMMENDATION	RECOMMENDED CABINET RESPONSE (To accept, reject or amend the recommendation)	ACTION PLAN AND IDENTIFIED OFFICER (IF RECOMMENDATION ACCEPTED)	ANY FINANCIAL IMPLICATIONS
11	The Group supports the development of the Council's traded services offer. The level of provision and number of available services should be expanded where possible to meet the needs of Croydon schools as well as offering services to areas outside of the Borough for schools whose needs are not being sufficiently met	Accept	Ensure there is on-going evaluation of the offer and take-up of services. Work is being undertaken with neighbouring boroughs to identify any gaps in services to schools through existing partnership arrangements (Dec. 2012, Strategic Lead Commissioning for Educational Improvement). Tina Andrews	
12	An annual report on the quality and financial performance of the traded services should be received by Cabinet or Scrutiny to ensure they are of a sufficient standard and financially viable	Accept	Undertake annual evaluation based on customer feedback and implement annual reporting to Cabinet (Dec. 2012, Strategic Lead Commissioning for Educational Improvement). Tina Andrews	

	SCRUTINY RECOMMENDATION	RECOMMENDED CABINET RESPONSE (To accept, reject or amend the recommendation)	ACTION PLAN AND IDENTIFIED OFFICER (IF RECOMMENDATION ACCEPTED)	ANY FINANCIAL IMPLICATIONS
13	To provide feedback to officers, the governing bodies of maintained schools should be asked to include an annual agenda item that assesses the services it receives from the Council. The reasons why services were not purchased from the local authority should also be requested to help the Council ensure it is meeting the demands of its customers	Accept	To liaise with Improvement Officer Governance on the mechanism for inclusion in annual agenda items for governing bodies of maintained schools (June. 2012, Strategic Lead Commissioning for Educational Improvement). Tina Andrews, C. Davies	
14	The training for councillors who become school governors should include their role as ambassadors for the Council's traded services and how they can promote take-up. Such a session could also be held as a stand-alone event as part of the Member Learning & Development programme	Accept	Liaise with Traded Service Manager to arrange training session (June 2012, Improvement Officer Governance). S.Si Ahmed, C.Davies	

	SCRUTINY RECOMMENDATION	RECOMMENDED CABINET RESPONSE (To accept, reject or amend the recommendation)	ACTION PLAN AND IDENTIFIED OFFICER (IF RECOMMENDATION ACCEPTED)	ANY FINANCIAL IMPLICATIONS
15	A greater distinction between officers delivering statutory, free services to schools and the discretionary, traded services should be considered. Options for creating a Local Authority Trading Company should also be explored	Accept	Design project brief for three year business model 2012-15 ; Draw up specification and commission external expert advice (Sept.2012, Director – Learning, School Improvement & Inclusion). S. McNamara, Tina Andrews	The scoping of costs related to staff deployment to design and undertake the work involved; the cost of externally commissioned advice
16	Scrutiny should be provided with an annual report on issues of key concern regarding academies in order to establish empirical evidence of the full impact of academies on education in Croydon	Accept	Include empirical evidence on academies in the annual standards report (Director – Learning, School Improvement & Inclusion). S. McNamara, C. Moore	

	SCRUTINY RECOMMENDATION	RECOMMENDED CABINET RESPONSE (To accept, reject or amend the recommendation)	ACTION PLAN AND IDENTIFIED OFFICER (IF RECOMMENDATION ACCEPTED)	ANY FINANCIAL IMPLICATIONS
17	The Education Scrutiny Sub-committee should be provided with a report in June/July 2012 outlining the Council's long-term view regarding whether all schools should become academies and how the transition is being financially modelled. The report should also identify the level of academisation that would mean that it would no longer be viable or cost effective for the Council to maintain the remaining schools	Reject: It is likely that there will be a mixed economy for some years to come. Not all schools will seek to convert or would view this as desirable. This is especially the case for many primaries and some secondary and special schools. It is difficult at this stage to financially model the transition. It is therefore important that services develop their business models to reflect the changing environment, defining the core statutory offer to schools and traded elements to all schools, irrespective of designation.		