

Report for Resolution

Report to	Cabinet 9 th November 2011	Item
Report of	Deputy Leader - Cabinet Member for Resources	6
Subject	Schools considering converting to Academy Status in Norwich	

Purpose

To discuss the most appropriate way for schools to consult on possible Academy conversions.

Recommendation

To write to all governing bodies of local authority schools within the administrative boundaries of the city council area requesting that if any school is considering converting to Academy status that it carries out a full, transparent and balanced consultation, followed by a secret ballot of parents, staff and students, to determine whether a school remains with the local authority (Norfolk County Council) or converts to an Academy and becomes (through a 'Funding Agreement') directly administered by the Secretary of State and Department of Education in London.

Financial Consequences

There are no direct financial consequences arising from this report.

Risk Assessment

There are no direct risks associated with this report.

Strategic Priority and Outcome/Service Priorities

The report helps to meet the strategic priority of "Opportunities for all – communities to be able to access the wide range of services in the city provided by the Council"

Contact Officers

Background Documents

None

Report

Background

Following the election of the Coalition Government in 2010, one of the first pieces of legislation to be passed was a new Academies Act. The Act enabled the formation of 'converter' academies (for high performing schools) and 'free school' academies.

The direction of travel for government policy is for all schools to be invited to become academies and to move away from local authority governance and influence to control by central government. The new education act currently going through Parliament places a requirement on local authorities with responsibility for education through the Director of Children's Services, to actively promote the development of academies. Community and comprehensive schools do not feature on the Education Department's website.

It is clear that the Department of Education will not want responsibility for thousands of academy schools which is why the Government are interested in the development of **Chains of Academies** using existing multi-academy sponsors and a number of privately owned companies. To give one example, Babcock Education, formerly Vosper Thornycroft, it made £23.6 million out of education in 2009. It wants to run a large chain of schools. Its managing director for education, Marcus Watson, told *The Times*: "I don't think 1,000 schools is unrealistic". This, potentially large-scale shift from democratically elected local authorities to chains of providers raises some significant issues about the autonomy and local accountability of primary and secondary schooling across England. For parents and students a system dominated by academies will reduce choice and community influence and potentially reduce support and funding for those schools that are not academies.

There are also significant issues around the legal rights of parents and students. David Wolfe of Matrix Chambers who specialises in the differences between maintained schools and academies draws a number of distinctions between the two.

'Maintained schools were set up and funded by local authorities (formerly called local education authorities') since 1944. Maintained schools are available to everyone in their area, free of charge. Acts of parliament specify how they run, and what they can, cannot, must and must not do. That means that parents and pupils have the same basic legal rights around things like admissions, exclusions, SEN, complaints and so on, whichever maintained school they attend.

The rules for running an academy are in the contract, often called a Funding Agreement. The contracts vary from one academy to the next. So the legal rights of parents and pupils can vary too. On top of that, unlike maintained schools, in academies parents and pupils have very few direct legal rights: it is harder for them to make sure that an Academy or free school sticks to the rules (as they would be able to do at a maintained school).

Anyway, all that complexity makes it difficult for people to know their rights when it comes to academies and free schools. It is also more difficult for them to enforce those rights. The whole thing has become a 'can of worms'.

So for schools converting to an academy is not 'business as usual' with some extra (short-term) funding. The implications are profound.

Consultation processes

The city council does not have responsibility for schools, though it has a very strong interest in the well-being of young people in the city, including their educational attainment, educational opportunities and employment prospects. On the question of educational attainment, national studies show attainment by academy schools and schools in the local authority maintained sector show very little difference. So whilst some Academies have done well, others have not. There is no Academies 'magic bullet'

The specific purpose of this report and recommendations contained within it are part of a broader set of concerns about the importance of full and proper consultation as a measure of a healthy democratic culture. The 2010 Education Act requires very little consultation (even less in the case of free schools) for schools to convert to academies.

Under current legislation it is for the governors of the school to decide whether to apply to become an academy. There are a number of well documented cases (sadly too many) where consultation has been cursory, one sided and adverts for the head teacher of the new academy school have been published before the consultation has ended. However some of these fast-track minimal consultations are being disputed and there are a number of legal challenges going through the courts.

Given that Head teachers and Governors want the best for their school it is reasonable to assume that they should want to hear the opinions of their parents, pupils and staff, and that their parents, pupils and staff are properly informed.

When writing to governing bodies of schools in the city we would propose to any school that is considering becoming an academy that they follow a democratic and open consultation process. This would include, before Governors deciding to investigate becoming an academy that they invite both proponents and opponents to present their views to a Governors meeting.

If the Governors decide to pursue academy status a democratic consultation should be held. Information that should be part of the consultation process should include:

- the benefits of converting and disadvantages of converting
- the extra money, if any, the school would get, and on what basis
- the extra responsibilities and costs the school would take on
- the risks
- the 'freedoms'
- the impact on pupils; teachers and other staff
- the impact on the community and on other schools

A parents meeting should be held at a convenient and well publicised time (more than one if necessary). Speakers for and against should be present. It may be useful to hold an indicative ballot to assess the mood of those who have attended and heard the debate.

Literature both for and against should be circulated to every parent.

A secret ballot of parents, pupils and staff should be held with a clear question on the ballot. If Governors want their decision to be respected then they should respect the vote, and abide by it. Furthermore there should be sufficient notice for any parents meeting. Campaigners should not be obstructed from distributing alternative viewpoints. A consultation form should have a Yes / No response, not simply ask for comments. Governors should release the result of any vote.

This may seem obvious as a process. However given very poor consultation practices up and down the country on academy conversions and the minimal requirements to consult under the 2010 Act, setting out in detail guidance about what a proper consultation should look like is essential given the importance of the issues and principles that are at stake.