

BEAUMONT SCHOOL

Full Governing Body meeting on 20 January 2011

Academy Status

1. Introduction

The FGB on 20 September 2010 considered an update report on Academy Status. Subsequently the FGB received a financial analysis of the academy option at its meeting on 18 November 2010. Work will need to continue to examine all the financial implications in the coming months.

It is clear that Beaumont School's planning application, new access road and new buildings are of great strategic significance for the future of the school. Until and unless this matter is resolved it would not be possible or appropriate to apply for academy status, as this would change the entire legal basis of Beaumont School. This report therefore considers issues relevant to academy status, envisaging that the FGB may wish to come back to this in the summer or autumn of 2011, depending upon progress of our planning application appeal.

The purpose of this report is to consider major issues in relation to academy status, recognising that this is a complex matter requiring considerable work to be undertaken, especially in relation to some detailed aspects, some of which still require clarification. The approach which Beaumont School has taken so far is that it is important not to rush such a decision but to evaluate the implications very carefully.

Academy status is an option which many schools are currently evaluating carefully, as is apparent from seminars and conferences which we have attended. There are some indications through STASSH that there may be 30 - 40 academies out of 70 secondary schools in Herts by this time next year. It is therefore relevant that the governing body should continue to examine this matter carefully, in taking a long term perspective about the school.

Clearly academy status is not directly relevant to issues within the classroom, though the academy proposals refer to freedom from the National Curriculum", but rather to the context and governance of schools. For this reason Governors need to take a lead role in considering this matter.

2. Culture of Beaumont School

We all know that Beaumont School is an excellent school, with high academic achievements, very good pastoral care and extensive links with the community of St Albans including local junior schools. For the future, it is essential that we continue the inclusive and supportive philosophy which is a hallmark of the school, as well as continuing the search for excellence in all aspects of the school's life.

The Governing Body's responsibility for strategic aspects of the school's life is a matter which we have discussed recently. In this context, we always need to consider the steps which need to be taken to support and sustain Beaumont School's long-term prosperity as a centre of excellence.

3. Aims of Beaumont School

The aims of Beaumont School were approved in 2007 by the Governing Body. These are reproduced below:

"We hope that every student who leaves Beaumont does so with a sense of pride in their achievements, an awareness of their responsibilities and a sense of gratitude for all the opportunities they have experienced. Our aim is to prepare young people to become active and caring citizens leading rewarding lives in a society which recognises its responsibility towards, and its dependency on, countries and cultures other than its own. We will do this by helping each young person to develop his or her talents and values and to flourish within a school community which is committed to:

- providing access for all to a broad, balanced and stimulating curriculum;
- providing high quality learning opportunities and raising standards of achievement in all subjects, especially modern foreign languages, mathematics and ICT;
- developing an understanding of our world; celebrating cultural diversity and promoting a concern for the environment;
- building community both locally and globally; working and sharing with others - our school, consortium, business, community and international partners;
- inspiring a life-long enthusiasm for learning".

They were reconsidered in 2010 when Governors took the view that these are still valid. No doubt they may be marginally amended in the future. However the core statement seems just as valid now and therefore needs to guide us in considering organisational options for the future.

4. The Government's Approach to Academy Schools

A stated objective of the Academies Act 2010 was to give to schools more freedom to manage their own affairs. The Government indicated that in particular this was freedom from local authority control, which may be relevant in relation to some local authorities, but maybe less in Hertfordshire, where a large degree of financial independence and a supportive approach has been the approach for many years.

The Government seems to be intent on reducing the role of local education authorities, if indeed they survive at all. Hertfordshire County Council (HCC) is considering options for the future and the approach in this county will become increasingly clear during 2011.

Whilst academies will not be, in any sense, accountable to local authorities, they would be, of course, to the Secretary of State through the Department for Education. There are of course wider issues as to how education planning and strategy across a county or parts of a county can be undertaken. However our focus as Governors needs to be upon Beaumont School solely, in order to take the best decision in the interests of current and future students, staff and parents.

Schools deemed to be outstanding according to Ofsted criteria were given the first opportunity to apply for academy status. Schools considered to be good with outstanding features have been invited to apply for Academy Status and a letter to Beaumont School inviting us to apply was received on 18 November 2010.

5. Academies: what are they?

In summary the National Governors Association described them as being:

- Independent State Schools
- Exempt charities
- Companies limited by guarantee
- Governed by Academy Trust and Governing Body
- Answerable to the Secretary of State

The explanatory notes to the Academies Act 2010 paragraph 3 described Academies as being “all-ability state-funded schools”.

6. Hertfordshire County Council Services Provided to Beaumont School

The financial analysis report on academy status considered on 18 November 2010 listed all the current services provided to Beaumont School by HCC through the funding currently retained on our behalf. These services will continue to be examined internally within Beaumont School in order to clarify them further. It should be noted that other services are already bought in direct by Beaumont School, from HCC or elsewhere, through tendering and purchasing arrangements.

It was clear on 18 November 2010, that the exact nature, volume and quality of some of the HCC current services were not clear. It should be possible for us to evaluate internally exactly what we are receiving and our opinion of these services.

We need to take a view as to whether this pattern of services is appropriate, whether all are needed and, indeed, whether the current level and nature of the services reflects our current and future needs. So, for example, we might decide that some services are not needed at all (as other schools have done); that some services should be increased or reduced in size and volume, and that other services should be provided differently.

HCC is currently considering the costing for future services, envisaging that schools would purchase these if they wished. Currently the detailed arrangements are not clear about the basis for the new purchasing arrangements. In some cases it is not certain that services need to be purchased and this needs to be part of our evaluation for the future.

HCC envisages decentralising its provision of services into local geographical units, called Local Service Delivery Partnerships. They are not contiguous with other groups such as SAPG and STASSH. For the future, the concept seems to be of schools such as Beaumont buying in services, either from HCC as now or else from other providers, such as other schools, a group of schools or elsewhere.

Overall it does not seem at all inappropriate for Beaumont to take the responsibility to purchase for ourselves what we consider we need, making all the purchasing decisions ourselves, in relation to the nature, quantity and quality of services required for the school.

7. Wider relationships with Hertfordshire County Council

Local financial management of schools has been in place for many years now, so the core of the work of schools is not managed by HCC. Their role relates, therefore, to supportive, regulatory and ancillary services. It is hard to achieve an overall perspective of quality and satisfaction about services currently provided by HCC for Beaumont, as the discussion about the financial analysis report on 18 November illustrated.

Probably a fair assessment is that these services are variable. Some are no doubt excellent, such as governance training. On the other hand, since these tend to be cost inclusive services, we are not in effect choosing a particular services on the basis of a real cost, with money taken from our budget.

Other aspects of our relationship with HCC have been less satisfactory. There were recently concerns about the variability and adequacy of HCC child protection services across Herts. HCC support for our planning application over the last 14 years has been very low key. Were it not for Beaumont School itself and the London School of Hygiene and Tropical Medicine it is unlikely that this proposal would now exist.

The process in relation to building maintenance matters is capricious, influenced by gamesmanship by individual schools and not self-evidently fair. It would be useful to evaluate carefully Beaumont's property issues, considering any detailed information about the current state of the buildings, and an analysis of the risks involved if Beaumont were to become an academy, as well as the question of insurance

Overall therefore it is hard to come to a judgement as to how efficient and well delivered HCC services are for Beaumont School and the quantity and quality of support given to Beaumont.

8. Governance

If the Governing Body decided to consider applying for academy status, there would be considerable scope to influence the shape of the future arrangements. For example, though a Trust Board would be required, the size, composition, nominations and frequency of meetings of the Trust Board would be heavily influenced by Beaumont's current Governing Body.

DfE guidance is that at least three existing Governors should form themselves into a company to create the basis of the academy trust. It is these three (or more) Governors who sign the Funding Agreement and carry forward the wishes of the outgoing Governing Body.

The Trust Board would be responsible for the land and properties (on a 99 year lease from HCC) and be accountable for aspects of performance of the school. Though this would be different from our current arrangements, in practice the Trust Board might need to meet only twice a year and it is likely that the practical implications would not be too onerous.

It would also be up to the current Governing Body to consider and decide the makeup of a future governing body of an Academy, taking into account the current makeup of staff, LEA, community and parent governors. Both composition and size of the Governing Body would be influenced and decided by the current Governing Body.

Of course Governors may wish to continue with the current contributions from staff, parents, LEA and community governors. Two parent governors would need to be elected by parents of children at the school. However other parent governors could be selected on the basis of the mix of skills and experience required for the Governing Body and Trust Board, in order to ensure that the highest possible expertise was available and to remedy any gaps.

It needs to be appreciated that an academy model would involve more responsibility for Governors and the Leadership Team, both in a new Academy Trust and also on the new Governing Body. This needs to be evaluated carefully, probably after the specialist areas referred to in paragraph 22 of this report have been examined

9. Governance Framework

The outline recommended by the National Governors Association for a new governing body would be as follows:

- At least three governors but there is no maximum size.
- A number appointed by the Trust
- Staff governors, if agreed up to one third
- Parent governors (minimum two elected)
- LA governor (one, LA appoints)
- Principal (head teacher) – ex officio

- Co-opted governors (up to three)

10. Beaumont School in its wider context

Collaboration between schools in St Albans and beyond is demonstrated through BeauSandVer, SAPG, STASSH, links with junior schools and across the county. This is the way in which Beaumont works and is deeply rooted in our philosophy and ethos.

However, the income received by schools is directly related to the number of students, and this is critical to their financial health and survival. Inevitably therefore there is a degree of competition between schools, not only for student numbers but also for those of the highest calibre.

There is also the role of stronger schools to support those which are weaker or smaller. Again this is part of the St Albans philosophy, as illustrated recently in the support given by Beaumont and Sandringham to Francis Bacon.

It is important that collaboration and joint working continues in the future. I am certain that it will, irrespective of organisational framework. However, at the same time, it is likely that the balance of collaboration and competition will shift somewhat, especially as informal soundings indicate that many of the more successful secondary schools in Hertfordshire are actively considering or planning to make a move to academy status in due course.

If a significant number of local schools become academies over the next few years, then it is important that Beaumont School is not disadvantaged in any way, especially in the public perspective and the need to attract numbers of students of the highest calibre.

Governors therefore need to take a long term view as to which arrangement will best suit the long-term prosperity of Beaumont School.

11. Other responsibilities of academies

An important part of the evaluation of the option of applying to become an Academy is the need to clarify the exact responsibilities this would involve.

Clearly Academies have responsibilities as employers, for admissions, SEN, school improvement and perhaps other areas. The patchwork of responsibilities probably currently varies from local authority to local authority.

It is important to clarify exactly what the existing arrangements are for, say, music services, educational welfare and so on. Such an evaluation can build upon the very solid analysis undertaken by Julie Wells for the FGB meeting on 18 November 2010.

An example is the position of SEN services, which were raised frequently in Parliament during the passage of the Bill: we need to clarify what the roles and

resources would be for Beaumont and the LEA in the future. The Government's Model Funding Agreement has Annex C concerning arrangements for pupils with SEN, so this may be helpful

12. Benefits to Students

It is hard to see that teaching and learning would change significantly, if at all, with Academy Status. A change to governance arrangements for a school might appear to have little relevance to students.

On the other hand the forecast financial gain of approximately £230,000 per annum is equivalent to the cost of approximately 6 teachers. Such a sum would also in part offset the financial reductions resulting from the Government's Spending Review.

It is also likely that Academy Status would lead to an improved physical environment of the school and certainly the ability to make decisions quickly in relation to the premises priorities set by Beaumont School itself.

13. Staffing Issues

The staff at Beaumont are the core of the school. It is thanks to them that Beaumont has achieved its excellence on many fronts. The careful selection, support, motivation and retention of our staff are all critical to our continuing success in the future.

If Beaumont School were to become an academy in the future, then it would take on the role of employer. Staff would be employed by Beaumont School rather than Herts County Council. Staff would be transferred under TUPE arrangements, whereby their conditions of service would remain as current as now, though small changes might occur in the longer term. It is not envisaged that these would be significant and, in any event, they would follow consultative processes.

As now, it is imperative that Beaumont retains and recruits staff of the very highest calibre and this is bound to always be a priority for the future.

Detailed issues concerning staff would need to be evaluated carefully in the coming months, including the arrangements for pensions for both teaching and essential services staff. It is proposed that discussions continue with both staff and trade unions about academy status

14. Consultation

The report to the FGB on 20 September 2010 (paragraph 6) and minutes of the meeting made clear our commitment to consult and involve students, staff, parents and the wider community – if there were to be a proposal agreed by the Governing Body to initiate such a consultation process concerning academy status.

In other words, such a consultation process would need to be triggered by a decision of the Governing Body, which is **not** a current consideration at this FGB meeting.

The Academies Act 2010 requires governing bodies to consult “relevant partners” before signing funding agreements, but not before the Academy order. However, the National Governors’ Association recommends that governing bodies should consult before they apply.

They recommend that consultation should take place with parents, staff, pupils, local authority and other schools and of course we would wish to do this. In particular the issues concerning staff need to be explored very thoroughly indeed and the necessary time taken for this.

15. Process for Conversion

The NGA recommend the following process for maintained schools to follow, if they wish to apply to become academies:

- Governing body takes an initial decision to consider Academy Status
- School registers interest with Department for Education
- Working Group of the Governing Body to gather all the information
- Single issue Governing Body meeting
- Consultation with stakeholders and after consultation
- Governing body to take formal decision whether or not to apply
- Legal advice: the formal legal process towards conversion would start from here.

In essence there is a three stage process for become an academy: application by school governing body, making an academy order by the Secretary of State and signing the Funding Agreement. The latter will fix the date on which the maintained school will convert

16. Financial Analysis

Potential additional funds for school are of course a major attraction for considering Academy Status. The financial analysis report considered by the Governing Body on 18 November 2010 indicated potential financial savings of approximately £230,000. This was in addition to:

- assumptions made about the continuation of a number of current services provided by HCC and, also,
- assumptions about additional costs which would need to be incurred if Beaumont School were to become an Academy.

Further analysis of the financial aspects is proposed so more information will be available in the spring or summer of 2011. In view of the importance of this matter, it is essential that the analysis is rigorous. The likely costs of legal service is an example of this, referred to at FGB on 18 November, where the

likely costs could be well in excess of the Sandringham estimate, though a Government grant is payable towards these.

It is envisaged that a move to academy status would involve additional costs in relation to HR, finance and IT systems, as well as economies. Provision has been made within the financial analysis for these extra costs. Extra staffing and system implications need to be examined carefully over the coming months.

A query was raised at the Extended Leadership Team meeting on 23 September as to whether academy status would enable Beaumont to access funds from other routes, being an academy with certain strengths and also a registered charity. This has not been investigated in depth, but there is some indication that this might be a possibility. It would require careful analysis and probably investment in order to raise more funds

17. Other Financial Considerations

The wording of the Academies Act 2010 and also the Explanatory Notes to the Act provide more clarity than was available last summer regarding the implications of academy status.

Paragraph 2, page 2 of the Explanatory Notes indicates that academies will be funded at a comparable level to maintained schools. Both the Act and the Explanatory Notes indicate that an Academy Funding Agreement can provide capital as well as current expenditure such as running costs. The Government has set up the James Review to consider capital funding for schools and this is due to report in December 2010

The guidance (page 5 paragraph 27) also indicates that any surplus, consisting of any unspent portion of the school's budget share, can be retained by the school and transferred to an academy when it is established.

18. Funding Agreement

This document is the core of the Academy Status, representing the details of the financial and legal agreement negotiated between the school concerned and the Department for Education. This follows on from an "in principle" decision to allow a school to become an Academy.

Clearly this warrants legal advice throughout this process. There may be particular issues unique to a particular school which they wish to be included, prior to signing the funding agreement.

The Model Funding Agreement for academies runs to 83 pages and consists of the Agreement and four Annexes - the Memorandum and Articles of Association; Admission requirements; pupils with SEN and serious incidents of misbehaviour leading to fixed term or permanent exclusions

19. Admissions

The current admissions arrangements are managed by Hertfordshire County Council in relation to all maintained schools, in accordance with the national admissions code. For academies this admissions code would continue to be relevant so no changes in policy are envisaged. The work associated with admissions would be undertaken either by Beaumont School or in conjunction with other schools such as BSV or purchased back as a discrete service from HCC.

20. Curriculum issues

The curriculum aspect of Academy Status was considered by the Curriculum Teaching and Learning Committee of the Governing Body on 28 September 2010. The result of a lengthy discussion was that staff considered there was considerable flexibility within the existing arrangements, in terms of the options for teaching particular subjects.

This was confirmed at a meeting of the Extended Leadership Team on 23 September 2010 at which a number of heads of departments confirmed that they felt that there was sufficient flexibility at the moment.

The explanatory notes to the Academies Act 2010 indicate that Academies are currently required to have a curriculum with an emphasis on a particular subject or subjects. For secondary schools this requirement for a specialism will continue (see paragraph 5 of Academy Act Explanatory Notes).

In essence this is not thought to be a significant area where changes would be likely at Beaumont with Academy Status.

21. Conclusions

The purpose of this report is for the FGB to have an extensive discussion about many of the matters concerned with Academy Status. It is recognised that there are other issues as well, which need to be explored internally or where guidance is still awaited nationally on particular aspects.

Discussions have taken place between the BSV chairs of governors and head teachers at meetings to share information about academy status, rather than to seek to achieve a coordinated approach. Liz Hitch, Martin Atkinson, Yvonne Deal and I have been present at these meetings which have been helpful to share information.

I would welcome the view of Governors at this point in time. My own view is that there are four key advantages to consider, in relation to Academy Status:

1. A very great deal of the life and ethos of the school would not change, particularly in relation to teaching and learning. This is therefore not a proposal for striped blazers!

2. The financial evaluation within Beaumont School undertaken by Julie Wells, (as at many other schools), indicates a financial benefit. This would seem to be approximately £230,000 per annum
3. Academy Status would enable us to make our own decisions regarding the nature of a number of services, thereby achieving much more control over aspects as to how the school functions and its priorities for the future.
4. Beaumont has a leading role within secondary schools in St Albans and it is important that that it is not disadvantaged in any way, with the likelihood of other schools moving to academy status,

Do Governors agree?

22. Proposals for the next steps:

If the Governing Body is willing to continue in this direction, and to investigate the detailed implications of academy status, then I propose that work is undertaken further to look at certain areas in greater depth. May I suggest using the specialist expertise that we have, both on the Governing Body and also amongst the staff of the school?

- That Simone Kilka -Green and Alex Hall examine the legal aspects
- That Julie Wells and Rena Prindiville look the revenue and capital financial issues, including the results of the James Review
- That Yvonne Deal, Charles Cross and Neil Levoir consider the SEN aspects in more depth
- That Sue Parsons, Alison Wallis and Morag McCrorie look at the Human Resources aspects in relation to both teaching and essential services staff, including their pension situation
- That the land and property issues are examined by Ed Jones, Carolyn Morris and Martin Atkinson, considering any detailed information about the current state of the buildings, and an analysis of the risks involved if Beaumont were to become an academy, as well as the question of insurance
- That ICT issues and systems are explored by Kevin Doyle and Abdul-Hakim Kadodia with Andy Goodwin and Tony Robinson
- That Liz Hitch and Mike Tidball continue to talk to both staff and trade unions about academy status, both at the regular Beaumont staff briefings and through other mechanisms, in order to discuss issues, concerns and progress
- That discussions take place with Beaumont students through the Student Voice or in whatever way is helpful
- And that the group of staff and Governors currently involved in this work of Liz, Yvonne, Martin and Mike is augmented by one or more Governors willing to undertake the necessary work to progress this matter

The brief for each group is to look at the detailed issues which would arise relating to academy status, and to bring forward any proposals about implementation, recognising that any decision about taking this step or not is a matter for the FGB as a whole.

There should be a report back by all those concerned to a FGB meeting,, so we would need their reports by the end of April.

Subject to the consideration of these reports by the FGB, and any conclusions reached by Governors it may then be appropriate to examine the issue of increased responsibility which academy status would involve for both Governors and the Leadership Team

Mike Tidball
Chair of Governors

14 December 2010