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**Decision Maker:** Children and Young People Portfolio Holder

**Date:** For Pre-Decision Scrutiny by the Children and Young People PDS Committee on 20 March 2012

**Decision Type:** Non-Urgent Executive Non-Key

**Title:** **AN UPDATE ON THE RECENT GOVERNMENT REFORM DEVELOPMENTS: INCLUDING THE ACADEMY PROGRAMME**

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**Chief Officer:** Gillian Pearson, Director of Children and Young People Services

**Ward:** Boroughwide

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1. Reason for report

- 1.1 This report is the twelfth in a series of progress update reports since May 2010, from the Director of Children and Young People Services (Director CYP), on the policy developments within the Government's reform programme for education and wider children's services. The report also features an update on the academy programme, developments within Bromley and the strategic implications for the Council.

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2. **RECOMMENDATION(S)**

- 2.1 **The Children and Young People Policy Development and Scrutiny (PDS) Committee is asked to consider:**
- (i) **the position for Bromley regarding the Academy Programme as at 1 March 2012, including the proposed conversion of Hillside Primary School as a Sponsored Academy in partnership with The Priory Secondary School;**
  - (ii) **updates on specific developments within the Government Reform Programme including: National Curriculum Review: Changes the to ICT Curriculum; Schools Inspection Framework: changes to the inspection process and judgement categories; Ending the Annual Ofsted Children's Services Assessment: Consultation; Raising the Participation Age (RPA) Regulations: Consultation; and Revised Statutory Guidance and Regulations for Exclusions from Schools and Pupil Referral Units: Consultation.**
- 2.2 **The Children and Young People Portfolio Holder is asked to consider the views of the CYP PDS Committee and to endorse the approach being taken by the Director CYP in response to the overall policy changes including local Academy developments.**
- 2.3 **The Children and Young People (CYP) Portfolio Holder is asked to consider the request from the Department for Education (DfE) for Bromley Council to formally endorse the proposal for Hillside Primary School to convert to academy status as a Sponsored Academy from September 2012, committing the Local Authority to indemnify the proposed academy for all costs and liabilities (section 5 of this report).**

## Corporate Policy

1. Policy Status: Existing Policy: Children and Young People's Plan 2011-12  
Building a Better Bromley
  2. BBB Priority: Children and Young People
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## Financial

1. Cost of proposal: Not Applicable:
  2. Ongoing costs: Not Applicable:
  3. Budget head/performance centre: Various – Children and Young People Services -  
£48,078m net of income
  4. Total current budget for this head: The total budget for Children and Young People  
Services combines non-schools' budget share,  
approved elements of the Dedicated Schools' Grant,  
Government Grant (Area Based Grant, Standards  
Fund), Revenue Support Grant and Council Tax.
  5. Source of funding:
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## Staff

1. Number of staff (current and additional): Estimated to be 702 (Full-Time Equivalents as at  
October 2011)
  2. If from existing staff resources, number of staff hours: N/A
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## Legal

1. Legal Requirement: Statutory Requirement: Bromley Council's Children and Young People  
Services are directly responsible for the delivery of a wide range of statutory functions  
resulting from legislation pre and post the Children's Act 2004
  2. Call-in: Applicable
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## Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Boroughwide: The Children  
and Young People Services impact upon over 70,000 children and young people and their  
families and carers.
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## Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments:

### 3. COMMENTARY

- 3.1 The Director of Children and Young People Services (CYP) has provided a series of report updates on the Government's reform agenda for education, schools and wider children's services at meetings of the CYP PDS Committee and the Portfolio Holder on: 20 July 2010 (DCYP10113), 7 September 2010 (DCYP10124), 30 November 2010 (DCYP10158), 24 January 2011 (DCYP11019), 22 February 2011 (DCYP11039), 15 March 2011 (DCYP11051), 3 May 2011 (DCYP11065), 14 July 2011 (DCYP11085), 6 September 2011 (DCYP11101), 18 October 2011 (DCYP11116) and 24 January 2012 (DCYP12009). These reports have provided an overview of the policy direction and key areas for reform with a specific focus on the Academies programme and changes to school status within the Borough.
- 3.2 This report provides a further update on the Academy Programme within Bromley (Section 4) together with recent policy announcements on aspects of the Government's reform agenda for education and wider children's services (Section 5).

### 4. THE ACADEMY PROGRAMME

- 4.1 The Government's Academy Programme is underpinned by the Academy Act which received Royal Assent on 27 July 2010. Detailed updates on the national academy programme and the conversion profile within Bromley have been provided by the Director CYP through earlier reports (identified in paragraph 3.1 above).
- 4.2 At the start of the 2010/11 Academic Year, there were **95 maintained schools in Bromley** which included: **17 secondary, 74 primary phase** and **4 special schools**. This broad spectrum of schools included Foundation, Trust, Community, Voluntary Aided and Voluntary Controlled. In addition, Bromley maintains a Pupil Referral Service (PRS). The overall pupil population across our school and PRS provision is currently **46,539 pupils (including post-16)**. Educational standards in Bromley and the outcomes achieved by children and young people across our schools, places the borough in the top quartile of overall performance nationally.
- 4.3 Below is the position in Bromley regarding academy conversion as at **1 March 2012**.

#### Overall Summary

Type	Converted		Conversion in Progress		Potential Conversion		Maintained		Total	
Secondary	15	88%	2	12%	0	0%	0	0%	17	100%
Primary	12	16%	2	3%	2	3%	58	78%	74	100%
Special	0	0%	0	0%	0	0%	4	100%	4	100%
<b>Total</b>	<b>27</b>	<b>28%</b>	<b>4</b>	<b>4%</b>	<b>2</b>	<b>2%</b>	<b>62</b>	<b>66%</b>	<b>95</b>	<b>100%</b>

- 4.4 **Appendix 1** provides an overview of individual schools that have converted to academy status, those in the process of conversion and those schools which have withdrawn from conversion.

- 4.5 Since the last report from the Director CYP to the PDS Committee and the CYP Portfolio Holder on 24 January 2012, there have been a number of developments:
- (i) **The Priory School** has been formally issued with an Academy Order by the Secretary of State on 15 February 2012 with a planned conversion date of 1 May 2012;
  - (ii) **St James' RC Primary School** has been formally issued with an Academy Order by the Secretary of State on 10 February 2012 with a planned conversion date of 1 April 2012. The Commercial Transfer Agreement is currently being progressed with no issues expected under their status as a Foundation School. The Archdiocese of Southwark has levied a charge against the school as a financial contribution for the assistance provided during the conversion process;
  - (iii) **Hillside Primary School** will be converting to academy status under a sponsored conversion route, with The Priory acting as the sponsor partner following formal discussion including the DfE, Local Authority and governors. The Expression of Interest document, the first stage of the sponsored conversion process, is in progress; with the conversion target date of 1 September 2012. Given the projected deficit for the school at the point of conversion as a sponsored Academy, the Council will be liable for the deficit on conversion;
  - (iv) **Tubbenden Primary School** has converted to academy status on 1 March 2012.
  - (v) **Crofton Infant School** has formally notified the Director CYP on 5 January 2012 of its decision to consult on possible conversion to academy status, with consultation documents published on the school website on 7 February 2012;
  - (vi) The governing bodies of four primary schools have advised the Director CYP of their intention to remain with LA maintained status.
- 4.6 Bromley continues to demonstrate high volumes of academy conversions when compared to the national and regional picture. Bromley has the highest number of academy conversions in the London region and is in the top ten nationally. The conversions in Bromley reflect a number of factors: the overall high performance of schools in Bromley and the percentage that are graded by Ofsted as 'Outstanding' or 'Good with Outstanding Features' and where there is strong leadership and governance; Bromley has a relatively high proportion of Foundation status schools (formerly Grant Maintained); the number of Head Teachers who are accredited National Leaders in Education (NLE) or Local Leaders in Education (LLE) (a total of 20); and the autonomy and additional funding offered by academy status.

## 5. HILLSIDE PRIMARY SCHOOL

- 5.1 Hillside primary School has been the subject of discussions initiated by the DfE as a target school for Sponsored Academy conversion. Following discussion with the Director CYP, it was agreed to determine a potential academy conversion route for the primary school through a linked partnership conversion with The Priory Secondary School. There could be significant benefits of a partnership arrangement, given that both schools are in close proximity and provide a framework of education for children aged 5-18 in the east of the Borough.
- 5.2 Discussions involving the Head Teacher and Governors of both The Priory and Hillside Primary School, supported by the Local Authority and DfE senior representatives, culminated in agreement in principle by all parties that this would represent a very strong way forward – subject of course to Members' consideration and endorsement.
- 5.3 On 7 December 2011, the governors of Hillside Primary School formally resolved to pursue conversion to academy status as Sponsored Academy in partnership with The Priory.

- 5.4 On 11 January 2012, the DfE wrote to the Chairman of Governors, Hillside Primary School, copied to the Director CYP and the Head Teacher/Governors of The Priory, confirming that Ministerial approval had been given to the proposal to convert as a Sponsored Academy in partnership with the Priory School and instructing the Governors to proceed to the Expression of Interest stage of the conversion process. The DfE proposed conversion date is 1 September 2012.
- 5.5 As a Sponsored Primary Academy, the Department for Education requires an Expression of Interest form to be completed by all relevant parties, including the Local Authority. The Expression of Interest form asks the Local Authority to formally agree to the proposal. In doing so, the Local Authority is legally bound to:
- (i) indemnify the new Academy Trust for all costs and liabilities which relate to the period prior to the date when the academy opens, including costs arising from equal pay claims;
  - (ii) be responsible for all costs and liabilities arising from any staff restructuring relating to the predecessor school operating at a deficit and/or being overstaffed and/or offering fewer places and other non-relevant scenario's, subject to the Academy Trust consulting the Local Authority;
  - (iii) be responsible for 50% of costs and liabilities associated with any staff restructuring where it does not relate to the criteria outlined in 5.4 (ii) with the Department for Education responsible for the remaining balance.
- 5.6 The projected deficit for the school at the point of conversion is estimated to be £90,000. As a Local Authority maintained school, this deficit will fall on the Council, but to be funded from Dedicated Schools Grant. The Director CYP and Head of Finance, with the endorsement from the Schools Forum and with approval from the Portfolio Holder CYP, made provision within the DSG 2011/12 and proposed again for 2012/13, to assist with the associated costs and financial liabilities of any DfE Secretary of State determined Sponsored Academy conversion. The costs relating to Hillside Primary deficit position would be drawn from that DSG contingency.
- 5.7 The Expression of Interest form is ready for completion by the Local Authority, subject to formal approval from the Children and Young People Portfolio Holder. The Portfolio Holder is asked to formally agree to the proposal for Hillside Primary to convert as a sponsored academy in partnership with The Priory. If approval were not granted, it is likely that the Secretary of State will pursue academy conversion for Hillside Primary via direction. In doing so, the Local Authority will still remain liable for any costs and liabilities arising from the conversion but are likely to have less influence in the development of the sponsorship arrangements for the school.

## **6. WIDER REFORM AGENDA: RECENT POLICY ANNOUNCEMENTS**

### **6.1 National Curriculum Review: Changes the to ICT Curriculum**

- (i) The Government have announced (11 January 2012) that the existing ICT curriculum is being replaced by new courses of study in Computer Science from September 2012.
- (ii) A consultation on the proposal to disapply the National Curriculum Programme of Study, and associated Attainment Targets and statutory assessment arrangements, for Information and Communication Technology from September 2012 was launched on 19 January 2012, for 12 weeks, and will close on 11 April.
- (iii) The Government propose that, while ICT will continue as a subject within the National Curriculum (pending the outcomes of the Government's review of the National Curriculum in England), schools and teachers will have much more freedom in how to teach it.

## 6.2 **Schools Inspection Framework: changes to the inspection process and judgement categories**

### Changes to the inspection process

- (iv) The Office for Standards in Education, Children's Services and Skills (Ofsted) announced on 10 January 2012 that it intends to introduce no-notice inspections for all regular school inspections from September 2012.
- (v) Ofsted already undertakes unannounced inspections in a number of circumstances, including where concerns are raised about a school and for some satisfactory schools that do not show enough capacity to improve.
- (vi) The details of how the changes will work will form part of a wider consultation by Ofsted on the future of inspection that will be announced during January/February 2012.

### Changes to judgement categories

- (vii) The Office for Standards in Education, Children's Services and Skills (Ofsted) announced on 16 January 2012 that it intends to remove the 'satisfactory' and 'notice to improve' judgements for schools inspections.
- (viii) The move is designed to tackle the number of schools that have remained 'satisfactory' over a number of inspections. The proposals, which will be subject to consultation, would mean that any school that does not provide a good standard of education (i.e. those who are currently judged as 'satisfactory' or 'notice to improve') will be given a new "requires improvement" grade.
- (ix) No schools will be allowed to remain in the category of "requires improvement" for more than three years. Under the proposals, schools judged in this new category would be subject to earlier re-inspection, within 12-18 months, rather than up to three years as at the moment. Schools will be given up to two inspections within that three year period to demonstrate improvement. Any school failing to do so will then require special measures; there are 11 Bromley schools in this category.

## 6.3 **Ending the Annual Ofsted Children's Services Assessment: Consultation**

- (x) In December 2010 the Government announced that it intends to end the children's services annual rating process as soon as a suitable legislative opportunity can be identified. On 23 January 2012 the Government launched a consultation on proposals to repeal the Ofsted annual Children's Services Assessment.
- (xi) The proposals relate to the repeal of section 138 of the Education and Inspections Act 2006: the requirement on Her Majesty's Chief Inspector of Education, Children's Services and Skills, to conduct an annual rating of local authority children's services. The Government intends that the proposed changes to legislation are made through a Legislative Reform Order under the Legislative and Regulatory Reform Act 2006, and subject to the outcome of consultation, the changes are implemented from Summer 2012.
- (xii) The closing date for the consultation is 18 March 2012.

## 6.4 **Raising the Participation Age (RPA) Regulations: Consultation**

- (xiii) The Education and Skills Act 2008 sets out that from 2015, all young people (16 and 17 year-olds) will be required to participate in education or training. This change is happening in two phases:
  - From summer 2013 all young people will be required to participate in education or training until the end of the academic year in which they turn 17.
  - From summer 2015 onwards until their 18th birthday.

- (xiv) The Coalition Government has committed to achieving this and has secured the funding to provide a place in learning for all 16 and 17 year-olds. This does not necessarily mean that young people have to stay at school – instead they will be able to participate through three options:
  - Full-time education - whether at a school, college or otherwise.
  - An Apprenticeship.
  - Working full-time (for 20 hours or over per week and for at least eight weeks) and undertaking part-time study alongside (for the equivalent of a day a week).
- (xv) The Government's strategy to increase participation (report DCYP12009) sets out the policies to support the commitment to full participation of 16 and 17 year-olds in education and training, and how the Government will maximise participation in education, training and work by 18 to 24 year-olds.
- (xvi) The Government started a consultation (20 January 2012) on elements of how that strategy will work in practice - by consulting on how to clarify some aspects of Raising the Participation Age delivery in regulations. The consultation is seeking views on the policy approach that will be implemented via the regulations, not the draft regulations themselves. It particular focuses on the details of policy propositions around the three options of participation.
- (xvii) The Government intend to give concise statutory guidance to local authorities in 2012, once the consultation has allowed for a sharing of views and the Government has been able to take those on board. The regulations themselves will not be made until early 2013.
- (xviii) The closing date for the consultation is Friday 13 April 2012.

## 6.5 **Revised Statutory Guidance and Regulations for Exclusions from Schools and Pupil Referral Units: Consultation**

- (xix) The Government published (16 December 2011) revised exclusion guidance which reflects the new provisions as enacted by section 4 (not yet in force) of the Education Act 2011 (report DCYP12009).
- (xx) These provisions will change the process by which the decision of a governing body to uphold a permanent exclusion can be challenged:
  - The current system of independent appeal panels will be replaced by independent review panels which will have different powers and increased access to expertise on special educational needs.
  - Parents will also be able to apply to the First-tier Tribunal (Special Educational Needs and Disability) to hear cases alleging disability discrimination. This is in addition to their current right to apply to a County Court to hear other cases of discrimination under the Equality Act 2010.
- (xxi) The revised guidance seeks to make the processes clearer by:
  - Identifying who each section applies to;
  - Clarifying the separation between legislative duties/powers and statutory guidance; and
  - Only providing statutory guidance where it is necessary to ensure a duty or power is exercised effectively.
- (xxii) The regulations that accompany this consultation will only apply to maintained schools.

- (xxiii) The regulations covering pupil referral units will mirror these regulations. The consultation also seeks views on the application of regulations to Academies. It is the intention, however, to create regulations for Academies that mirror those for maintained schools.
- (xxiv) The final version of the guidance, incorporating comments from this consultation will be published in summer 2012, and new regulations will be laid at the start of April 2012 to commence from September 2012.
- (xxv) The consultation period closed on 17 February 2012.

**7. POLICY IMPLICATIONS**

- 7.1 Government’s reform agenda for education, schools and wider children’s services will be underpinned by major statutory changes. This will impact significantly on local policy, strategy and priorities for Bromley’s Children and Young People Services agenda; the detail of which will be brought in progress update reports to Members.

**8. FINANCIAL IMPLICATIONS**

- 8.1 Detail on financial implications was provided in Report DCYP12009 at the 24 January 2012 CYP PDS meeting. There are no updates to this information.

**9. LEGAL IMPLICATIONS**

- 9.1 Detail on legal implications was provided in Report DCYP11085 at the 14 July 2011 CYP PDS meeting. There are no updates to this information.

**10. PERSONNEL IMPLICATIONS**

- 10.1 Detail on personnel implications was provided in Report DCYP11085 at the 14 July 2011 CYP PDS meeting. There are no updates to this information.

<b>Non-Applicable Sections:</b>	N/A
<b>Background Documents: (Access via Contact Officer)</b>	Previous Director CYP Reports: The Government’s Reform Agenda: Education and Children’s Services: 20 July 2010 : DCYP10113 7 September 2010 : DCYP10124 30 November 2010 : DCYP10158 24 July 2011 : DCYP11019 22 February 2011 : DCYP11039 15 March 2011 : DCYP11051 3 May 2011 : DCYP11065 14 July 2011 : DCYP11085 6 September 2011 : DCYP11101 18 October 2011 : DCYP11116 24 January 2012 : DCYP12009 Department for Education: Academy Website <a href="http://www.education.gov.uk/academies">www.education.gov.uk/academies</a> The Academies Act 2010 The Education Act 2011



**TABLE A: Secondary Schools that have Converted**

	<b>SECONDARY SCHOOLS</b>	<b>POSITION</b>	<b>TIMESCALE</b>
1	Kemnal Technology College	Conversion	1 September 2010
2	Darrick Wood Secondary School	Conversion	1 December 2010
3	Beaverwood School for Girls	Conversion	1 March 2011
4	Bishop Justus CE Secondary School	Conversion	1 March 2011
5	Coopers Technology College	Conversion	1 March 2011
6	Charles Darwin School	Conversion	1 April 2011
7	Hayes School (Secondary)	Conversion	1 April 2011
8	Langley Park School for Boys	Conversion	1 April 2011
9	Newstead Wood School for Girls	Conversion	1 April 2011
10	Ravens Wood School	Conversion	1 April 2011
11	The Ravensbourne School	Conversion	1 April 2011
12	Bullers Wood School	Conversion	1 May 2011
13	Langley Park School for Girls	Conversion	1 August 2011
14	Kelsey Park Sports College (Harris Academy Beckenham)	Conversion	1 September 2011
15	Cator Park Schools (Harris Academy Bromley)	Conversion	1 September 2011

**TABLE B: Primary Schools that have Converted**

	<b>PRIMARY SCHOOLS</b>	<b>POSITION</b>	<b>TIMESCALE</b>
1	Hayes Primary School	Conversion	1 July 2011
2	Warren Road Primary School	Conversion	1 July 2011
3	Balgowan Primary School	Conversion	1 August 2011
4	Biggin Hill Primary School	Conversion	1 August 2011
5	Darrick Wood Infant School and Nursery	Conversion	1 August 2011
6	Green Street Green Primary School	Conversion	1 August 2011
7	Pickhurst Infant School	Conversion	1 August 2011
8	Pickhurst Junior School	Conversion	1 August 2011
9	Stewart Fleming Primary School	Conversion	1 August 2011
10	Valley Primary School	Conversion	1 August 2011
11	Crofton Junior School	Conversion	1 December 2011
12	Tubbenden Primary School	Conversion	1 March 2012

**TABLE C: Secondary Schools Seeking Conversion**

	<b>SECONDARY SCHOOLS</b>	<b>POSITION</b>	<b>TIMESCALE</b>
1	<b>St Olave's Grammar School</b>	Notification to Local Authority (October 2010). Conversion approval 'on hold' pending resolution of governance composition between the Diocese of Rochester, the School and the Department for Education.	TBC
2	<b>The Priory School</b>	Application to Convert – 18 May 2011 Notification to Director CYP, via meeting on 30 November 2011, of governors' decision to pursue academy status. LA receipt of Secretary of State Academy Order – 15 February 2012 Confirmation from DfE that Priory will be the sponsor partner of Hillside Primary School for their conversion to academy status. Request to Priory and LA to complete Expression of Interest to support the sponsored conversion – 30 January 2012	1 May 2012

**TABLE D: Primary Schools Seeking Conversion**

	<b>PRIMARY SCHOOLS</b>	<b>POSITION</b>	<b>TIMESCALE</b>
1	<b>St James' RC Primary School</b>	Notification of intention to convert, with Diocesan endorsement, to Director CYP – 11 November 2011. LA receipt of Secretary of State Academy Order – 10 February 2012	1 April 2012
2	<b>Hillside Primary School</b>	Governing Body resolution to convert in a trust relationship with The Priory – 7 December 2011 Confirmation from DfE that Hillside will convert to academy status under a sponsored conversion, with The Priory acting as the sponsor partner. Request to Priory and LA to complete Expression of Interest to support the sponsored conversion – 30 January 2012	1 September 2012
3	<b>Crofton Infant School</b>	Formal notification to Director CYP on 5 January 2012 that the Governing Body has agreed to commence consultation on possible conversion to academy status. Consultation documents published on school website 7 February 2012, with decision expected early in summer term.	TBC
4	<b>Highfield Junior School</b>	Confirmation of Registering Interest with DfE – 20 May 2011	TBC

**TABLE E: Schools that have notified the LA of withdrawal from Pursuit of Academy Conversion**

	<b>PRIMARY SCHOOLS</b>	<b>POSITION</b>	<b>TIMESCALE</b>
<b>1</b>	<b>Darrick Wood Junior School</b>	Application to DfE – 24 May 2011. <b>Confirmation withdrawal of application –</b> 12 July 2011	N/A
<b>2</b>	<b>Parish CE Primary School</b>	Application to DfE – May 2011. <b>Confirmation withdrawal of application –</b> 7 September 2011	N/A
<b>3</b>	<b>Keston CE Primary School</b>	Application to DfE – 9 May 2011. <b>Confirmation withdrawal of application –</b> 18 November 2011	N/A
<b>4</b>	<b>Raglan Primary School</b>	Application to DfE – 20 May 2011. <b>Confirmation withdrawal of application –</b> 18 January 2012	N/A