

Bath & North East Somerset Council

MEETING:	Cabinet	
MEETING DATE:	14 September 2011	EXECUTIVE FORWARD PLAN REFERENCE:
		E 2302
TITLE:	Policy Statement – Academies and Free Schools	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Appendix 1: Draft Policy Statement – Academies and Free Schools, September 2011		

1 THE ISSUE

- 1.1 To agree the Council's policy approach to the development of school academies and free schools and resulting changes to the Council's role in working with such schools.

2 RECOMMENDATION

The Cabinet agrees that:

- 2.1 It adopts the policy statement regarding the Council's proposed approach to the development of academies and free schools and to the evolving role of the Council in working with schools.
- 2.2 It asks the lead member to review this policy statement periodically to ensure it remains current and reflects changes and developments in our local context

3 FINANCIAL IMPLICATIONS

3.1 Whilst there are potentially significant financial implications for the Council (outwith its control) as a result of the funding removed from the local authority to fund academies, this proposed policy statement does not directly have any additional financial consequences.

4 CORPORATE PRIORITIES

- *Building communities where people feel safe and secure*
- *Improving life chances of disadvantaged teenagers and young people*
- *Improving school buildings*

5 THE REPORT

5.1 National Government policy since the Education Reform Act (1988) has been to promote school autonomy as a means to raise educational standards and outcomes through improvement and innovation in teaching and the ability to deploy all resources flexibly.

5.2 The Academies Act (2010) has widened the range of schools able to seek to become an academy. Under previous legislation, the academy 'route' was used to address those secondary schools in serious weakness or with long term under performance challenge. Under the new Act the Government has determined that any school can seek to become an academy.

5.3 The Government is also promoting the creation of new 'Free Schools' where there is demand to improve parental choice and quality. Free schools will operate in the same way as academies.

5.4 Each academy becomes a publicly funded, independent school. It is independent of the LA and has an individual funding agreement with central Government. All elements of funding provided to the local authority which relate to the provision of services or support to the academy are removed from the local authority and allocated to the academy.

5.5 The local authority retains a number of statutory responsibilities (notably school place planning; home to school transport; statementing processes for children and young people with Special Educational Needs) for children and young people and must provide services to these children irrespective of the type of school attended.

5.6 Academies are able to commission or provide directly a range of services. The academy can continue to contract with the local authority or with any other service provider.

5.7 The Council needs to develop a coherent response to these developments, including:-

- How it should respond to proposals for schools wishing to convert to academies or proposals to establish free schools;
- How it should adapt the way it works with schools in order to deliver on its wider strategic responsibilities for all local children and young people.

5.8 The proposed policy statement on the Council's approach to academies and free schools is attached at Appendix 1.

6 RISK MANAGEMENT

6.1 The report author and Lead Cabinet member have fully reviewed the risk assessment related to the issue and recommendations, in compliance with the Council's decision making risk management guidance.

7 EQUALITIES

7.1 No equalities impact assessment has been carried out on this draft policy. The policy is intended to ensure the Council can respond proactively to the impacts of national legislative change and in particular to promote an ongoing collaborative approach with schools and academies to secure the wellbeing of all children and young people and minimise any negative impact on inequalities.

7.2 In the event that this leads to further specific proposals in respect of schools organisation or services provided to schools, these will be subject to equality assessment as appropriate.

8 RATIONALE

8.1 The Government's approach to the development of academies is a 'permissive' one, which allows schools (subject to certain conditions) to apply directly to the Department for Education (DfE) to be allowed to convert. Equally, any group which believes there is demand for a new free school can put forward proposals to DfE. Whilst the Council may choose to express a view about an application for an academy or a free school, the decision to approve rests with the Secretary of State.

8.2 The authority retains a number of statutory responsibilities for specific functions relating to academy pupils as well as an overall responsibility towards all children and young people in the area. It is appropriate for the authority to have a proactive and coherent approach to these developments and to its evolving role.

9 OTHER OPTIONS CONSIDERED

9.1 None

10 CONSULTATION

10.1 *Section 151 Finance Officer; Chief Executive; Monitoring Officer*

10.2 The statutory officers have seen and had chance to input to this policy statement.

11 ISSUES TO CONSIDER IN REACHING THE DECISION

11.1 *Social Inclusion; Customer Focus; Sustainability; Human Resources; Property; Young People; Human Rights; Corporate; Health & Safety; Impact on Staff; Other Legal Considerations*

12 ADVICE SOUGHT

12.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

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Background papers	<i>None</i>
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