

Ad hoc scrutiny review - academy schools

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CONTENTS

Executive summary	4
Terms of reference and working arrangements	6
Background and context for the review	7
Governance and accountability	10
The curriculum, educational standards and attainment	12
Admissions / Exclusions / Special Educational Needs	15
Strategic and financial implications for the Local Authority	17
Staffing	20
Summary of recommendations / action plan	21
Appendices:	
1 Key characteristics of different types of schools and arrangements for collaboration between schools.	24
2 Additional written information considered by the panel	32

EXECUTIVE SUMMARY

The panel recognise that the cabinet have indicated their support for the academy model and that there are significant national drivers to consider the proposal of academies in some circumstances.

However, the panel has received conflicting evidence, none of which has led us to conclude that the existing academies are a huge educational success nor that they are abject failures.

We have been further hampered in reaching a firm conclusion by the lack of historical data available, due to the short life span of existing academies.

The panel also have some concerns that a sole sponsor, no matter how worthy, will have control of an academy, notwithstanding the constraints imposed on a sponsor through national legislation.

Furthermore, as the introduction of the academy model into the local educational system will be a decision of some magnitude, we urge and recommend the following:

1. That consideration be given to the co-sponsorship model (with the local authority as co-sponsor). The Cabinet may wish to consider instigating discussions with potential local sponsors such as the University and other key council partners.
2. That the cabinet ensure that the academies funding agreement is robust and includes safeguards against potential future risks and eventualities; and that scrutiny comments be sought on the content of the proposed agreement before arrangements are finalised. The panel wish to stress that getting the detail of the funding agreement right will be central to the success of the academy.
3. In order to ensure more locally focussed governance arrangements, that:
 - a) any academy in Kirklees should have a local governing body (as opposed to an overarching governing body for more than one academy);
 - b) the membership of the governing body should reflect the local school community; and
 - c) the Academy Trust should be formed locally and involve local people with a local interest.
4. Should the Cabinet consider co-sponsorship with faith groups, that arrangements should be inter-faith to reflect the diversity of the area in which the academy sits.
5. That the cabinet fully explore the detailed financial implications of deciding whether to have one or more academies, including implications for the other schools in the BSF programme.
6. That the Cabinet ensure there are opportunities to learn from experience elsewhere through ongoing evaluation of the academies programme between now and the implementation date for any academy in Kirklees.

7. That the impact of any academy in Kirklees on attainment be closely monitored with regular reports back to the relevant overview and scrutiny panel.
8. That in any agreement with a proposed sponsor the local authority should seek to agree all aspects of the curriculum to be taught and should insist on a broad and balanced curriculum up to age 16.
9. That the council ensure that the intention to bring the funding arrangements for children permanently excluded from academies in line with other schools has been followed through if the decision to establish an academy in Kirklees is taken.
10. The panel notes the requirements for academy schools to be compliant with current legislation and guidance on admissions, exclusions and SEN. Should an academy be established in Kirklees the panel would like the additional reassurance that it would also adhere to local protocols and recommends that this be built into the academy funding agreement with the Secretary of State. Such local protocols should include a strategic approach to 'fair banding' to ensure that the application of fair banding could not detract from academies being 'local schools for local people'.
11. That the Cabinet and Children and Young Peoples Service ensure that if an academy replaces a school with resourced units that there is no loss of this specialist provision to local communities.
12. Should there be any arrangements for post 16 provision included for any new academy established in Kirklees, these should:
 - Be developed in partnership with the LSC and existing post 16 providers;
 - Focus on additionality;
 - Not destabilise the collegiate approach;
 - Complement and not compete with existing provision; and
 - Allow for further discussions with overview and scrutiny on the detailed proposals as they are developed
13. That the local authority ensures:
 - a) that any re-negotiation of staff terms and conditions of employment be carried out in a fair and transparent manner; and
 - b) that there is cooperation and union recognition to assist good employee relations.

TERMS OF REFERENCE AND WORKING ARRANGEMENTS

The panel members were:

- Cllr Molly Walton (Chair)
- Councillors: Maggie Blanshard, Tony Brice, Robert Iredale, Kath Pinnock and Elizabeth Smaje.
- Coopted members: Kate Cross and Helen Singleton.

The panel were supported by Jenny Bryce-Chan and John Heneghan from the Overview and Scrutiny Office.

The panels' terms of reference were agreed as:

The ad hoc scrutiny review will examine, in principle, issues associated with establishing Academy Schools and explore potential implications for Kirklees.

This will include implications in relation to:

- The curriculum, educational standards and attainment
- Governance and accountability
- Admissions
- Special Educational Needs
- Strategic and financial implications for the Local Authority
- Staffing

The review will not focus on national policy, which is outside of the councils' scope and influence, but will consider implications for Kirklees within the current national policy context.

Similarly it is not intended to review specific possible proposals as these - if they arise - will be subject to separate public consultation processes.

The panel held four public meetings in November and December 2006 to receive information and evidence from a range of individuals and organisations.

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| 22/11/06 | - | Children and Young Peoples Service |
| 28/11/06 | - | Trade unions |
| 13/12/06 | - | Cabinet Member for Childrens Services; Children and Young Peoples Service; secondary head teachers |
| 19/12/06 | - | DfES Academies Division; post 16 providers |

The panel also considered a variety of additional written information (see Appendix 1 for details).

BACKGROUND AND CONTEXT FOR THE REVIEW

The Academies initiative was launched by the Department for Education and Skills (DfES) in March 2000 as part of the *Transforming Secondary Education* agenda. Academies form a key part of the Department's drive to raise educational standards through increasing diversity in education. The initiative is aimed at turning round failing schools in areas of high deprivation where previous interventions have not led to improvements.

The following description of academy schools has been taken from the DfES website:

Schools to make a difference

Academies are a new type of school. They bring a distinctive approach to school leadership drawing on the skills of sponsors and other supporters. They give Principals and staff new opportunities to develop educational strategies to raise standards and contribute to diversity in areas of disadvantage.

Academies are all ability schools established by sponsors from business, faith or voluntary groups working in highly innovative partnerships with central Government and local education partners. Sponsors and the Department for Education and Skills (DfES) provide the capital costs for the Academy. Running costs are met in full by the DfES.

The Academies programme aims to challenge the culture of educational underattainment and to deliver real improvements in standards. Most Academies are located in areas of disadvantage. They either replace one or more existing schools facing challenging circumstances or are established where there is a need for additional school places. The Department expects Local Authorities (LAs) to consider the scope for the establishment of Academies as part of their strategic plans to increase diversity in secondary provision and improve educational opportunities.

Each Academy will provide an excellent environment for teaching and learning that is comparable with the best available in the maintained sector. It will offer a broad and balanced curriculum to pupils of all abilities focusing especially on one or more subject areas. As the Academy becomes successfully established it will share its expertise and facilities with other schools and the wider community.

As well as providing the best opportunities for their pupils, Academies have a key part to play in the regeneration of communities. A new Academy will be a significant focus for learning for its pupils, their families and other local people. Academies will help break the cycle of underachievement in areas of social and economic deprivation whether in inner cities, suburban or rural areas.

Each Academy will offer local solutions for local needs. Each will be different, drawing on the expertise of its sponsors to help develop its own distinctive ethos and mission. Whether they involve new buildings, refurbishment, or both, Academies will be innovative in design and built to high environmental standards.

The first 3 academies in the UK were opened in September 2002, with a second tranche of 9 academies opened in September 2003.

The Government's current target is for 200 academies to be established or agreed by 2010. The government is halfway towards this. In a speech in November 2006 the prime minister announced his intention to double this figure, although no new date was put on the new aspiration of having 400 academies. In the same speech he also indicated his intent for 100 new trust schools to be planned by next spring.

Characteristics of academy schools

- State funded independent schools
- Companies limited by guarantee with a charitable status
- Independent from the Local Authority
- Controlled by the governing body
- Involved in local family of schools
- Sponsorship of up to £2 million into a long term endowment
- Not bound by the national curriculum, but must have the core subjects and carry out key stage assessments.
- Inspected by Ofsted.
- Have their own admissions policy
- Funded on a comparable basis to other secondary schools

The academy schools programme is intended to contribute towards an increased diversity of provision. Whilst the focus of this scrutiny review was limited to Academy Schools, panel members did, however, want to understand the difference between different types of school provision in order to appreciate the potential contribution of academies in this context. Attached at Appendix 1 is a description of the characteristics of different types of schools and arrangements for collaboration between schools.

The Education and Inspections Act (November 2006) includes a number of provisions relevant to academies in the wider context. It enables all schools to apply for Trust status and form links with external partners. It also gives local authorities the power to invite proposals from persons other than local education authorities for the establishment of any new foundation school, voluntary school, foundation special school or academy. At a national level, the academy schools policy has evolved, with the later tranches of academies having less freedoms - for example in relation to admissions, exclusions or promotion of faith issues - than the academies which have opened to date.

This led the panel to **conclude that some of the characteristics of academy schools are now no longer as unique or distinctive as previously portrayed.** On the one hand this may dispel some of the concerns which have been expressed about academy schools but conversely, it questions whether the academy 'offer' is so uniquely innovative.

The focus of this scrutiny review was to examine in principle, issues associated with establishing academy schools and to explore potential implications for

Kirklees. It expressly was not the intention to review proposals for specific academies as these will be subject to detailed consultations with local communities. (At the time of writing this report a consultation on School Organisation Strategies in respect of the future of Fartown and Rawthorpe High Schools is underway - this includes seven options, two of which feature academies). The panel hope that this scrutiny review will help to contribute to a raised understanding about academy schools and therefore a better informed consultation process. **The panel welcome the assurance from the Cabinet Member for Childrens Services that a broad range of options were being consulted on and that decisions locally would respect the results of the consultation process.**

Of particular significance in terms of context, is the relationship between academy schools and the Building Schools for the Future (BSF) programme. BSF is the ambitious, Government-funded capital investment programme that is intended to support the transformation of teaching and learning in the 21st Century, by improving all secondary school buildings through replacement, remodelling or refurbishment.

For the first time, it is now an explicit requirement under BSF for local authorities to propose academy schools as part of their BSF submissions in areas which meet certain criteria. In the case of a major school reorganisation or where a school is closed and re-opened, there is now an expectation that the school be re-opened as either a trust school or an academy. An extract from the Department for Education and Skills (DfES) BSF 'Wave 4 guidance on Strategy for Change' included the statement that ...

"The Department would expect to see proposals for the establishment of an Academy where a local authority is proposing to rebuild or substantially refurbish a poorly performing maintained school... Such Academy proposals may be direct replacement or amalgamation with another school if this is the best method of addressing falling rolls"

The panel were informed that there would be an increased expectation for the proposal of an academy where a variety of additional resources and interventions have not been effective and a school is still under performing over a period of time. Evidence from the first three waves of BSF suggests that there are local authorities which have not had their submissions signed off because they had not given consideration to academies within their BSF proposals.

In the case of a major school reorganisation or where a school is closed and re-opened, there is now an expectation that the school be re-opened as either a trust school or as an academy.

The panel recognise the significant national drivers which require the local authority to consider academy schools including the expectations to do so as part of the Building Schools for the Future programme.

The difficulties faced by some schools are linked to low numbers on roll. Despite the best efforts of staff and governors, such schools remain unpopular with parents. Once parents have made a decision to educate their children

elsewhere a pernicious cycle develops where - even despite coming out of Ofsted categories and raising standards - the school receives only limited benefit as all other problems remain. The view expressed to the panel by officers in the Children and Young Peoples Service was that - with careful safeguards - academies could be one way of breaking this cycle and giving communities the quality of education they need and deserve. The Cabinet Member for Childrens Services agreed with this assessment, feeling that academies can provide a unique opportunity for a completely fresh start.

The secondary head teachers that were nominated to discuss this issue with the panel agreed that - whilst the individual elements of the academy model may not in themselves be unique - the opportunity to collectively redesign the physical school buildings, the approach to the curriculum, staffing, class sizes etc. is unique.

GOVERNANCE AND ACCOUNTABILITY

Academies are state funded schools which are independent of the local authority. They are established as companies limited by guarantee with charitable status and are controlled by the governing body.

Academy sponsors can be corporate bodies or individuals from business, faith groups or the voluntary sector. Sponsors are required to contribute up to £2m to the academy. In the past this contribution went towards the capital costs of building the new school or remodelling existing schools. The Government has recently changed the rules on sponsorship of academies and the requirement for a £2m capital contribution has been replaced by a requirement for sponsors to make annual revenue contributions to the new Academy Trusts. These sponsor donations will be used to directly benefit pupils and the local community as opposed to being a contribution towards the cost of the buildings. The new rules seek an initial contribution of £500,000 with additional funds paid over a five-year period to total £2m.

Governance in academies is prescribed under an 'academies memorandum' directed by the Secretary of State. The academy governing body carries out the management of the academy on behalf of the Academy Trust (which is the company). The governors are the employers of the staff. Academy governors are appointed on the basis of the contribution they can make to the school and have a legal duty to act in the best interests of the academy.

The governing body manages the academy on behalf of the Academy Trust. Its key responsibilities are to:

- Ensure the provision of quality educational provision
- Challenge and monitor the performance of the school
- Fulfil the role of critical friend
- Manage finance and property
- Employ staff
- Co-operate with other staff and institutions

The day to day running of the school is the responsibility of the Principal.

The governing body must be set up before the academy opens. Its composition is agreed in the Articles of Association at the time that the Funding Agreement is signed. Compulsory members of the governing body are: the sponsor member (Chair of governors), parent and local authority member and the Principal (in an ex-officio capacity). All governing bodies must therefore have at least three members, but in practice there are likely to be more in order to create a more balanced board. The panel heard that there are usually about 13 people on the governing body.

There are different models of Academy Trust - a trust can oversee several academies or have a range of sponsors. Where there are several academies operating below one trust there can be either a central governing body or a series of local governing bodies.

The panel heard that the local authority would need to approve any potential sponsor. Local authorities considering establishing academies work with the DfES who can help to introduce potential sponsors. Officers in the Children and Young Peoples Service and the Cabinet Member for Childrens services stressed that the council would need to be assured of the sponsors' suitability and would expect the sponsor to work in partnership with the local authority.

The concept of sponsorship is intended to enable academies to draw on expertise from outside of the educational world and contribute to a culture shift in ethos and expectations which then underpins more sustainable improvements in standards. In its prospectus for sponsors, the DfES assert that sponsors can bring a challenge to traditional thinking on how schools are run and what they should be like for students; challenge on how staff should be employed and incentivised; and challenge on what the buildings should look like and how they should function. The panel heard examples of how sponsors can contribute to the success of academies both in terms of their input to the leadership and management of academies and also through access to partnerships and networks not previously available. The panel were told that the fact that sponsors are seen to take an interest in a school and are prepared to give their financial backing was seen positively by local communities in deprived areas.

However, the panel noted that the academy model is not the only way in which schools can draw on expertise from outside the educational world. Many schools already have well formed external partnerships and the expected increase in the number of Trust schools will provide further opportunities for schools to formalise their links with external partners.

The effectiveness of sponsorship as a model to improve pupil performance has been questioned. A report from the charitable organisation New Philanthropy Capital published in April 2006¹ questions the added value provided by sponsors and emphasises that there are more effective ways of using a £2m investment to impact on pupil performance. In reality it is difficult to disentangle the impact a sponsor brings from the other elements of the academy programme - such as the impact of the increased investment, new buildings and facilities and increased focus on management and leadership.

¹ New Philanthropy Capital. On your marks: Young people in education - a guide for donors and funders. April 2006.

The trades unions expressed concerns about who some of the sponsors are and the fact that sponsors may have only limited educational experience. The potential for a sponsor to inappropriately interfere with the curriculum was also raised.

The DfES confirmed that a sponsor would not be imposed on a local authority. Deviations from the standard Memorandum of Agreement and Articles of Association are negotiated locally between the local authority, the sponsor and the DfES - either of these parties may decide that an issue is a “deal breaker”. The expectation is that sponsors interests would be matched to the needs of a local area, such as the specialism that may be needed locally.

Ultimately, however, sponsors are accountable to the DfES, not to the local authority and concerns were expressed in principal about the lack of accountability of academies to local people, parents and local councillors. The fact that the Board of Governors need include only one local authority representative and one parent representative can be seen in this context.

Whilst acknowledging the potential benefits of sponsorship, the panel has some concerns that a sole sponsor - no matter how worthy - will have control of an academy, notwithstanding the constraints imposed on a sponsor through national legislation.

The panel have established that local authorities acting as co-sponsors is acceptable to the DfES without loss of BSF funding. Given the concerns about an academies lack of local accountability, and to help ensure any academy is fully integrated in the local family of schools, the panel RECOMMENDS that consideration be given to the co-sponsorship model (with the local authority as co-sponsor). The Cabinet may wish to consider instigating discussions with potential local sponsors such as the University and other key council partners.

In order to ensure more locally focussed governance arrangements, the panel RECOMMENDS that any academy in Kirklees should have a local governing body (as opposed to an overarching governing body for more than one academy); and that the Academy Trust should be formed locally.

Should the Cabinet consider co-sponsorship with faith groups the panel RECOMMENDS that arrangements should be inter-faith to reflect the diversity of the area in which the academy sits.

The panel RECOMMENDS that the cabinet ensure that the academies funding agreement is robust and includes safeguards against potential future risks and eventualities; and that scrutiny comments be sought on the content of the proposed agreement before arrangements are finalised. The panel wish to stress that getting the detail of the funding agreement right will be central to the success of the academy.

THE CURRICULUM, EDUCATIONAL STANDARDS AND ATTAINMENT

Academies are not bound by the national curriculum, although they must offer the core subjects and carry out key stage assessments and are inspected by Ofsted.

In theory this provides the freedom to develop an innovative curriculum. Some viewed this as a potential tool to improve educational performance. Others expressed concerns that academies may not offer a broad and balanced curriculum and about the potential for the academy sponsor to inappropriately interfere with the school curriculum. However, the panel received little evidence of real innovations in this respect with most academies broadly following the national curriculum. Some academies have restructured the school day and grouped terms differently; and some have very strong ICT components - but this is now no longer very different from the norm in the context of other developments in education such as the introduction of extended schools and innovations such as specialist status.

The trades unions expressed concern about the increasing vocationalisation of the 14-19 curriculum. However, the Children and Young Peoples service felt that where students are not suited to an academic curriculum an academy could include for more suitable provision - which can contribute towards addressing issues such as challenging behaviour and truancy.

The panel concluded that the freedoms afforded to academies which can help to improve standards and attainment are not necessarily unique to academies. Panel members wished to stress that the key to the success of any school - academies included - is the quality of the schools' leadership and management.

The initial intention of academies - outlined in a speech in March 2000 by the then secretary of state David Blunkett - was geared to dealing with an often unending cycle of lack of attainment in deprived areas. The panel received confirmation from the DfES that this remains the intended purpose of the academies programme. DfES guidance confirms that "*academies are one of the prime elements in the drive to raise standards*".

However, the evidence base for existing academies in relation to attainment is small and views expressed to the panel about the impact of existing academies on attainment were often conflicting.

The trades union stressed that the performance of academies has been mixed, in terms of GCSE results, and that for at least five of the existing academies (from the first tranche) standards have actually deteriorated. Such concerns were reinforced by information provided by Professor Terry Wrigley (Edinburgh University) who has undertaken an independent analysis of academies' attainment data.

This analysis focussed on the first two batches of academies (11 in total) and compared the 2005 GCSE results with the 2002 results for the predecessor schools. This revealed an improvement at first sight but mainly due to a switch to GNVQs (currently a vocational GNVQ counts as equivalent to 4 GCSE's in

the performance tables). When counting a GNVQ once, not four times, and using the new DfES criterion (i.e. must include English and Maths) the improvement in the percentage of pupils achieving 5 or more A*-C or equivalent was much more modest (14.9% in the academies compared to 14.3% in the predecessor schools).

However, the DfES informed the panel that the 2006 GCSE results (provisional at that time) indicated that all the academies (with the exception of three) have improved their results dramatically. Bristol, for example, for nine years had only 20% pupils achieving 5+ A-C; within the first year of the academy it went to 33%, rising to over 50% in the second year.

It is perhaps unsurprising that the initial improvements in attainment were modest, given that academies which opened from predecessor schools have taken pupils who have been in those schools for several years as opposed to pupils who have been in the academy environment. A more reliable picture will emerge when the impact of academies can be modelled over a full five year period.

Work by Price Waterhouse Cooper on the 2005 GCSE results from academies indicates an average rate of progress of about 6.4% compared with a national average of 1.5% (i.e. academies are improving about 4 times faster than the national average). However, this work acknowledges that any change in structure can help make a difference and that the academies programme has not been around long enough to generate a good base of data.

None of the evidence led the panel to conclude that the existing academies are a huge educational success, nor that they are abject failures. It is difficult to reach firm conclusions due to the short life span of the existing academies and consequent lack of historical data.

The panel acknowledge this is a complicated picture, with many different factors having a potential impact on attainment and that it is too early in the academies programme to reach any firm conclusions in this regard.

The panel RECOMMENDS that - should an academy be established in Kirklees - the Cabinet and the Children and Young Peoples Service closely monitor its impact on attainment with regular reports back to the relevant overview and scrutiny panel.

The panel also RECOMMENDS that in any agreement with a proposed sponsor the local authority should seek to agree all aspects of the curriculum to be taught and should insist on a broad and balanced curriculum up to age 16.

ADMISSIONS / EXCLUSIONS / SPECIAL EDUCATIONAL NEEDS

All contributors to the scrutiny review agreed that it would be critical for any academy established in Kirklees to be a fully engaged as part of the local family of schools with regard to Special Educational Needs (SEN), admissions and exclusions.

The fact that academies are independent of the local authority gave rise to concerns in some quarters that this might not happen and therefore the potential for academies to have a destabilising effect on the collaborative approaches developed locally over a number years. The panel noted with interest reports on the Manchester model (where the Council are proposing to co-sponsor six academies in the City) which made reference to difficulties experienced by the local authority in engaging with the existing academy in Manchester.

The trades unions voiced concern that academies are able to select 10% of pupils by aptitude. It was reported that having one school within a system that is able to select can have a profoundly destabilising effect on other local schools and could impact on their ability to achieve a balanced intake. It was clarified, however, that all specialist schools are currently able to select 10% pupils by aptitude. Academies have the same degree of control over their admissions policies as any other self governing school. They are required (through their funding contract with the secretary of state) to be admissions code compliant and admissions appeal code compliant.

The panel were assured that the objective of the academies programme is for academy schools to serve the communities in which they sit - 'local schools for local people'. The intention is that academies do not have excess places and so would not draw children from across the borough.

There will in the near future be a legal requirement for academies to adhere to the 'hard to place' protocol - at the moment this is a voluntary arrangement for all schools.

The panel received mixed opinions with regard to academies' policies on exclusions. The DfES provided assurances that academies are required to be compliant with the current legislation and guidance on exclusions.

However, there is anecdotal evidence that the rates of exclusions have risen in some academies. The Price Waterhouse Cooper annual evaluation reports on the academies programme indicates that the rate of exclusions from some academies is high - although it is difficult to generalise as there are also examples of academies which have reduced the number of exclusions in comparison to their predecessor schools. Officers from the Children and Young Peoples Service felt that there was no evidence to suggest that existing academies collectively were permanently excluding proportionately more pupils than other schools collectively. It was also stressed it is important to make the distinction between temporary and permanent exclusions. It was also acknowledged that it might be expected for exclusions to rise initially in some academies as they 'set the tone' for the new school.

One issue of concern is that currently the funding for permanently excluded pupils does not 'follow the pupil' in academies whereas it would in other schools. This means that if an academy permanently excludes a pupil, the local authority is left to pick up the cost of educating that child but the funding remains with the academy. The panel have been told that the DfES is looking to bring academies in line with other schools in this respect in the near future.

The panel recommends that the council ensure that this intention has been followed through if the decision to establish an academy in Kirklees is taken.

Concerns have been expressed with regards to the impact of academies for pupils with special needs. The Education Select Committees report referred specifically to concerns over academies' admissions procedures for SEN. However, since that time the admissions procedures have changed - the panel were assured that current academies are required to be SEN code compliant and that the same resourcing, statementing and appeals processes exist with academies as for other schools. However, an academy can refuse to take a child with SEN even if it is named on the statement on the grounds that it would affect their efficiency of provision - although this would be subject to the usual appeals processes.

The view was expressed that children with SEN could be disadvantaged if an academy chose to operate a "fair banding" admissions system. "Fair banding" is a process employed by some schools and academies which intends to allocate places fairly to pupils based on their assessed ability. Places are allocated proportionally to top-, low- and middle-achievers in order to achieve a more 'comprehensive' intake. Banded entry tests are used by some academies to ensure they achieve a greater mix. Pupils are placed into a number of ability groups, with an equal number then chosen from each set, ensuring a comprehensive spread of abilities.

However, the revised Code of practice on Admissions makes clear that children with SEN must be admitted to maintained schools and academies, even if this is contrary to their funding agreements. If fair banding were to be employed by an academy, SEN students would be admitted as priority with banding then applied to the remainder of the children.

The DfES view as that it would be a difficult proposition for an individual establishment to run a fair banding system in an area where there is not fair banding. However, the new admissions code - describing fair banding as "good practice" - sets out how it can be used in one school, in schools working together or across a local authority.

14. **The panel notes the requirements for academy schools to be compliant with current legislation and guidance on admissions, exclusions and SEN. Should an academy be established in Kirklees the panel would like the additional reassurance that it would also adhere to local protocols and RECOMMENDS that this be built into the academy funding agreement with the Secretary of State.** Such local protocols should include a strategic approach to 'fair banding' to ensure that the application of fair banding could not detract from academies being 'local schools for local people'.

The panel RECOMMENDS that the Cabinet and Children and Young Peoples Service ensure that if an academy replaces a school with resourced units that there is no loss of this specialist provision to local communities.

STRATEGIC AND FINANCIAL IMPLICATIONS FOR THE LOCAL AUTHORITY

As has been referred to previously, there are concerns around whether academies will work collaboratively with other schools in the area and the potential impact on the strategic approach to education across Kirklees. Academies are outside of the strategic planning role of the local authority and can choose, or not, to engage. This could make it difficult for the planning of provision in the future and could also make more complex any federation solutions to local issues involving other schools. **The panel heard mixed evidence as to whether existing academies in other parts of the country participate or engage effectively with the existing family of schools and felt that a safeguard would be needed should academies be introduced in Kirklees - the local authority as co-sponsor would provide such as safeguard.**

Given that consideration of academies is now an explicit requirement within BSF, the panel were keen to examine whether there would be any implications of having an academy for other schools in the BSF programme - particularly whether the remaining schools in the programme could be disadvantaged in any way. The panel have received assurances that the remaining schools will not lose out if two new academies are approved. While the precise mechanisms for how BSF monies will be allocated are not yet known (as it is a fairly recent announcement that academies will be funded through BSF), the maximum each Council will be allocated for the school estate on the formula allocation through the BSF initiative is:

- 50% for new build;
- 35 % for remodelling; and
- 15% for refurbishing.

The formula allocation is based on the size of the school estate and pupil numbers.

There is an expectation that academies are new build and so the proportion of the allocation for any academy will be topped up by the DfES over and above the BSF allocation by the formula rate for new build so that the remaining school estate is not prejudiced.

It should, however, be noted that the formula does not cover all costs for developing a school - e.g. there is no allocation for adverse ground conditions - so there is already an expectation that all local authorities will have an affordability gap that will need to be bridged in order to meet all the

development costs (however this affordability gap will not be further disadvantaged by developing academies).

There have been reports that the average cost of an academy new build is significantly greater than for a new build comprehensive school. However, the DfES maintain that the costs are comparable. The panel heard that there were some issues in relation to the first round of academies, particularly in London where site constraints generated additional costs.

The panel have also had confirmation that an academy would receive exactly the same main grant as if it were a Kirklees school - the figures being based on the council's scheme of delegation. (The only differences being the proportion of funding held back by the local authority on a pro rata basis for central services. Because academies are funded direct from the DfES this would go directly to the academy).

The panel also sought assurances that any new academy would not inherit any historical debts associated with its predecessor schools(s). It has been confirmed that in order to create an academy the local authority would be required to close the predecessor school(s) through a statutory process. For all closing schools - whether to create an Academy; create another type of new school or discontinue maintaining the school - all remaining outstanding debts are written off, with no direct liability for the Council.

The panel RECOMMENDS that the cabinet fully explore the detailed financial implications of deciding whether to have one or more academies, including implications for the other schools in the BSF programme.

Of particular significance in terms of strategic implications for the local authority and its partners is the issue of post 16 provision, as the DfES Academies Division maintains that all academies are expected to include a post 16 offer. There are, however, examples of existing Academies which do not have post 16 provision and recent statements by the Secretary of State for Education and Skills seemed to question this, but the DfES have confirmed that the "ministerial default" is that there would be post 16 provision in an academy. There is a requirement in the BSF 'expression of interest' phase for the local authority to have discussions with the local Learning and Skills Council (LSC) and an expectation that an academy would play a part in 14-19 and post 16 provision.

A review of post 16 provision throughout Kirklees was undertaken two years ago under the auspices of the LSC which sought to provide a more coherent offer post 16. This resulted in the collegiate approach and some smaller post 16 providers closing. The panel were therefore concerned to explore what impact an academy's post 16 provision might have and whether there could be any justification for additional provision.

The trades unions expressed concerns that any new post 16 provision in an academy could have a negative impact for existing post 16 providers. However, the secondary head teachers the panel heard from felt that an academy post 16 offer could help benefit children in deprived circumstances who may do better if they remain in their school for their post 16 provision. At the moment children

have to go elsewhere and there are concerns about low rates of retention - even amongst 'bright' students - and that some students do not succeed because they find it difficult to adapt to the new post 16 environment.

The panel heard that the intention of academies in respect of post 16 provision was to provide additionality, including for example to ensure provision for pupils who would not otherwise remain in education. The DfES informed the panel that the expectation is not that academies will necessarily provide level 3 provision (e.g. 'A' levels) - most academies have developed their post 16 provision 'from the bottom up' and almost exclusively at levels 1 and 2. It often includes a pastoral and supportive element which students may not get at large further education institutions. This is happening in the context of changes to the nature of 14-19 provision. The curriculum is very wide and there will not be the expectation that the full spectrum of provision would need to be delivered by a single school. Instead, there will be a 'market place' of providers and different approaches such as consortia, joint and collaborative working.

Officers from the Children and Young Peoples Service confirmed that the expectation is that there will be an expansion of the collegiates approach which will happen irrespective of academies but, should an academy be established, it would contribute to that approach.

If appropriate there is the potential for an academy's post 16 provision to be geared more towards vocational provision.

The panel invited current post 16 providers to contribute to the scrutiny review - representatives from Huddersfield New College and Greenhead College attended to provide their perspectives. They shared the view that if an academy in south Kirklees were to adopt a traditional "6th form" approach it would be very much endangered by the popularity of the existing colleges and technical college. It was felt that an academy would provide a great opportunity to increase and widen participation amongst young people, but that this should be done in partnership with existing post 16 providers and not in isolation, and give consideration for sound progression routes for young people. For example, there could be scope for current post 16 providers to provide the academy level 1 or level 2 provision with clear progression into the college sector.

The panel RECOMMENDS that arrangements for post 16 provision for any new academy established in Kirklees should:

- **Be developed in partnership with the LSC and existing post 16 providers;**
- **Focus on additionality;**
- **Not destabilise the collegiate approach;**
- **Complement and not compete with existing provision; and**
- **Allow for further discussions with overview and scrutiny on the detailed proposals as they are developed**

STAFFING

When an academy replaces an existing school, staff are transferred under TUPE (Transfer of Undertakings Protection of Employment regulations). This means they will all have a job at the same level (although not necessarily exactly the same job). The Principal is not subject to TUPE and in about half of the existing academies the head teacher of the predecessor school had been replaced.

The trades unions expressed concerns that this could lead to a two-tier workforce because new staff can be appointed on different conditions of service than the existing staff transferred to the academy. Concerns were also expressed that several unions have experienced difficulties regarding recognition and negotiation rights on behalf of staff.

The DfES maintained that most academies follow the “blue book” for teachers pay and conditions, even though they have the freedom not to. Where freedoms are exercised this can be in the staff’s best interests - for example, one academy is providing assistance with childcare. For new staff there is no evidence that they are paid on less favourable terms and conditions - the academies would not be able to attract staff if they paid lower rates than neighbouring schools.

The panel RECOMMENDS that the local authority ensure any re-negotiation of staff terms and conditions of employment are carried out in a fair and transparent manner and that cooperation and union recognition be encouraged to assist good employee relations.

SUMMARY OF RECOMMENDATIONS / ACTION PLAN

Recommendation	Responsibility	Agreed (yes / no / already happening / further work needed)	Proposed actions	Estimated completion date
<p>1. That consideration be given to the co-sponsorship model (with the local authority as co-sponsor). The Cabinet may wish to consider instigating discussions with potential local sponsors such as the University and other key council partners.</p>	<p>Alison O'Sullivan (lead) Margaret Parker Caroline Gruen</p>	<p>Yes, Already happening, but further work needed</p>	<p>1. Confirm Council (Cabinet?) agreement to co-sponsorship funding. 2. Liaison with University, FE colleges, local charities to determine interest and willingness to co-sponsor Academy. 3. Investigate other potential local sponsors. 4. Liaise and agree with DFES sponsors that would be acceptable to the Council.</p>	<p>Prior to the submission of the Statement of Intent to DfES (to be signed by all parties)</p>
<p>2. That the Cabinet ensure that the academies funding agreement is robust and includes safeguards against potential future risks and eventualities; and that scrutiny comments be sought on the content of the proposed agreement before arrangements are finalised.</p>	<p>Margaret Parker Caroline Gruen</p>	<p>Yes</p>	<p>1. Develop a clear specification of safeguards to meet local requirements with respect to potential risks</p>	<p>In accordance with DfES timelines for establishing Academies (draft of local</p>

Recommendation	Responsibility	Agreed (yes / no / already happening / further work needed)	Proposed actions	Estimated completion date
			<p>highlighted in the Scrutiny report.</p> <p>2. Seek local agreement to the safeguards proposing to include in the Kirklees Funding Agreement prior to finalising negotiations</p> <p>2. Ensure the timetable and plan includes Scrutiny review as well as formal approval of Cabinet before agreements finalised.</p>	<p>specification by end of summer)</p>
<p>3. In order to ensure more locally focussed governance arrangements, that: a) any academy in Kirklees should have a local governing body (as opposed to an overarching governing body for more than one academy); b) the membership of the governing body should reflect the local school community; and c) the Academy Trust should be formed locally and involve local people with a local interest.</p>	<p>Margaret Parker Caroline Gruen</p>	<p>Yes</p>	<p>1. Formally notify DfES of the governance arrangements Kirklees would wish to establish as part of the requirement for agreeing the co-sponsor.</p> <p>2. Ensure this requirement is reinforced within the</p>	<p>In accordance with DfES timelines for establishing Academies</p>

Recommendation	Responsibility	Agreed (yes / no / already happening / further work needed)	Proposed actions	Estimated completion date
			Statement of Intent, feasibility stage and the Funding Agreement.	
4. Should the Cabinet consider co-sponsorship with faith groups the panel recommends that arrangements should be inter-faith to reflect the diversity of the area in which the academy sits.	Alison O'Sullivan Caroline Gruen Margaret Parker	Yes Already happening/ but further work needed.	1. Complete the phased consultation on options for school organisation in Kirklees. 2. Continue discussions with broad range of faith groups that reflect the diversity in the area/s a proposed academy sits (should it be determine that the interfaith academy option is the direction of travel).	Spring 2008
5. That the Cabinet fully explore the detailed financial implications of deciding whether to have one or more academies, including implications for the other schools in the BSF programme.	Margaret Parker	Yes	1. Investigate and confirm with the DfES and Partnership for Schools (PfS) the full financial implications of establishing Academies within the	Initial findings by end of summer 2007 Re-affirm and report on the situation as part of the final

Recommendation	Responsibility	Agreed (yes / no / already happening / further work needed)	Proposed actions	Estimated completion date
			BSF programme. 2. Formally report the findings for consideration by the Cabinet	business case for the approved BSF investment programme which will require Cabinet approval.
6. That the Cabinet ensure there are opportunities to learn from experience elsewhere through ongoing evaluation of the academies programme between now and the implementation date for any academy in Kirklees.	Caroline Gruen Margaret Parker Steve Morris	Yes Already happening/further work needed	1. Arrange opportunities for Cabinet members and officers to visit Academies. 2. Try to establish a network/ and/or formal links with other Authorities with (or developing) Academies. 3. Continue to keep upto date with the information on the DfES web and reviews, studies and inspections of academies.	ongoing

Recommendation	Responsibility	Agreed (yes / no / already happening / further work needed)	Proposed actions	Estimated completion date
7. The panel recommends that - should an academy be established in Kirklees - the Cabinet and the Children and Young Peoples Service closely monitor its impact on attainment with regular reports back to the relevant overview and scrutiny panel.	Caroline Gruen Steve Morris	Yes	1. Ensure that reports from the assigned School Improvement Partner (SIP) and received and reviewed. 2. Include specific reference to Academy/ Academies in the attainment reports to Cabinet & Overview and Scrutiny	Ongoing, annual report
8. The panel recommends that in any agreement with a proposed sponsor the local authority should seek to agree all aspects of the curriculum to be taught and should insist on a broad and balanced curriculum up to age 16.	Caroline Gruen Steve Morris	Yes	Ensure the curriculum to be taught is an integral part of the negotiations with the sponsor/s, DfES and designated Principal of the Academy at each of the key milestones for establishing Academies (e.g. Statement of Intent, feasibility and Funding Agreement stages).	In accordance with DfES timelines for establishing Academies

Recommendation	Responsibility	Agreed (yes / no / already happening / further work needed)	Proposed actions	Estimated completion date
<p>9. The panel recommends that the council ensure that the intention to bring the funding arrangements for children permanently excluded from academies in line with other schools has been followed through if the decision to establish an academy in Kirklees is taken.</p>	<p>Caroline Gruen Margaret Parker Warwick Firmin</p>	<p>Yes</p>	<p>1. Formally notify DfES of the Council's expectations for the permanently excluded pupils as part of the requirement for agreeing the co-sponsor/Academy. 2. Ensure this requirement is reinforced within the negotiations at Statement of Intent, feasibility and the Funding Agreement stages.</p>	<p>In accordance with DfES timelines for establishing Academies</p>
<p>10. The panel notes the requirements for academy schools to be compliant with current legislation and guidance on admissions, exclusions and SEN. Should an academy be established in Kirklees the panel would like the additional reassurance that it would also adhere to local protocols and recommends that this be built into the academy funding agreement with the Secretary of State. Such local protocols should include a strategic approach to 'fair banding' to ensure that the application of fair banding could not detract from academies being 'local schools for local people'.</p>	<p>Caroline Gruen Margaret Parker</p>	<p>Yes</p>	<p>1. Develop a clear specification of expected compliance with respect to admissions, exclusions and SEN. 2. Seek formal local agreement to the references on these issues proposing to include in the Kirklees Funding Agreement</p>	<p>In accordance with DfES timelines for establishing Academies</p>

Recommendation	Responsibility	Agreed (yes / no / already happening / further work needed)	Proposed actions	Estimated completion date
			prior to finalising negotiations.	
11. The panel recommends that the Cabinet and Children and Young Peoples Service ensure that if an academy replaces a school with resourced units that there is no loss of this specialist provision to local communities.	Margaret Parker Caroline Gruen Paul Johnson	Yes	To keep this issue under close review as the agreed school re-organisation and BSF plans develop.	ongoing
12. Should there be any arrangements for post 16 provision included for any new academy established in Kirklees, these should: <ul style="list-style-type: none"> - Be developed in partnership with the LSC and existing post 16 providers; - Focus on additionality; - Not destabilise the collegiate approach; - Complement and not compete with existing provision; and - Allow for further discussions with overview and scrutiny on the detailed proposals as they are developed 	Caroline Gruen (lead) Steve Morris Denis Grainger Margaret Parker	Yes Already happening/further work needed	Continue discussions with LSC and post 16 providers and ensure the recommendations are reflected in agreements reached on the strategy and the implementation of any new post 16 provision.	Spring 2008 and to keep under review (ongoing)
13. That the local authority ensures: <ul style="list-style-type: none"> a) that any re-negotiation of staff terms and conditions of employment are carried out in a fair and transparent manner and; b) that there is cooperation and union recognition to assist good employee relations. 	Caroline Gruen Mark Ayres Julie Bowdidge Margaret Parker	Yes	Formally notify DfES of the Council's expectations for staff terms and conditions and union recognition. 2. Establish as a key	In accordance with DfES timelines for establishing Academies

Recommendation	Responsibility	Agreed (yes / no / already happening / further work needed)	Proposed actions	Estimated completion date
			issue in the TUPE negotiations and seek to include this issue as part of the Funding Agreement.	

Appendix 1 - Key characteristics of different types of schools and arrangements for collaboration between schools.

State Schools

State schools do not charge parents to send their children to attend. The majority of pupils (more than 90%) go to state schools. In most areas, children aged 5-10 years old attend primary schools and move on to secondary schools at 11 years old for education up to 16 or beyond. Most state schools are co-educational, with boys and girls as pupils, but a small number provide for either boys or girls in single sex institutions.

The framework for state schools

There are four categories of state-funded **mainstream** schools

Mainstream schools in all four categories have a lot in common. They are self managing and receive funding from Local Authorities (LAs). The framework for maintained schools was set out in the Schools Standard and Framework Act 1998. The types of mainstream schools include:

- Community

These were formerly 'County' Schools. They receive funding from the LA. The LA is the admission authority who is responsible for the school admissions and decides how pupils are admitted. The LA employs school staff and owns the school's land and buildings.

- Foundation schools

These were formerly Grant Maintained (GM) Schools. They receive funding from the LA. The governing body is the employer of school staff and the admissions authority. The school offers places to pupils. The school's land and buildings are owned by either the governing body or the charitable foundation.

- Voluntary-aided schools (mainly religious or faith based schools)

These schools are maintained by the LA but are strongly supported by the Church authorities (they are usually Church of England or Roman Catholic, but there are also Jewish and Muslim VA schools). They receive funding from the LA. The governing body is the employer of school staff and the admissions authority. The school's land and buildings will normally be owned by a charitable foundation and the governing body will contribute towards the costs of establishing/maintaining school buildings.

- Voluntary-controlled schools

These schools are maintained by the LA. They have close links with the church authorities, but only some members of the Governing Body are appointed by the religious foundation. They receive their funding from the

LA. The LA employs school staff and is the admissions authority. The school's land and building will normally be owned by a charitable foundation.

There are two categories of state-funded special schools: (see later notes on special schools)

- Community special
- Foundation special

Other state funded schools

- **Trust schools**

Trust Schools are essentially foundation schools supported by a charitable foundation or "Trust". They are funded by the LA and on the same basis as other LA maintained schools. No extra state funding is available and the Trust would not be expected to contribute financially to the school. The school is supported by the Trust through the appointment of governors to the school's governing body. The governing body is able to employ staff, set admission arrangements and manage the school's land and buildings (ownership of land and buildings would be transferred to the Trust upon application for Trust Status). The members of the Trust may include education charities, further or higher education institutions, business foundations or community groups. A trust may work with a single school, a group of local schools or a network of schools across the country.

A Trust school may be set up to replace an existing school or an existing school's governing body may decide to acquire trust status.

If an existing school wishes to acquire a Trust it must consult with the LA. The LA can refer the proposals to the Schools Adjudicator for decision if it has concerns about the school's consultation process or the impact of proposals on standards. The governing body decide who the members of the Trust should be and whether the Trust should appoint the minority or the majority of the governing body. Parents must be consulted where a school proposes to acquire a Trust and at least one third of a Trust school's governing body must be made up of parents.

As a result of recent legislation (with new regulations expected in early summer 2007), if the LA closes a community school it may only be replaced by a Trust School or an Academy except by special permission of the Secretary of State.

- **Academies**

Academies are state funded independent schools set up by sponsors from business, faith or voluntary groups, with the freedom to raise standards through innovative approaches to management, governance, teaching and the curriculum. They are established in disadvantaged

areas, either as new schools or to replace poorly performing schools, where intervention and improvement strategies have failed.

Academies are set up as companies limited by guarantee with charitable status and are under the control of its governing body. The sponsor is able to appoint the majority of governors. All members of an Academy governing body are appointed on the basis of the contribution that they will make to the school and have a legal duty to act only in the interest of the Academy. It is usual for at least one LA representative to be included in the Academy governing body. The governing body of an academy is responsible to the Secretary of State. The governing body must publish procedures of its meetings, prepare and file annual accounts with the Charities Commission and ensure their accounts are independently audited. Academy governing bodies employ all staff and are responsible for agreeing levels of pay and conditions of service with its employees as well as policies for staffing structures, career development, discipline and performance management. It is expected that staff would transfer from predecessor schools under the Transfer of Undertakings Protection of Employment Regulations 1981. (referred to as TUPE)

Academies are not bound by the National Curriculum and are free to adopt innovative approaches to the content and delivery of the curriculum. However, academies will carry out Key Stage assessments and will be inspected by OFSTED.

Academies must be fully inclusive all ability schools. The academy governing body is able to set its own admission arrangements but these must comply with the DfES code of practice on admissions and have regard for national and local priorities and policies. Academies must also comply with guidance on special educational needs and exclusions. In line with maintained schools with a specialism in a particular area of the curriculum, academies may opt to admit up to 10% of pupils each year on the basis of their aptitude for certain specialisms.

In July 2006 a new sponsorship funding model for Academies was announced which is expected to help strengthen the long-term investment of sponsors in Academies through new charitable endowment funds. The change means that sponsor contributions - which remain the same i.e. £2 million - will in future go into long term endowments to be spent on the school's educational needs and to counter the impact of disadvantage. The sponsor's contribution was originally to be used as a contribution towards the capital costs of a new build or remodelled school building, but due to savings made by a more cost-effective building and procurement process through Building Schools for the Future, the sponsorship contribution is no longer required for building costs.

The Government is committed to funding Academies on a comparable basis to other schools in their areas with similar characteristics. Each Academy receives a General Annual Grant direct from the Secretary of State to meet its normal running costs. This is calculated on the basis of the funding formula of the LA with an additional allowance for the money the LA holds back from maintained schools. The General Annual Grant

also includes a per pupil allowance in relation to the academy specialism which is on the same basis as specialist maintained schools. In addition to the grant direct from the government, Academies are eligible to receive Standards Fund grant and Leadership Incentive Grant, which are routed through LAs, on the same basis as maintained schools.

- **City Technology Colleges**

These are independent urban schools that are funded directly from the Government. They offer a wide range of vocational qualifications (but also offer A-levels) and have close links with employers, they teach the national curriculum but with a focus on science, mathematics and technology, and teach a longer day with some offering a five term year.

Additional benefits and services provided by schools

All schools can also be categorised according to the additional benefits or services they provide for pupils and the communities they serve:

- **Special schools**

These schools are schools which are specially organised to make special education provision for pupils with special educational needs. They employ staff with specific expertise in supporting pupils with SEN. Special schools may be classified according to the nature of the special needs that the school supports. There are two 'types' of special school in Kirklees: Two schools are designated schools for pupils with *profound and complex needs* and three schools are designated for pupils with *complex needs*.

- **Specialist schools**

The Specialist Schools Programme (SSP) helps schools, in partnership with private sector sponsors and supported by additional Government funding, to establish distinctive identities through their chosen specialisms and achieve their targets to raise standards.

Specialist schools have a special focus on those subjects relating to their chosen specialism but must also meet the National Curriculum requirements and deliver a broad and balanced education to all pupils. Any maintained secondary school in England can apply for specialist status in one of ten specialisms: arts, business & enterprise, engineering, humanities, languages, mathematics & computing, music, science, sports and technology. Schools can also combine any two specialisms. Special schools can apply for an SEN specialism in one of the four areas of the SEN code of practice.

- **Extended schools**

In June 2005, the Extended Schools Prospectus set out a core offer of services that all children should be able to access through schools by 2010.

The core offer includes access to:

- A varied menu of study support activities such as homework clubs
- High-quality childcare provided on the school site or through local providers, with supervised transfer arrangements where appropriate, available 8am-6pm all year round for primary schools
- Parenting support, including information sessions for parents at key transition points, parenting programmes run with the support of other children's services, and family learning sessions to allow children to learn with their parents
- Swift and easy referral to a wide range of specialist support services such as speech therapy, child and adolescent mental health services, family support services, intensive behaviour support and sexual health services
- ICT, sports/arts facilities and adult learning for the wider community

Many schools now offer additional services and out of school activities. They are working closely with parents, children and others to shape these activities around the needs of their community and may choose to provide extra services in response to demand.

- Studio Schools

These are a new type of 14-19 stand-alone institution or 'school within a school' offering, along with business partners, a more vocational 14-19 curriculum. There is a high level of interest from DfES in promoting the establishment of Studio Schools to support innovative approaches to linking workplace learning with the development of the new specialised Diplomas in mainstream schools.

- Boarding schools

A boarding school is a self-contained educational total institution where students not only study but where some or all students may live. Most, but not all, boarding schools are privately managed and funded.

Independent schools

There are around 2,300 independent schools in England (half have charitable status). These schools set their own curriculum and admission criteria. They are funded by fee paying students and income from investment. Unlike other schools not all staff are required to be qualified.

All independent schools must by law be registered with the DfES and must reach and maintain standards set out in regulations. They are inspected by OFSTED or by the Independent Schools Inspectorate.

How schools can work together

The concept of partnership in education has had a major presence in all the Government's principal initiatives in recent years, and the value of collaboration between schools has become widely recognised. The Education and Inspection Act gives increased emphasis to the further development of partnerships and federations to promote higher standards.

Some of the benefits:

Wherever partnership is discussed, and in whatever forum, there is general agreement on its principal benefits.

- Partnership is a structured way for schools to learn from one other and to share best practice
- It gives the opportunity for collective planning, with the strengths of each constituent school knowing no boundaries
- It makes possible 'individual learning pathways', through which a student's needs and aspirations can be met by drawing upon a wide range of expertise and specialisms
- It allows a cost-effective and coherent curriculum, increasing the opportunity to fulfil individual students' needs
- It creates joint staffing opportunities and wider career structures across the federation
- It leads to improved senior and middle management
- It has the advantage of economies of scale
- It forms a basis for further partnerships with other providers, e.g. 14-19, community services

Recognised forms of collaborative working

Hard Federations

The term federation describes a formal agreement by which up to five schools share a single governing body. Each school within the federation retains its separate legal identity in respect of its budget, admissions and performance tables and is also subject to separate inspection by Ofsted.

Federation is a contractual arrangement that does not involve any school closures, the federating schools continue to run on separate sites. The schools involved do not lose their status e.g. community, voluntary aided etc.

Federations may be described as hard or soft dependent upon governance procedures. Hard federations form a single governing body shared by all schools. Federation Regulations set out the requirements in terms of the number of each type of governor. The federation may have a single

headteacher across all schools and has the ability to deploy staff across the federation.

Hard Federations have most frequently been used to pair an underperforming school with a successful school in order to share good practice in leadership, management, teaching and learning and curriculum provision to benefit the weaker school. Hard Federations could, however, be used for purposes of increasing efficiency and sharing best practice to further strengthen already good schools.

Some government funding is available to support the establishment of Hard Federations.

Education Improvement Partnerships (EIPs)

EIP's formally known as foundation partnerships, are one of the key eight reforms in the DfES's Five Year Strategy for Children and Learners. EIP's enable groups of schools (typically 5-20) to voluntarily work together to raise standards and take on wider responsibilities for the children and young people in their community. An EIP does not have a statutory basis. Each member school retains its individual identity and ethos as well as retaining its own staff, governing body, resources and curriculum structure.

EIP's mostly operate on a geographic basis forming links between local schools. A formal agreement by the way of a service-level agreement or set of protocols is set up with the LA which ensures that the EIP is able to deliver on a set of functions.

There is no new money explicitly earmarked for facilitating EIP's. However, where an EIP is commissioned to take on a function previously delivered by a LA, that LA will devolve appropriate funding to partnerships to enable them to deliver those functions. Individual schools may also pool a certain amount of funding from their budgets to fund shared functions. EIP's can draw on coordinated use of specialist schools community funding.

Collegiates or Collaboratives

The Learning and Skills Council (LSC) and the DfES are encouraging LAs and schools to collaborate through clusters of schools and colleges working together to ensure that every student in the 14-19 age group has access to the broadest possible range of learning opportunities, including vocational and academic courses. There is no statutory basis to this arrangement; however there is a national 14-19 implementation plan which all LAs have to implement. The implementation of this plan would be significantly hampered without collaborative arrangements in place. Each school and college maintains its own identity, leadership and governance and the LA provides facilitation, support and challenge. Kirklees has established 14-19 collegiates for this purpose each of which has a collegiate management board. There are two Kirklees collegiates incorporating 4 clusters of schools and colleges.

Types of Schools Checklist

Criteria	Community	Foundation	VA	VC	Trust	Academy	CTC	Independent
Who employs staff?	LA	GB	GB	LA	GB/Foundation	GB	GB	School
Who owns land/buildings?	LA	GB/Foundation	Foundation	Foundation	GB/Foundation	GB	GB	School
Admission authority?	LA	GB	GB	LA	GB/Foundation	GB	GB	School
State funded?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No
Funded through LA?	Yes	Yes	Yes	Yes	Yes	No	No	No
Fee paying?	No	No	No	No	No	No	No	Yes
Provide primary provision?	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes
Provide secondary provision?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Follow National Curriculum?	Yes	Yes	Yes	Yes	Yes	Not necessarily	Yes	Not necessarily
Who proposes changes?	LA	GB	GB	LA	GB/Foundation	GB	GB	Not required

Appendix 2 Additional written information considered by the panel

1. Academy support programme documents
 - a. Academies update, Autumn 2006
 - b. New support services for the academies programme
 - c. Academy support programme
 - d. Academy leadership and induction programme
 - e. The making of an academy: City of London Academy
2. Association of Teachers and Lecturers (ATL). Position statement - academies. 2005.
3. Campaign for State Education (CASE) briefing - academies. February 2005.
4. City of Bradford Metropolitan District Council. Report of the Young People and Education Improvement Committee. Scrutiny of Academies, July 2006
5. DfES. A Short Guide to the Education and Inspections Act 2006.
6. DfES. Education and Inspections Act 2006 implementation chart.
7. DfES. Academy Governors Information Sheet
8. DfES. Academies Special Educational Needs Dispute Resolution Service. 2006
9. DfES. Academies sponsor prospectus 2005. ISBN: 1 84478 310 3
10. DfES. Delivering Academy Buildings through PfS - an Overview for Sponsors.
11. House of Commons Education and Skills Committee - secondary education. March 2005
12. The Education Network (TEN). Policy briefing - House of Commons Education and Skills Committee, Secondary Education. March 2005.
13. National Association of Schoolmasters Union on Women Teachers (NASUWT) / Catalyst. Academy schools: case unproven. 2006.
14. National Union of Teachers (NUT). Academies: looking beyond the spin. The NUT's opposition to the Government's academies initiative 2006.
15. National Union of Teachers (NUT). Academies: a briefing paper from Kirklees NUT. February 2006.

16. New Philanthropy Capital. On Your Marks: Young people in education - a guide for donors and funders. April 2006.
17. Price Waterhouse Cooper / DfES. Academies evaluation - first annual report. Nov 2003
18. Price Waterhouse Cooper / DfES. Academies evaluation - second annual report. 2004
19. Price Waterhouse Cooper / DfES. Academies evaluation - third annual report. 2005
20. DfES. Response to the Price Waterhouse Cooper second annual report
21. DfES. Response to the Price Waterhouse Cooper third annual report
22. The Young Foundation. Studio schools - summary. August 2006.