



Leicester  
City Council

**WARDS AFFECTED**  
All Wards

**FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:**  
**Education and Lifelong Scrutiny Committee**  
**Cabinet**

**22 March 2005**  
**4 April 2005**

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**A City Academy to Replace New College**

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**Report of the Service Director (Policy & Resources)**

**1. Purpose of the Report**

- 1.1 The purpose of the report is to establish whether Members wish to support the submission of an Expression of Interest to secure a second academy for the City to replace New College.

**2. Recommendations**

- 2.1 The Education and Lifelong Learning Scrutiny Committee is asked to give its views on the recommendations for consideration by Cabinet.

- 2.2 The Cabinet is asked to consider:

Whether or not to be a co-signatory for an Expression of Interest for an Academy to replace New College.

**3. Summary**

a) Background

- 3.1 New College Leicester opened in 1999 following the review of Secondary Education in the City. The school buildings consist of those of the former Alderman Newton's School and New Parks Community College with some later additions constructed since the school opened. The school was originally planned to provide 1800 places at 11-16 plus 330 post-16 places. The current number on roll (NOR) is 1200 plus at 116 post-16. The projected NOR for 2008 is around 1050.
- 3.2 The College was supported until 2003 with DfES Fresh Start funding which enabled increased leadership and management capacity to be provided and

funding to supplement LEA resources to enable a partial new build programme that is scheduled for completion in mid-2005. From the outset New College has been identified as a school causing concern because of the history of the three previous schools that came together to create New College (two in special measures and the other with serious weaknesses). As a school facing challenging circumstances additional resource has also been routed through the DfES Standards Fund. Working with the LEA, several Action Plans have been developed to target resources in order to raise standards of attainment, improve the quality of teaching and learning, improve the behaviour and attitudes of students, and increase the effectiveness of leadership and management. The relative lack of progress on these issues led to the LEA recognising the need for a range of special measures to be applied in September 2003 and when HMI visited the college in December 2003 they placed the school in special measures. A college action plan and an LEA action plan are in place with the target of removal from special measures by December 2005. A new interim principal has been appointed, a new staffing structure is being put in place to secure more effective and efficient leadership and management, and a wide range of strategies are being deployed to secure improvement in teaching and learning and in the standards achieved.

- 3.3 Performance in Key Stage 3 tests has improved but remains well below average for similar schools. Performance in GCSEs has changed little and in 2004 13% of students gained 5+ GCSE grades at A\*-C which is also well below average for similar schools. At GCE A level overall performance in 2004 was poor with a pass rate only just above 50%.
- 3.4 In 2003-2004 the number of fixed term exclusions (FTE) was high but similar to the previous year whilst the number of permanent exclusions fell to 11 to 9. Data for the current year shows an increased trend in the number of FTE.
- 3.5 Attendance in 2003-2004 was 83.34%, which is low and has further declined during the current year although there are signs of recent improvement.
- 3.6 The Governing Body has asked the LEA to withdraw delegation. The Secretary of State's approval to establish an Interim Executive Board is being sought. However, this is not a permanent solution.
- 3.7 The perceived benefits of an Academy to replace New College are:
  - A much greater level of investment than BSF would offer;
  - The opportunity for a completely fresh start with a brand new school rather than an adaptation of an existing school;
  - A new ethos and a new approach to leadership, drawing on the skills of sponsors and supporters
  - A more flexible and innovative curriculum, better suited to the individual needs of students
  - School buildings that are designed to deliver an innovative curriculum
- 3.8 The governors and potential sponsors have considered the issues outlined above and are recommending an Expression of Interest (EOI) to replace New College with an Academy. This report describes the EOI and seeks Members' views as to whether or not they would wish to be co-signatories to the EOI.

b) The Academy Programme

3.9 The Government's Academy programme was launched in 2000 by the then Education Secretary of State, David Blunkett as a "radical approach to promote greater diversity and break the cycle of failing schools".

3.10 The benefits that academies offer are still a matter of national debate. However, DfES states that key aspects of an Academy include:

- 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.
- The Academies programme aims to challenge the culture of educational under-attainment and to deliver real improvements in standards. All 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 Education Authorities (LEAs) 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.
- 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.
- Academies are publicly funded independent schools. Their independent status allows them the flexibility to be innovative and creative in their curriculum, staffing and governance. Academies, therefore, work in different ways to traditional Local Education Authority (LEA) schools.
- Where an Academy replaces an existing school directly, the Transfer of Undertakings Protection of Employment, (TUPE) Regulations will operate to provide for all employees, including the headteacher, generally to have a right to transfer to the Academy.
- Academies are fully inclusive all ability schools. They will comply with the Department's code of practice on admissions and special educational needs and with current guidance on exclusions.
- Over time we expect that all Academies will introduce more innovative and creative approaches to the curriculum. Academies are not bound by the National Curriculum and are free to adopt innovative approaches to the content and delivery of the curriculum.

- In line with maintained schools, Academies will carry out Key Stage assessments and offer qualifications within the national framework. They will also be inspected by the Office for Standards in Education (OFSTED).
- 3.11 Currently 17 schools have been established with a further 36 in varying stages of development. The Government's new target is to have at least 200 open or in the later stages of development by 2010.
- 3.12 It should be noted that, following a change in government policy, city academies are now designed to the same standards and within the same cost constraints as other secondary schools in the Building schools for the Future programme. However, there is an understanding from the government that this academy would be built to the earlier (higher) design standards and cost guidelines.
- 3.13 Academies receive slightly higher per pupil revenue funding. This is on the basis that the LEA does not retain a proportion of funding to provide the support services and academies incur VAT liabilities that they are unable to recover.

c) The Expression of Interest (EOI)

- 3.14 The draft EOI is available on request. The key features contained within the EOI are that the academy would:
- Provide 1050 places 11-16, plus 320 post-16, in line with the current projections for the number of places required;
  - Have specialisms in sport and another curriculum area, possibly the built environment;
  - Be a local school for local children, and there would be no selection on the basis of faith or religion, and
  - Be planned on the basis of opening in Sept 2008.

d) The implications for 'Building Schools for the Future' (BSF)

- 3.15 The academies programme is distinct from the BSF programme. However, both nationally and locally, academies are part of the strategy for transforming secondary education through the provision of a diverse range of schools. DfES has responded favourably to informal discussions about a second academy for Leicester. The Academies Division has said that New College is a national priority for an academy and ministers would be very keen to consider this option. DfES advised that New College should be taken out of the BSF proposals. In the event that the Academy proposal does not progress, the Council can reintroduce New College into the BSF programme when the Strategic Business Case is next reviewed. There is an understanding with Partnerships for Schools, who are responsible for delivery of the BSF programme, that this would be treated as an addition to the programme rather than being funded from within the agreed BSF allocation.
- 3.16 The Academy is part of the Secondary Transformation programme in the sense that school places and curriculum planning are consistent with the citywide proposals developed for BSF. In terms of risk, it should be noted that the

Academy would be planned to provide 1050 places compared to the original plan for New College of 1800 places. This is in line with the citywide projections for places required. The risk of other schools losing students as a result of the Academy becoming very successful and popular is no greater than it would be if any other school increased its popularity.

e) Implications of submitting an EOI

3.17 The submission of an Expression of Interest is not binding on the Council. The government may decide that the proposal should be taken forward, in which case the project would move into the feasibility stage, typically 6-12 months. Funding (up to £0.5M) is awarded to the sponsors to develop the proposal to a point where a funding agreement can be considered. Cabinet would be asked to make final decision on whether to support an Academy after the feasibility stage.

3.18 Irrespective of the decision of Cabinet, the Secretary of State has the power to order the closure of a failing school. In addition, the Secretary of State, following consultation with the LEA, could set up the Academy under the provisions of the Education Act 1996 and appropriate school grounds for an Academy site. However, it should be stressed that the current Government policy is to establish academies only with the agreement and support of the LEA and there is no precedent for an Academy being established without such support.

f) Commitments required from the Sponsors

3.19 Members have previously made it clear that they would wish to receive a commitment from the sponsors to three principles before they would consider supporting an Academy. These are:

- A local school for local people
- Working in Partnership with the LEA
- Exam results are included in City exam results.

3.20 It was agreed previously also at Cabinet and Council that an Academy should be a school for the local community which:

- Promotes the enduring values of comprehensive education;
- Has high expectations, with a commitment to high attainment, and a belief in young people both as they are and as they might become;
- Has no selection by ability, class, gender, religion, or geography;
- Promotes equal access;
- Is free at the point of use;
- Works in harness with the City's secondary transfer criteria;
- Has a governing body with significant community representation;
- Works with the City Council to promote and sustain neighbourhood revitalisation; and
- Participates fully in the networked learning opportunities with other City schools.

A school that provides individual pupils with:

- The best possible learning opportunities inside and outside the school;

- The best teaching and learning strategies;
- An innovatory curriculum that meets the diverse needs of the local population.

A school where the sponsor will:

- Have a deep and fundamental regard for the above principles;
- Have a commitment to use all of its resources to meet the individual and collective learning needs, life chances and ambitions of the local community;
- Have a commitment to developing and promoting the best possible teaching and learning within a vibrant learning environment;
- Have a commitment to working in partnership with the LEA and its strategy for raising standards in education;
- Involve all staff in development and promoting the most effective ethos, climate and culture.

3.21 The sponsors will be asked to give an assurance on these matters if and when Cabinet considers the Academy proposal again.

g) Potential sponsors

3.22 *A potential sponsor has not been confirmed at the present time. Further information is to be added here about a potential sponsor and the current position regarding negotiations if appropriate.*

h) Site and buildings

3.23 The proposal is to build the new Academy on playing fields adjacent to the existing New College. An indicative plan is appended to this report. Preliminary discussions with DfES have explored the benefits of building on a new site rather than using the existing New College buildings. This is perceived to be a way of allowing a new start for the school.

3.24 Almost without exception, when a new Academy is established, the LEA's contribution is to gift the site. There is a presumption that the proceeds of sale from any site surplus to the requirements of the Academy should be used to provide funding towards the building. This has been well tested in connection with the Mary Linwood site and the receipts from the primary schools that are due to close where the Council has successfully negotiated the retention of some of the receipts. The DfES would need to agree how any receipts were used and it is expected that they would need to be used to the benefit of the local community and in particular, students attending the Academy. The Council's strategy would be to ensure that the Academy has sufficient land available for school grounds and playing fields and meet statutory requirements. The appended plan shows the proposal, Area 3 would be offered as a 125-year lease and Area 2 would be offered as a renewable licence.

3.25 The final building works comprising the sports hall, resource area and administration block are still under construction and will not be complete until later this year. Terminating the contract whilst buildings are half complete is not a viable option. There are several potential alternative uses for the New College buildings, including the possibility of establishing a teacher resource centre. If

the Academy proceeds, options will be investigated in more detail although DfES agreement to the preferred option would be required.

- 3.26 The existing New College site, Area 4 on the appended plan, has redevelopment potential. It is anticipated that the existing buildings, other than those recently erected, would be demolished. The site is currently designated for education and community use in the local plan but preliminary discussions with development control officers indicate that some mixed use, possibly including an element of housing, might be possible. There would also be the opportunity to develop a Social Care and Health Centre, possibly some type of Skills Centre and training links with industry, all of which might have synergies with a teacher centre. The options for future use will need to be further explored and agreed with DfES.

## **4. Financial and Legal Implications**

### Capital implications

- 4.1 The overall strategy is to minimise the amount of land it is necessary to give up to the DfES, although there will be some. The value of any disposal is still to be determined. There may be a possibility of generating income or additional useable space from the remaining site. Options are currently being considered. However, DfES will influence this decision and the disposal would be subject to the rules of Section 77 of the School Standards and Framework Act with a presumption that the proceeds from the sale of playing fields would be reinvested in outdoor sports provision.

### Revenue implications

- 4.2 When an Academy is opened the DfES top slices the funding allocated to the Council for schools. Based on the arrangements in place in 2004/05, the top slice would be broadly the same amount as the LEA currently allocates to New College, meaning the financial impact is broadly neutral. However, the way the Council receives funding for schools is changing in 2006/07 and it is not yet possible to fully analyse the impact of this yet as the exact arrangements will not be finalised until Autumn 2005.
- 4.3 The current understanding of how Academies are funded is that should the cost of small school protection (or other factors) arise at New College, the DfES would bear this risk. There is no additional call on the Council in addition to the top slice outlined above. This will be closely monitored as the level of the top slice can vary each year and this could significantly affect the Council's position.
- 4.4 Schools in the City may suffer as a result of pupils transferring to New College. The financial impact of this on those schools and the LEA cannot be assessed at this stage until further details and pupil mobility is modeled.
- 4.5 The government's model funding agreement requires Academy governing bodies to ensure that teachers and other staff have access to the Teachers Pension Scheme or Local Government Pension Scheme as applicable. However, investigations are ongoing into whether the Council would retain any

obligation to underwrite liabilities.

(David Wilkin, Head of Finance – ext: 7750)

### Legal Implications

- 4.6 "The establishment of an Academy to replace New College will require the closure of the College under the procedure set out in the School Standards and Framework Act 1998 and associated regulations. The Academy itself would be set up under the provisions of the Education Act 1996 by the Secretary of State".

(Guy Goodman, Assistant Head of Legal Services – ext: 7054)

## **5. Details of Consultation**

- 5.1 The Teachers Consultative Committee (TCC) has considered this report and they indicated that they would wish to see the modelled financial impact on other schools when this is done (see 4.2 above). Clarification was sought as to whether ICT and any fixed plant reverts to the LEA should the Academy close. Concern was expressed that staff appointed by the Academy might be on different conditions to those transferred under TUPE.

## **6. Report Author/Officer to contact:**

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## **DECISION STATUS**

<b>Key Decision</b>	Yes
<b>Reason</b>	Significant in terms of its effect on communities living or working in an area comprising one or more ward
<b>Appeared in Forward Plan</b>	No
<b>Executive or Council Decision</b>	Executive (Cabinet)



