

Report to: **Lead Members for Learning and School Effectiveness**

Date: **13 July 2015**

By: **Director of Children's Services**

Title of report: **Proposal to end Local Authority's role as co-sponsor for Hastings Academy Trust**

Purpose of report: **To provide the Lead Member with information to support a decision**

RECOMMENDATION

It is recommended to the Lead Member that the Local Authority (LA) ends its role as co-sponsor for the Hastings Academy Trust.

1 Background

1.1 The Hastings Academies Trust was formed in 2011 to sponsor two secondary academies in Hastings and St Leonards.

The Trust's sponsors are:

- The University of Brighton
- BT

East Sussex County Council (ESCC) acts as co-sponsor to the Trust.

1.2 The Hastings Academy and The St Leonards Academy have been in operation since September 2011. The Local Authority's role as co-sponsor enabled it to play a leading role in the creation of the Trust and development of the first two academies. Acting as co-sponsor has, however, provided the LA with limited influence in the Trust since this early set-up phase.

1.3 The LA in its role as a Trust member has supported the two secondary academies in their journey to 'Good' Ofsted judgements and the extension of the Trust to include seven local primary schools. Dudley Infant Academy, West St Leonards Academy and The Baird Primary Academy joined the Trust during the 2013-14 year, whilst Churchwood Primary Academy, Hollington Primary Academy and Robsack Wood Primary Academy joined the Trust in September 2014. Silverdale Primary Academy recently joined in February 2015.

1.4 Academy schools were first introduced under the Labour Government through the Learning and Skills Act 2000 to improve pupil performance and break the cycle of low expectations in schools that had been struggling for some time or were in communities with low expectations. The first Academy schools were all 'sponsored academies' and all needed a private sponsor - an individual or an organisation. The sponsors were expected to bring "the best of private-sector best practice and innovative management" to academies, "often in marked contrast to the lack of leadership experienced by the failing schools that academies have replaced". Academy schools were given greater financial and academic freedoms to enable them to be more creative in delivering education and in order to improve performance.

1.5 The Academies Act in 2010 introduced by the Coalition Government made it possible for Ofsted rated 'Good' or 'Outstanding' schools to become 'convertor academies' without the need for a sponsor. Schools that are Ofsted rated 'Inadequate' and are placed in Special Measures are required to become a sponsored academy. Under this Act local authorities are not permitted to be sponsors of academies.

1.6 Local authorities have statutory duties to improve education for all children, as set out in Sections 13 and 13A of the Education Act 1996 as amended and as defined by the

Academy Act 2010 and the Education Act 2011. In 2014 the Government introduced the role of 'Regional School Commissioner' (RSC). There are eight regional RSCs and they are responsible for approving and monitoring academies and free schools in their area on behalf of the Secretary of State for Education. Their main responsibilities are to monitor the performance of the academies in their area and take action when an academy is underperforming.

1.7 Where the LA has concerns about the performance of an academy school they have a duty to raise any concerns they have about an academy's performance directly with their Regional Schools Commissioner. Statutory guidance from the Department for Education on 'Schools Causing Concern' also places a duty on the LA to 'seek to work constructively with academies and alert the Department for Education when they have concerns about standards or leadership in an academy.'

2 Supporting information

2.1 At the time ESCC sought to be a co-sponsor of the Hastings Academy Trust this was the most effective way for the Council to support the schools to improve performance. However, the education landscape has changed significantly since the Hastings Academy Trust was created and the New Academies Act in 2010 provided the opportunity for all schools to convert to academy status. Local Authorities are now not permitted to sponsor new academies. This has led the LA to review its role as a co-sponsor and it has reached the view that acting as a sponsor creates an unhelpful distinction in its relationship with the academies it sponsors and those that it does not sponsor. Being a co-sponsor of the Trust makes it difficult for the LA to discharge its statutory role in working with the Regional Schools Commissioner in relation to academies because of the conflict of interest.

2.2 The LA has a responsibility to champion educational excellence across all its schools and is committed to working with them irrespective of their status. All secondary schools in Hastings are now academies with either Hastings Academy Trust or ARK. It is anomalous that ESCC has a different relationship with the schools that are part of the Hastings Academy Trust than with the schools that are part of the ARK Academy Trust. The LA believes that it can more effectively champion the needs of all pupils in Hastings if it is not as a co-sponsor of the Hastings Academy Trust.

2.3 The recommendation to withdraw from the Hastings Academy Trust as co-sponsor is being proposed at a time when the University of Brighton, as the main sponsor, is also reconsidering its role and has reached the conclusion that now is the right time to consider changing the sponsorship arrangement. The University now has broader ambitions across Sussex and is seeking more involvement in the Trust.

2.4 The LA will continue to work with schools in the Hastings Academy Trust in order to support their shared ambition for educational excellence and remains committed to supporting them to achieve this. We will continue to work closely with the Academy Trust and support further improvements and any necessary expansion to accommodate more pupils if required.

2.5 The LA's role as a co-sponsor for other academies will also be reviewed going forward and this will be done at a time that is appropriate to the situation for each academy trust.

2.6 The LA will need to give one year's notice of resigning from Hastings Academy Trust, which means that the resignation will take effect from July 2016.

2.7 There are no financial implications relating to this report.

3. Risks

3.1 The proposal for the LA to cease its role as co-sponsor has not been universally supported and, in particular, ESCC councillors who represent Hastings have expressed their concerns.

3.2 Through dialogue with LA officers, the following risks have been identified and suggested mitigation is provided for each as follows:

- Impression that the LA is 'turning its back' on Hastings: the LA will continue to work closely with all schools in the Hastings area and will ensure that this is communicated clearly to schools and their communities;
- Loss of influence of the LA in the Hastings Academy Trust: the LA has very limited opportunity to influence the schools in the Hastings Academy Trust through its role as co-sponsor. Removing the conflict of interest created by acting as co-sponsor enables the LA to communicate any concerns unequivocally and raise any concerns about performance with the RSC; and
- Loss of ESCC badge/logo from the Trust and sense of confidence this instils in the local community: the LA will ensure that its commitment to the schools in the Hastings area is visible to the community by maintaining a strong partnership with the schools in the Hastings Academy Trust and using the LA's communication channels to share this with the local community.

4. Conclusion and reasons for recommendations

4.1 It is recommended to the Lead Member that the LA ends its role as co-sponsor for the Hastings Academy Trust.

4.2 As set out in the briefing, the policy context has changed significantly since the LA took the decision to act as co-sponsor. At the time the Hastings Academy Trust was established, acting as co-sponsor provided a mechanism to influence the development of the academies and maintain close links with the schools in the Trust. The policy context was less clear about the role of LAs in relation to academy schools and acting as co-sponsor provided an effective way of securing an ongoing role for the LA.

4.3 Now that the policy context has been clarified, acting as co-sponsor presents a number of challenges, in particular:

- The LA discharges its responsibilities for outcomes in all academy schools via the RSC; acting as co-sponsor creates confusion in terms of accountability and may place the LA in the position of raising concerns with the RSC about an academy school where it acts as co-sponsor; and
- Acting as co-sponsor for some academies and not for others creates an unequitable relationship between the LA and its academy schools and this compromises the LA's responsibility to champion educational excellence across all its schools.

4.4 Ending the LA's role as co-sponsor for the Hastings Academy Trust has the following benefits:

- It clarifies the LA's role in relation to schools in the Trust and aligns this with the policy context which no longer allows LAs to sponsor academy schools;
- It addresses the ambiguity that currently exists in the LA's role as co-sponsor where the LA is perceived to have responsibility but lacks any formal remit to discharge this. As co-sponsor, the LA does in fact have very limited powers to influence key decisions at both a strategic and operational level such as the appointment of the Headteacher;
- It removes the reputational risk to the LA from the underperformance of schools in the Hastings Academy Trust;
- It removes the conflict of interest for the LA and clarifies lines of accountability by allowing the LA to communicate any concerns about the

performance of academy schools in the Hastings Academy Trust unequivocally with the Trust and with the RSC; and

- It creates an equitable relationship between the LA schools in Hastings and across the county which allows the LA to effectively discharge its responsibility to champion educational excellence for all pupils.

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LOCAL MEMBERS

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BACKGROUND DOCUMENTS

There are no background documents to this paper.