

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Executive Lead Member for Children's Services
Date:	24 March 2010
Title:	The Establishment of The Havant Academy
Reference:	1459
Report From:	John Coughlan, Director of Children's Services

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1. Executive Summary

1.1. The purpose of this paper is to obtain authority for the completion of the necessary documentation to establish the Havant Academy, to recommend that the Executive Lead Member for Children's Services be the County Council's representative at meetings of the Members of the Academy Trust and to appoint two governors to represent the County Council on the Havant Academy Governing Body.

2. Contextual information

2.1. In April 2009, Cabinet approved the publication of notices to close Staunton Community Sports College with effect from the end of August 2010. The decision was contingent upon the establishment of an academy in its place and was taken, after extensive consultation, in the context of several years of very poor GCSE results and a significant number of surplus places. Cabinet also determined that the lead sponsor for the new academy should be a local post-16 college with the County Council, itself, also a co-sponsor.

2.2. Since April last year South Downs College of Further Education has been identified as the lead sponsor and officers of the County Council have been working closely with that college on everything that needs to be done to open the academy on 1 September 2010. The Department for Children, Schools and Families (DCSF) has appointed a firm of consultants to assist in the large amount of detailed planning that is needed. A principal designate has been appointed, most of the work is on track and the parties are now close to being able to sign the 'Funding Agreement' which is, in essence, the document that will allow the academy to go ahead and open on schedule.

2.3. All academies are 'state-funded, independent' schools and are funded directly from central government and performance managed by the DCSF, or one of

its agents. Each academy is responsible for its own assets and those assets are transferred from the school that it is replacing. Staunton Community Sports College is a foundation school and, as such, already controls its own assets. On its closure, it is expected that these will transfer back to the County Council and that the County Council will immediately transfer them to the new academy through a leasing arrangement, with the County Council retaining the freehold title of the land. It is anticipated that all assets will transfer except the swimming pool which is on the school site. That will remain in the full ownership of the County Council and discussions are continuing regarding the final terms reflecting this in the Asset Transfer Agreement.

- 2.4. In line with the County Council's Constitution, the agreements entered into on the Council's behalf in its capacity as co-sponsor, and in its capacity as the Local Authority which maintains Staunton Community Sports College, must be signed by the Head of Legal Services, or any person authorised by him.
- 2.5. The County Council as co-sponsor will be a Member of the Academy Trust, a company, and will be party to the Memorandum and Articles of Association. The company is limited by guarantee and the maximum financial liability to which each Member is, potentially, exposed is £10. It is proposed that the Executive Lead Member for Children's Services act as the County Council's representative at any meeting of the members.
- 2.6. The sponsors retain overall control of the academy but that control is exercised through the board of directors of the company which is the governing body of the academy. The board of directors exerts its influence on the character and quality of the school. The lead sponsor has the large majority of directors of this company (sponsor appointed) but the County Council, as co-sponsor, is entitled to two. The directors/governors are, for the purposes of charity law, also trustees. It is anticipated that the Academy company will be established shortly and, in order for the County Council's governors to act promptly as required when the company is established, it is recommended that the Executive Lead Member for Children's Services appoints two governors, conditional upon the establishment of the company. It is proposed that the two governors appointed should be Brian Pope, Area Director (Education and Inclusion) in the south east of the county, and Carol Koerner, Headteacher of Sharps Copse Primary School, which is a feeder school to Staunton Community Sports College. In accordance with the proposed Articles of Association, the term of office for governors will be four years. Elected Member oversight will be provided by the Executive Lead Member for Children's Services. Brian Pope and Carol Koerner will provide the professional expertise for the County Council to help drive the work of the academy and assure the improvement in outcomes for children and young people in the area.
- 2.7. The two governors, being trustees, will benefit from the terms of the Council's indemnification of Members and staff. Essentially, the trustee will be indemnified provided that he/she has acted in good faith and honestly believed that his/her actions were within his/her power and that his/her duty required or entitled him/her to act in that way.

3. Finance

- 3.1. Detail from the DCSF is unclear, as yet, but the principles are not. In essence the resources for Staunton Community Sports College which are currently passported through the dedicated schools grant via the County Council will, in future, go direct from government to the Havant Academy.
- 3.2. There are some implications for Standards Funds and other grants, and some for the resource that supports school improvement in the county. These are likely to be very marginal.
- 3.3. Further reports will be made both to the Executive Member and to Schools Forum as details emerge.

4. Consultation

- 4.1. The County Council's Constitution requires the Executive Lead Member for Children's Services, in making appointments to outside bodies (not on a proportional basis), to consult with the minority parties. Accordingly, Councillor Brian Dash has been consulted and has confirmed his support to the proposal that the Executive Lead Member for Children's Services appoint Brian Pope and Carol Koerner as Local Authority governors of the Havant Academy.

5. Recommendations

- 5.1. That the Executive Lead Member for Children's Services shall act as the County Council's representative at any meeting of the Members of the Academy Trust.
- 5.2. That the Executive Lead Member for Children's Services appoints, for a period of four years, Brian Pope, Area Director, and Carol Koerner, Headteacher of Sharps Copse Primary School, as Local Authority governors (directors) of Havant Academy, conditional upon the establishment of the academy company.
- 5.3. That the Executive Lead Member for Children's Services authorises the completion of the Funding Agreement, the Asset Transfer Agreement and all other documentation necessary to achieve the establishment of the Havant Academy.

CORPORATE OR LEGAL INFORMATION:**Links to the Corporate Strategy**

Hampshire safer and more secure for all:	YES
Corporate Improvement plan link number (if appropriate):	
Maximising well-being:	YES
Corporate Improvement plan link number (if appropriate):	
Enhancing our quality of place:	YES
Corporate Improvement plan link number (if appropriate):	

Other Significant Links

Links to previous Member decisions:		
<u>Title</u> Cabinet – “Building Schools for the Future (BSF): implementation in the Havant/Horndean area”	<u>Reference</u> Item 6	<u>Date</u> 27 April 2009
Direct links to specific legislation or Government Directives		
<u>Title</u>	<u>Date</u>	

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

<u>Document</u>	<u>Location</u>
None	

IMPACT ASSESSMENTS:

1. Equalities Impact Assessment:

- 1.1. The core vision of the Havant Academy is about inclusion and excellence. Its purpose is to increase significantly the number of young people who reach adulthood, able to be economically independent and effective citizens. Central to this is that children in the area achieve more than they do currently. The academy will serve the most disadvantaged area of Hampshire and its impact, if successful, will be to reduce the inequalities that currently blight that area.

2. Impact on Crime and Disorder:

- 2.1. Children and young people who achieve more usually have greater affiliation to others, and their communities, than children who are failing to make progress in school. The Havant Academy will set out to ensure greater progress for children within this community; will work with the community and other services to achieve that; and will hope to play a major part in reducing the crime and disorder that comes from disaffection and disengagement.

3. Climate Change:

- a) How does what is being proposed impact on our carbon footprint / energy consumption?

The Havant Academy is part of the first phase of *Building Schools for the Future*, and building work is likely to begin there in advance of that in the other schools in the area. *Building Schools for the Future* has the reduction of carbon emissions very high on its agenda and Hampshire's work on this, within *Building Schools for the Future*, has already been commended.

- b) How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts?

As above (paragraph 3 a)).