

<b>DECISION-MAKER:</b>	CABINET
<b>SUBJECT:</b>	ST MONICA'S SCHOOL ACADEMISATION
<b>DATE OF DECISION:</b>	18 OCTOBER 2021
<b>REPORT OF:</b>	CABINET MEMBER FOR EDUCATION

<b><u>CONTACT DETAILS</u></b>			
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<b>STATEMENT OF CONFIDENTIALITY</b>
N/A
<b>BRIEF SUMMARY</b>
<p>St Monica's was subject to an Ofsted inspection in 2019 and as a result was deemed 'Inadequate'. As a consequence, the Regional Schools Commissioner, (RSC) placed a Direct Academy Order (Statutory Notice) requiring the school to become an Academy (Forced Academisation). In the case of St Monica's School, the nominated Academy Trust for the proposed operation of the school via academisation is the Inspire Trust.</p> <p>The school is planned to transfer to Inspire Trust on 1st January 2022.</p> <p>The school is currently operated as a split site, with the Infant and Junior sites housed in different buildings approximately a quarter of a mile apart.</p> <p>When the Inspire Trust took on the management of the school, they stated their preference that the current Infant and Junior School sites be amalgamated onto the Junior School site to facilitate effective management of the school. Amalgamation onto the Junior school site would require the provision of three temporary modular classroom units and two permanent modular classroom units. The three temporary classrooms units are required to accommodate the current number of infant age pupils. Due to demographic changes however, this number will reduce in coming years and it is anticipated that the number of temporary classrooms will reduce by one per year, eventually leaving only the two permanent classrooms and associated toilet facilities.</p> <p>Associated with the additional classrooms there is a legal requirement to ensure that the fabric of the Junior site at the point of transfer to the Trust is in an appropriate and safe state as set out in the DfE Guidance on School Transfers to Academy Trusts.</p> <p>The amalgamation of the school onto the Junior School site would also free up the current Infant School for use in SCC Educations current proposed option for the developing SEND Expansion Programme.</p>

SCC Property Division have commissioned a Feasibility Study on this proposal to amalgamate the school on to the Junior School site which is attached as Appendix 1. A calculation of the required Repairs & Maintenance (R&M) Works to bring the school to an appropriate and safe state, D1 & D2 R&M Priorities from the SCC Condition Survey (D1 - Current review within 12 months and D2 - review after 12 months) are attached as Appendix 2.

#### RECOMMENDATIONS:

(i)	To approve the addition of £1,262,000 to the Education & Children's Social care capital programme, along with approval to spend, as detailed in paragraph 1. This will fund the SCC R&M Statutory commitments as part of the forced academisation of St Monica's infant School, together with the provision of two permanent modular classrooms to facilitate amalgamation onto the Junior School site.
(iii)	To approve to transfer funding to the academy trust to complete the works and delegate the Executive Director – Children and Learning to undertake a transfer agreement.

#### REASONS FOR REPORT RECOMMENDATIONS

1. **Option 3 Recommended – Undertake St Monica's Junior School D1 & D2 R&M Priorities to Comply with Statutory Requirements Under the Forced Academisation Of the St Monica's Primary School and the Amalgamation of St Monica's School onto The Junior School Site**

The amalgamation of St Monica's school onto one site will enable the Trust to operate the school on one site which will ensure an enhanced education provision. Additionally, it will allow the existing Infant School site to be vacated for utilisation as part of the SEND Expansion Programme. The improvements to the fabric of the Junior School will ensure all health and safety requirements are met as a legal obligation on the Council as set out in the DfE Guidance on School Transfers to Academy Trusts.

The overall cost to undertake D1 & D2 R&M Priorities together with provision of permanent and temporary accommodation is £1,951,000 as detailed in table below.

Works	Revenue	Capital	Total
Modular Provision (Temporary & Permanent)	£678,000	£350,000	£1,028,000
R&M D1 & D2 Priorities	£ -	£908,000	£908,000
Potential SCC Costs	£11,000	£4,000	£15,000
Grand Total	£689,000	£1,262,000	£1,951,000
Current Approved Budget	£690,000	£ -	£690,000
Funding Required	£ -	£1,262,000	£1,262,000

	<p>The recommendations assume that the SEND reconfiguration proceeds, and that funding is made available to fulfil the current plans. There is potential risk that if the reconfiguration is not fulfilled that the Infant School site may not be used for the purposes currently proposed.</p> <p>Schools Condition Allocation for 2021/22 was £4.3M in grant. This is not committed and available to fund the £1,262,000 capital cost, therefore no borrowing is required, leaving £3.1M for other school condition needs.</p>
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**ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

2.	<p><b>Option 1 – Do Nothing – Not Recommended</b></p> <p>The do-nothing option would not address the Council Statutory obligations under the forced academisation of St Monica’s Primary School. It would maintain the current split site which has proven to be problematic to the effective management and running of the school. Additionally, it will not allow the existing Infant School site to be vacated for utilisation as part of SCC Educations preferred option for the SEND Expansion Programme.</p> <p><b>Option 2 - Undertake St Monica’s Junior &amp; infant School D1 &amp; D2 R&amp;M Priorities Only to Comply with Statutory Requirements Under the Forced Academisation Of the St Monica’s Primary School, maintaining school provision on Infant &amp; Junior School Sites – Not Recommended</b></p> <p>To undertake the D1 &amp; D2 priorities on both sites to meet legal obligation on the Council as set out in the DfE Guidance on School Transfers to Academy Trusts. It would not however address the management issues of the Trust in respect of running the school on two sites, or free up the Infant School for utilisation as part of SCC Educations preferred option for the SEND Expansion Programme. It should be noted that this project is only at feasibility stage and has not been approved.</p> <p>Overall cost to undertake D1 &amp; D2 R&amp;M Priorities on both sites would be £2.04M and would all be capital spend resulting in a revenue saving (£0.7M).</p>
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**DETAIL (Including consultation carried out)**

4.	<p>Numerous meetings have taken place with the LA and the Inspire Trust and the project team managing the academisation of the school to ensure that there is agreement on the proposed arrangements.</p>
5.	<p>A full Feasibility Survey has been undertaken to determine the costs, and requirements for the instillation of both the permanent and temporary classrooms and associated infrastructure. The Capital assets team have also determined the work that needs to be carried out on the Junior school building to ensure that it meets current legal requirements. Details and costs can be found in the attached appendices.</p>
6.	<p>The Trusts Project Management Team have been consulted at all stages and are currently liaising with the DfE to receive further funding for other capital work on the Junior site. It is intended to allow the Trusts team to determine the order</p>

	<p>of works so that the needs of the school are met while ensuring that there is effective co-ordination between the LA and DfE funded improvements.</p> <p>Time constraints mean that SCC would not be able to procure and deliver the project itself by September 2022, hence initiating discussions with Inspire Trust to see if they would be willing to take on project delivery. Once confirmed this would be undertaken via a Transfer Agreement as part of the Academisation Agreement, with funding passed to the Trust to undertake the required works. The Transfer Agreement would encompass conditions ensuring that the required works are undertaken in line with SCC requirements and value for money is demonstrated.</p>
<b>RESOURCE IMPLICATIONS</b>	
<b><u>Capital/Revenue</u></b>	
7.	<p>Capital Funding allocation to be made to fund the SCC R&amp;M statutory commitments as part of the forced academisation of St Monica's infant School, together with the provision of two number permanent modular classrooms to facilitate amalgamation onto the Junior School site in the sum of £1,262,000 (Breakdown Included Above).</p> <p>It is proposed to fund this in full from the Schools Condition Allocation grant.</p>
8.	<p>Revenue funding was approved by Council in February 2021, and subsequently revised down to £690,000 due to decreasing pupil numbers. The budget will be utilised to fund provision of three temporary classrooms over academic years 2022/23 – 2025/26.</p> <p>There will need to be a reprofiling of the existing revenue budget to rephase spend to the updated project profile.</p>
<b><u>Property/Other</u></b>	
9.	N/A
<b>LEGAL IMPLICATIONS</b>	
<b><u>Statutory power to undertake proposals in the report:</u></b>	
10.	<p>Using the Secretary of State's powers under Section 4 of the Academies Act 2010, Regional School Commissioners (RSC) may make an academy order in respect of a maintained school either on the application of a school's governing body or if the school is eligible for intervention within the meaning of Part 4 of the 2006 Act.</p>
11.	<p>Where a maintained school is judged inadequate by Ofsted the RSC is under a duty to make an academy order. Before the RSCs exercise this duty, they may consider the viability of the school. If an academy order is made in respect of a school, the RSC must give a copy of the order to:</p> <ul style="list-style-type: none"> <li>a. the governing body of the school;</li> <li>b. the headteacher;</li> <li>c. the local authority; and</li> <li>d. in the case of a foundation or voluntary school that has a foundation: <ul style="list-style-type: none"> <li>(i) the trustees of the school;</li> <li>(ii) the person or persons by whom the foundation governors are appointed; and,</li> </ul> </li> </ul>

	(iii) in the case of a school which has a religious character, the appropriate religious body
12.	<p>For a maintained school which has been judged inadequate by Ofsted there is no requirement for a consultation to be carried out by the governing body or by the academy trust on whether the conversion should take place. There is no requirement for the RSC to consult on whether the maintained school should convert to an academy.</p> <p>Where such a maintained school is a foundation or voluntary school that has a foundation, the RSC must consult the following regarding the <i>identity of the academy trust</i>:</p> <ul style="list-style-type: none"> <li>(i) the trustees of the school;</li> <li>(ii) the person or persons by whom the foundation governors are appointed; and</li> <li>(iii) in the case of a school which has a religious character, the appropriate religious body.</li> </ul>
14	The Council has satisfied itself that the RSC has issued an Academies Order for St Monica's School in accordance with the above statutory provisions and is therefore required to transfer the school to Academy status in a fit and proper state and make good any outstanding repairs in accordance with the Scheme for Financing Schools as it applies to the funding of Maintained schools of the relevant category
<b><u>Other Legal Implications:</u></b>	
15.	N/A
<b>RISK MANAGEMENT IMPLICATIONS</b>	
16.	Failure to secure the finance to undertake the necessary works for academisation will further delay the conversion of the school to an academy against the statutory requirement as defined by the Direct Academy Order issued by the Regional School Commissioner, (RSC)
17.	Failure to secure the finance to undertake the amalgamation works to the Junior School site will impact on management of St Monica's Primary School together with not being able to progress SCC Educations preferred SEND Expansion Option
18.	Inspire Trust not able to provide temporary / permanent accommodation to facilitate amalgamation to Junior School Site with requirement for continued occupation / licence for Infant School site. Infant school not vacated for September 2022, potentially impacting the SEND proposed project and place numbers within the City's boundaries.
<b>POLICY FRAMEWORK IMPLICATIONS</b>	
19.	None
<b>KEY DECISION?</b>	Yes
<b>WARDS/COMMUNITIES AFFECTED:</b>	All
<b><u>SUPPORTING DOCUMENTATION</u></b>	

<b>Appendices</b>	
1.	St Monica's Junior School Site Consolidation Feasibility Study.
2.	SCC Condition Survey Allocation – St Monica's Junior School D1 / D2 Priorities Summary and Associated SCC Condition Survey.

**Documents In Members' Rooms**

1.	None.	
<b>Equality Impact Assessment</b>		
Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.		<b>No</b>
<b>Data Protection Impact Assessment</b>		
Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.		<b>No</b>
<b>Other Background Documents</b>		
Other Background documents available for inspection at:		
	<b>Title of Background Paper(s)</b>	<b>Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)</b>
1.		
2.		