

Subject:	Hove Park Secondary School Academy Conversion Consultation		
Date of Meeting:	2 June 2014		
Report of:	Executive Director, Children's Services		
Contact Officer:	Jo Lyons, Assistant		
	Name:	Director Children's Services Education & Inclusion	Tel: 29-3514
	Email:	Jo.lyons@brighton-hove.gcsx.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 On 31 March 2014 the Governing Body of Hove Park Secondary School resolved to begin a process of consultation regarding the possibility of the school converting to become an academy. It was proposed that the consultation would involve both current and prospective parents of pupils at the school, students, staff and the Local Authority (LA).
- 1.2 Academies are state funded schools which are directly funded by central government and independent of direct control of the LA. As Hove Park are voluntarily considering conversion to academy status it would not be necessary for the school to have a sponsor.

2. RECOMMENDATIONS:

- 2.1 That the committee consider the Chair of the Children & Young People's Committee's request that as part of the consultation process the Council should administer a ballot asking parents whether they agree with the governing body's proposal that Hove Park School should convert to academy status. It is proposed that all parents of pupils currently attending the school together with parents of those pupils offered places for September 2014 should be invited to take part in the ballot.
- 2.2 That the committee agree to the council undertaking a parent ballot. That the ballot be in paper form including a short covering letter to parents. It is proposed that the ballot asks one simple question; "Do you agree that Hove Park Secondary School should convert to become an Academy – Yes or No". It is proposed that the ballot is circulated via the school with a pre-paid envelope provided by the council for parents to return their response to the council who will analyse and communicate the results. Reference to the ballot will be referred to on the council website.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The decision on whether schools should convert to academy is for the governors only, not for the LA. The Council has a legal and moral obligation to work with all schools, irrespective of their governance status. This includes providing them the necessary support and guidance to ensure the maintenance of high educational standards and secure sufficient number of places for pupils in the area.
- 3.2 On 31 March 2014 the Governing Body of Hove Park Secondary School resolved to begin a process of consultation regarding the possibility of the school converting to become an academy. They agreed that the consultation would involve Hove Park current and prospective parents and carers, students and staff.
- 3.3 The governors also agreed to register an interest in becoming an academy with the Department for Education. This allowed them greater access to advice, thereby enabling them to become better informed in order to move forward and fully investigate the pros and cons of transfer to Academy Status. They committed to sharing this information with stakeholders.
- 3.4 The governing body is due to make the decision on whether the school will proceed with conversion to academy status on the 14 July 2014.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 The general consultation requirements on a school when they are considering conversion to an academy are as follows: Section 5 of the Academies Act 2010 requires that:
 - (1) Before a maintained school in England is converted into an Academy, the school's governing body must consult such persons as they think appropriate.
 - (2) The consultation must be on the question of whether the school should be converted into an Academy.
 - (3) The consultation may take place before or after an Academy order, or an application for an Academy order, has been made in respect of the school.
- 4.2 The Department for Education gives the following advice on its website regarding consultation:

"All schools are required to carry out a consultation but it is up to them to decide whom and how to consult. There is no specified length of time for the consultation and schools have flexibility in how it is conducted. None of the schools which have already converted has had any problems with the process of consultation, which is very straightforward. "
- 4.3 Consultation events with parents and stakeholders have taken place throughout May.

- 4.4 The school website has a dedicated 'Academy Consultation' page which contains letters which have been sent out to parents listing the dates of the consultation evenings for parents of both current and pupils starting at the school in September. Each year group has had its own consultation evening at which representatives from the school (Headteacher and governors), DfE and LA were present. Enclosed with this letter to parents is a 16 page document entitled "Why we are considering academy status" which provides further detailed information for parents.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 That any costs of administering the ballot including printing and distribution be covered by the council. As it is proposed that the ballot will be distributed via the school to parents using usual systems, costs will be kept as low as possible. It is estimated that the printing and distribution costs will not exceed £2000.

Finance Officer Consulted: Louise Hoten

Date: 20/05/14

Legal Implications:

- 5.2 The governing body of a school considering conversion to academy status must comply with the statutory requirements regarding consultation contained in section 5 of the Academies Act 2010 .The provisions of section 5 are set in paragraph 4.1 of the main body of the report above.

In view of the lack of specific requirements regarding the form and manner of consultation it is necessary to look to the general law which will apply whenever a public body consults. In the context of consultation about an academy conversion this might mean that the school should consult parents (and potentially pupils) at the school already, together with parents at feeder schools, those consultees should be given sufficient information about what is being proposed to understand why it is being proposed, the information needs to be in a form which people can understand, consultees should be given sufficient time to digest the information and the opportunity to ask questions, and the governors should be open minded on the question of whether to go ahead with conversion when they consider the consultation responses.

The governing body should therefore consult with parents as stakeholders in the process, but the manner of that consultation is a decision for governors There is no requirement that a parental ballot be held. When reaching a decision on conversion the governors will be obliged, as a matter of administrative law, to take into account all relevant considerations and responses to the consultation, which would include the results of any ballot held. Failure to do so could leave them liable to challenge on the basis that the decision that they have taken is unreasonable in all the circumstances.

It is the decision of the governing body whether or not to resolve to apply to the Secretary of State for an Academy order to be made in respect of the school (section 3 Academies Act 2010). Once the Secretary of State approves the

application an Academy order is issued which gives the school the legal right to start the conversion process.

Lawyer Consulted: Natasha Watson

Date: 20/05/14

SUPPORTING DOCUMENTATION

Appendices:

None