

Report of the Built Environment Lead

Report to Director of Children & Families

Date: 27th September 2018

Subject: Children’s Centre Agreement – Colton Primary School, Meadowfields Primary School Templenewsam Halton Primary School between Leeds City Council and Red Kite Academy Trust



Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Templenewsam	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

The Project Team (including Children & Families, Legal Services and Procurement and Commercial Services) have negotiated the Children’s Centre Agreement (CCA) between Leeds City Council and Red Kite Academy Trust and agreed a position in preparation for the academy transfer on 1st November 2018. All issues have been resolved to the Project Team’s satisfaction and the formalisation of the CCA is recommended in preparation for the transfer of those schools with Sure Start Capital funded Children’s Centre space on site to convert to Academy status.

Recommendations

It is recommended that the Director of Children & Families:

- Gives authority for the Children’s Centre Agreement to be executed and completed to ensure that Red Kite Learning Trust are obliged to provide the specified Children’s Centre services from the Meadowfield Primary, Colton Primary and Templenewsam Halton Primary sites and to ensure that the Red Kite Learning Trust are liable to pay any claw back monies requested by the ESFA should they cease to provide those services.

- Gives authority for the Local Authority calculated annual revenue amount to be payable to the Red Kite Learning Trust for the staffing and running costs of Meadowfield Children's Centre and Templenewsam Halton Children's Centre
- Notes the change to the decision to incorporate the children's centre agreement within the CTA and instead draws up a separate agreement

1 Purpose of this report

1.1 The report provides a summary of negotiations to date, advises on issues and risks and requests the Director of Children & Families to:

- Note and approve the negotiations held with the Solicitors for the Red Kite Academy Trust.
- Approve the signing of the CCA required to enable Children's Centre services to continue once the Academies open on 1st November 2018.

2 Background information

Under the Academies Act 2010, publicly funded schools in England may become Academies. Schools may be converted into academies by an Academy Order made under s4 of the Act, and on 24th April 2018, the Director of Children and Families received an Academy Order enabling the six schools of the Temple Learning Partnership School to convert.

2.1 Of the six schools Austhorpe Primary converted on the 1st of September the remaining 5 schools are due to convert on the 1st of November which are: Templenewsam Halton Primary, Colton Primary, Whitkirk Primary, Meadowfield Primary And Temple Moor High

3 Main issues

3.1 Of the six schools converting three of them have had new build/refurbishment works carried out which was grant funded from the Sure Start Capital Programme to enable them to provide children's centre services; should those services cease to be provided, and no alternative provision put in place, the Local Authority will be subject to pro rata claw back of the Sure Start Capital Programme grant monies paid.

3.2 The Authority received £615,000 of grant funding to build a nursery, community room and one to one rooms at Meadowfield Primary. £59,000 to refurbish space in Templenewsam Halton Primary and £41,000 to contribute to a hall extension to Colton Primary to provide scheduled services as a satellite to Templenewsam Halton Primary.

3.3 There are currently 3.5 staff who manage the CC services across the 3 sites and they are employed by the Governing Body of Temple Moor High School; the Local Authority pays a revenue amount annually to cover the staffing and running costs across the three sites, the calculation for this funding is based on numbers of children in the reach area and levels of deprivation. Currently the freehold of the sites vests with the Trust, upon conversion however the freeholds will vest with the academy and the CC staff will TUPE transfer to the academy

3.4 Under the terms of the Sure Start grant funding, the provision must be used for CC services for 25 years, if a centre closes then similar or better facilities must be provided within the reach area; if a centre closes without alternative provision in

place then the Authority will have to pay back part of the Sure Start capital grant the amount of which will depend on the number of years left of the 25 year agreement. In Leeds to date, despite the austerity measures, no Children's Centres have been closed without alternative provision because it is felt the services are vital to the development of young children, therefore the ESFA have never invoked claw back.

3.5 For the continuation of CC services in the Templenewsam Ward the Authority must pay the calculated annual revenue sum for staffing and running costs to the Red Kite Academy Trust, failure to do so will result in the centres closing and claw back being invoked and payment will be the responsibility of this Local Authority; however should Red Kite Academy Trust (RKAT) choose to utilise those funded spaces for another purpose then responsibility of the payment of any claw back monies due should be the responsibility RKAT. It was originally noted in a previous report that this could be covered in the commercial transfer agreement, however as negotiations have progressed it has been decided that a separate agreement is required.

3.6 Key issues that have been agreed are:

- LCC should pay the calculated annual revenue sum on the due date to RKAT post conversion to allow the CC services to continue, failure to do so will result in LCC being responsible for any claw back monies payable
- RKAT will continue to use the Sure Start Capital funded spaces for children's centre services as agreed in the CCA for the remainder of the 25 year claw back period; failure to do so will result in RKAT being responsible for any claw back monies payable
- A separate agreement will be written to set out the responsibilities of both RKAT and LCC in terms of the Children's Centres rather than it being covered in the CTA

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 All consultations regarding the proposed academy are undertaken by the Governing Body and it is for the Governing Body to decide upon a level of consultation which is deemed appropriate under the circumstances. However, it should be highlighted that there is no set guidance on how to quantify what appropriate consultation actually means in terms of duration and consultees. All interested parties should however, be provided with opportunity to respond and ask questions.

4.1.2 Whilst the Authority has no ability or rights to prevent the conversion from taking place which removes the Children's Centres from Local Authority control, a number of stakeholders within the Local Authority have been consulted on the CCA as part of the conversion process including Finance, HR, Early Start and

Built Environment teams within Children & Families and also Legal Services, and Procurement and Commercial Services. The Director of Children and Families was made aware of the proposed conversion on receipt of the Academy Order, and both the Executive Member for Children and Families and local Ward Members have been informed and are aware of the conversion via a written briefing submitted.

4.2 Equality and Diversity / Cohesion and Integration over the process.

4.2.3 The DfE have undertaken an Equality Impact Assessment in relation to the Academies Bill and have also completed a Race Impact Assessment in relation to the Academies Programme – both of these are publicly available on the DfE's website.

4.3 Council policies and Best Council Plan

4.3.1 The 'Leeds for Learning' policy is an ambitious city-wide commitment to achieving a child friendly city that drives school improvement and reflects the new relationship with schools, the integrated children's services and the changes to national policy and funding.

4.3.2 The Local Authority has a duty to promote high standards and champion educational excellence. The relationship between the Children's Centres and its schools must influence the city-wide agendas such as 'improve attainment and close the achievement gap', 'improve attendance and develop positive behaviour' and to 'create a life ready for learning'; all of which are aspirations from the Children and Young People's Plan. We will continue to apply the cycle of monitor, evaluate, challenge and support with children's centres in order that they become strong and capable of contributing to the key priorities of the city.

4.4 Resources and value for money

4.4.1 The City Council has incurred costs relating to legal, finance and project management. It should be noted that there is no DfE funding support for these costs.

4.5 Legal Implications, Access to Information and Call In

4.5.1 Legal implications are outlined above in 3.0 Main Issues.

4.5.2 This report does not contain exempt information under Access to Information.

4.6 Risk Management

4.6.1 Negotiations around the CCA have been handled by procurement and contract specialists in Legal Services and Procurement and Commercial Services who have given appropriate due diligence and advice. No risks have been identified which have not been raised within the body of the report. No future risks have been identified which are not mitigated through the CCA.

5 Conclusions

5.1 Under the circumstances, negotiations have progressed well and have been concluded – furthermore the relationship with RKAT and their advisors continues to be positive. Therefore the CCA is agreed and ready for sealing/signing as appropriate.

6 Recommendations

6.1 It is recommended that the Director of Children & Families:

- Gives authority for the Children’s Centre Agreement to be executed and completed to ensure that Red Kite Learning Trust are obliged to provide the specified Children’s Centre services from the Meadowfield Primary, Colton Primary and Templenewsam Halton Primary sites and to ensure that the Red Kite Learning Trust are liable to pay any claw back monies requested by the ESFA should they cease to provide those services.
- Gives authority for the Local Authority calculated annual revenue amount to be payable to the Red Kite Learning Trust for the staffing and running costs of Meadowfield Children’s Centre and Templenewsam Halton Children’s Centre
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7 Background documents¹

7.1 None

¹ The background documents listed in this section are available to download from the Council’s website, unless they contain confidential or exempt information. The list of background documents does not include published works.