
REPORT OF THE CHIEF EXECUTIVE OF EDUCATION LEEDS

EXECUTIVE BOARD: 16 April 2008

SUBJECT: Academy Protocols

EXECUTIVE SUMMARY

1.0 PURPOSE OF THE REPORT

1.1 The purpose of this report is to inform Members on the outcome of consultation on the Academy Protocols and to secure agreement on protocols that will inform the City Council's response to requests to establish academies in Leeds and to developing a corresponding memorandum of understanding to be signed by prospective sponsors, the DCSF and the local authority.

2.0 BACKGROUND

2.1 At its meeting on 23rd January, the Executive Board asked Education Leeds to consult upon and develop a protocol that would inform its response to establish academies in Leeds. The consultation document is attached at annex two and responses are recorded in annex three.

2.2 The Executive Board also asked Education Leeds to develop the protocol, informed by responses to the consultation, into a legally binding agreement that would ensure that future academies would be required to work in partnership with the local authority and other local schools to improve children's outcomes. This will be developed by Legal Services in the light of feedback from the Executive Board on this report.

3.0 RECOMMENDATIONS

3.1 Members are asked to:

- i. note the outcomes of the consultation
- ii. invite Education Leeds and Legal Services to develop a memorandum of understanding that reflect the contents of annex 4 and ensure that these are accepted and signed by representatives of the DCSF, any prospective academy sponsor in Leeds and the local authority.

Agenda Item:
Originator: Pat Toner
Telephone: 0113-247-5613

REPORT OF THE CHIEF EXECUTIVE OF EDUCATION LEEDS

EXECUTIVE BOARD: 16 April 2008

SUBJECT: Academy Protocols

Electoral Wards Affected:

ALL

Ward Members consulted (referred to in report)

Specific Implications For:

Equality & Diversity

Community Cohesion

Narrowing the Gap

Eligible for Call-in

Not Eligible for Call-in (Details contained in the Report)

1.0 PURPOSE OF THIS REPORT

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2.0 BACKGROUND INFORMATION

2.1 At its meeting on 23rd January, the Executive Board asked Education Leeds to consult upon and develop a protocol that would inform its response to establish academies in Leeds. The list of consultees is attached at annex one, the consultation document at annex two, and responses to the consultation are recorded in annex three.

2.2 Increasingly the role of the Local Authority is changing from ‘provider’ of services and schools to the ‘commissioner’ of provision to serve local communities. Academies are schools accountable directly to the DCSF and therefore independent of the local authority. The success of an academy critically depends on the absolute responsibility given to their sponsors, their governing bodies and their principals. However, most

Academies are jointly commissioned by the DCFS and the Local Authority on a partnership basis. They are established through an agreement between the DCFS, the Local Authority and the sponsor.

- 2.3 Our vision for learning in Leeds places schools at the heart of universal provision. Schools that develop, nurture and maintain strong, innovative and creative relationships with each other and with their stakeholders and partners to drive good attendance, positive behaviour, high standards and significantly improved Every Child Matters outcomes for all our learners.
- 2.4 We are exploring a cluster model for the development of further Academies here in Leeds. We aim to develop, with partners and stakeholders and our children and young people, the potential for establishing Academies in South Leeds, West Leeds and the Centre of Leeds to complement the existing David Young Community Academy in East Leeds. These Academies would work within area clusters and establish strong, dynamic partnerships with other local schools.
- 2.5 We have been working with colleagues at the DCSF to develop and agree a framework within which any Academies could be developed. This includes collaborative approaches to:
- social responsibility and partnership;
 - delivery of a Leeds learner entitlement
 - admissions and exclusions;
 - curriculum planning and provision;
 - accountability arrangements.
- 2.6 We have agreed with the DCSF that any further Academy in Leeds will sign up to an agreed set of policies and protocols for these aspects of provision whilst ensuring their 'independent state school status' is not compromised. These protocols will be included within a Memorandum of Understanding for any Academies which are to be established in Leeds. The David Young Academy was consulted in the development of the protocol and will be invited to join these agreements.

3.0 **MAIN ISSUES**

- 3.1 The consultation ran for 6 weeks and ended on 20th March 2008. The list of consultees is attached at annex one and the consultation document at annex two. In the following sub-sections the key issues that emerged during the consultation on each of the areas outlined in 2.5 above are analysed. The sub-section goes on to propose amendments to the draft protocol. These are captured separately in section annex 4.

3.2. **Social responsibility and partnership**

- 3.2.1 As a result of comments made during the consultation, the protocol will now make explicit an expectation that a sponsor commits to ensuring that parents of young people attending the academy will be represented upon the academy governing body. It will also require proposals to establish an academy in Leeds to identify how the views of young people will regularly be captured to inform the development of the academy. The protocol will now also require sponsors to ensure that they recognise for collective bargaining purposes those trades unions recognised by Leeds City Council.

- 3.2.2 Education Leeds and Legal Services will, subject to the agreement of Executive Board, now develop memorandum of understanding to be agreed by the prospective sponsor of a new academy in Leeds that will ensure that:
- parents of young people attending the academy will be represented upon the academy governing body;
 - every proposal to establish an academy in Leeds will identify how the views of young people attending the academy will inform the development of the academy;

- sponsors agree to recognise for collective bargaining purposes those trades unions recognised by Leeds City Council;
- the new academy will become an active contributor to school improvement, curriculum delivery partnerships and the network of providers and agencies coordinating with Children's Services in Leeds.

3.3 **Delivery of the Leeds Learner Entitlement**

3.3.1 As a result of comments made during the consultation it is recognised as difficult to require prospective sponsors to agree to adopt and implement a Leeds learning entitlement that is yet to be finalised and agreed by other schools in Leeds. Indeed there will be no requirement of other schools in Leeds to adopt and implement any new learning entitlement. Rather, schools will be asked to commit to the Leeds Learner Entitlement.

3.3.2 Education Leeds and Legal Services, will subject to the agreement of Executive Board, now develop memorandum of understanding to be agreed by the prospective sponsor of a new academy in Leeds that will ensure that:

- consideration is given to reflecting within proposals to establish an academy in Leeds any agreed Leeds Learning Entitlement. And, in common with community schools, will be invited to commit to the entitlement.

3.4 **Admissions and exclusions**

3.4.1 This element of the draft protocol received the greatest number of comments reflecting the significance consultees placed on ensuring that academies operated inclusively to ensure that none of its young people were left behind. Consultees were also keen to ensure that academies actively collaborated with other schools in Leeds so that the needs of every child attending the academy mattered and were successfully being met by the academy. It was suggested that an explicit statement that safeguarded the circumstances of young people with SEN should be included.

3.4.2 Education Leeds and Legal Services will, subject to the agreement of Executive Board, now develop memorandum of understanding to be agreed by the prospective sponsor of a new academy in Leeds that will ensure that:

- admissions arrangements will be developed in consultation with both the local authority and with other schools;
- the Leeds admissions policy of "Local Schools for Local Children" informs the development of the admissions policy and that therefore "nearest school" will be the key factor in determining admission to the academy;
- young people with identified SEN will be admitted as a clearly identified priority group;
- from its opening the academy will work actively with other local providers in the city to avoid any exclusions and to make suitable and appropriate provision for all children reflecting their individual needs;
- from its opening the academy will take its share of excluded pupils from other Leeds schools and accept in year transfers according to the Leeds fair access policy.

3.5 **Curriculum planning and provision**

3.5.1 There was broad agreement from consultees on this element of the protocol. The only significant suggestion was that there should be an explicit statement about developing post 14 curriculum pathways in partnership with other schools and other providers. However, there is an increasing understanding that the 17 specialised diplomas will require all providers, including academies, to collaborate in order to ensure comprehensive access to high quality personalised curriculum pathways.

- 3.5.2 Education Leeds and Legal Services will, subject to the agreement of Executive Board, now develop memorandum of understanding to be agreed by the prospective sponsor of a new academy in Leeds that will ensure that:
- the academy will contribute to the implementation and development of a Leeds post 14 curriculum framework working in partnership with other providers in the locality including the FE presence
 - the academy develops its post 14 curriculum offer using
 - the Leeds on-line Area Prospectus that is now available;
 - a Common Application System for Post 16;
 - appropriately quality assured 14-16 vocational learning providers;
 - the cross sector city-wide e-learning strategy;
 - it must be an active contributor to the planning and quality assurance of post 14 provision.

3.6 **Accountability**

3.6.1 It was suggested during the consultation that there should be a requirement to provide governance opportunities (not Parent Council additional tiers) for local community representatives depending on the local community's needs and wants. However, given the reference to appointing parents to the governing body in 3.2.2 above, and the role of governors nominated by the local authority addressed here, there is no need to make further reference to the make-up of the governing body.

- 3.6.2 Education Leeds and Legal Services will, subject to the agreement of Executive Board, now develop memorandum of understanding to be agreed by the prospective sponsor of a new academy in Leeds that will ensure that:
- City Council will nominate two governors to the governing body, one representing the locality and one representing the administration.

3.7 **Other issues emerging from the consultation**

3.7.1 There were a number of responses that suggested that memoranda of understanding were not enforceable agreements. It is the view of Education Leeds that a sponsor's decision to sign such an understanding, taken alongside the accountability role of the DCSF and the legal status of such an agreement, provides sufficient reassurance to the City Council on the enforceability of this agreement. There were a number of responses that suggested that given the importance of the issues addressed by this consultation more time should have been given to enable a wider range of consultees to respond. However, Education Leeds received 22 written responses to this consultation and it is not clear that extending the consultation would have significantly increased the number of responses. It was suggested that the protocol should address attendance issues alongside admissions and exclusions issues. Another suggestion was that academies should be encouraged to synchronise their holiday arrangements with other Leeds schools.

- 3.7.2 Education Leeds and Legal Services will, subject to the agreement of Executive Board, now develop memorandum of understanding to be agreed by the prospective sponsor of a new academy in Leeds that will ensure that:
- Both attendance support from the LA and information/data sharing protocols will need to be included in any future Academy agreements to enable early intervention and support for Persistent Absence pupils and vulnerable pupils, including Safeguarding.
 - very careful consideration is given to the impact of the academy establishing school holiday arrangements that were significantly out of step with neighbouring schools and specifically with the academy's partner primary schools.

3.8 The proposed contents of the memorandum of understanding to be agreed by the prospective sponsor of a new academy in Leeds are brought together for the Executive Board to consider in annex four.

4.0 **IMPLICATIONS FOR COUNCIL POLICY AND GOVERNANCE**

- 4.1 Key stakeholders including young people, ward councillors, school governors and headteachers, recognised trades unions, the LSC, diocesan authorities serving Leeds, and neighbouring local authorities, were consulted on these protocols.
- 4.2 The issues addressed in this report will impact on the 'Narrowing the Gap' and 'Going up a League' agendas. Academies in Leeds have the potential to contribute to the ambitious targets to meet key priorities within the Children and Young People's Plan and the work on the Local Area Agreement.
- 4.3 The development of new models of provision, such as Academies, will have significant implications for Council policy and governance which will be addressed in any proposals that are developed for further consideration by Executive Board.

5.0 **LEGAL AND RESOURCE IMPLICATIONS**

- 5.1 The funding of secondary and post-16 provision in Leeds is a significant part of the Children's Services overall budget and part of the Learning and Skills Council budget. The establishment of Academies in Leeds has the potential to have major financial implications for Leeds City Council as it increasingly takes total responsibility for all 14 – 19 provision here in Leeds. A detailed financial plan will be developed alongside any specific proposal that is developed for further consideration by Executive Board.

6.0 **RECOMMENDATIONS**

- 6.1 Members are asked to:
- i. note the outcomes of the consultation
 - ii. invite Education Leeds and Legal Services to develop a memorandum of understanding that reflect the contents of annex 4 and ensure that these are accepted and signed by representatives of both the DCSF, any prospective academy sponsor in Leeds and the local authority.

Annex one

Academy Protocol - List of consultees

Governors' Forum	Via Katy Hockridge, EL Governors Support Team for inclusion on governor's forum agenda
All Chairs of Governors	Hard copies sent by post to all C of Govs on 26/2/08
Catholic Diocese	FAO Deirdre Rowe, Principal Education Officer for Education and Schools
C of E Diocese	FAO Clive Sedgewick, Diocesan Director of Education, Ripon and Leeds Diocese
DYCA	Ros McMullen – Headteacher Chair of Governors via Jane Viney, Clerk to Governors
LSC	Via Gary Milner, EL
FE Colleges	Via Gary Milner, EL
Head Teachers, Parents and Pupils at potential academies	Annette Hall, Headteacher of Intake Colin Bell, Headteacher of South Leeds High
Unions, including Association of School and College Leaders (formerly Secondary Heads Association)	Michael Pyle –ASCL formerly SHA John Beckett – NAHT Keith Rogers – NAHT Malcolm Learoyd – ASPECT John Duggan – T & G W U Derek Mclennan – AEP Richard Martin – ATL Jack Jackson and Steve White – NASUWT Patrick Murphy and Tim Hales – NUT Lynn Brook, Sue Osbaldeston & Mandy Roach - GMB) Dick Banks – AMICUS Brian Mulvie, Brenda Russell & Sheila Hemingway – UNISON
All Councillors	Via e-mail
Neighbouring Authorities	Nina Mewse – Education Bradford Cynthia Welbourn – North Yorkshire County Council Claire Allman – Kirklees Metropolitan Council Cheryl Hobson – Wakefield Metropolitan District Council
All Education Leeds Officers	Via Infobase
Chamber of Commerce	Alan Gill (Non Executive Director) via email 5/3/08 with apologies for late consultation

Annex two

Academy Protocol - Consultation Document

We have been working with the government to agree a framework within which an Academy could be developed in Leeds. This includes agreements on:

- social responsibility and partnership;
- delivery of a Leeds learner entitlement
- admissions and exclusions;
- curriculum planning and provision;
- accountability.

The government has agreed that any new Academy in Leeds will legally abide by agreements in each of these areas in return for receiving the support of Leeds City Council.

You are asked to comment on the outline of each part of the agreement that is provided below. In particular it is useful to know if you believe that an element is unnecessary and should be omitted or alternatively that an important element has been overlooked and should be included in any final agreement.

1 Social responsibility and partnership

- 1.1 Academies in Leeds will serve particular local communities and support the implementation of the Leeds Inclusive Learning Strategy. Any new academy in Leeds must have clear policies and procedures in place to ensure that it effectively engages with its local community and parents and that it provides effectively for all the young people it serves.
- 1.2 Any new academy in Leeds must have clear arrangements for communicating, and where appropriate consulting and negotiating, with its staff.
- 1.3 Partnerships and collaborations across schools that add value are essential if Leeds is to create a viable and sustainable learning infrastructure with learning pathways for all our young people. Any new academy in Leeds is expected to build on existing successful local partnerships across schools and between schools, colleges and universities utilising the good practice that has developed over recent years. The Education Leeds School Improvement Policy works to ensure that all Leeds schools have a strong partnership with Education Leeds and actively builds partnerships between schools where there will be a mutual benefit. Any new academy in Leeds must become an active contributor to such partnerships and ensure these partnership arrangements continue to develop.

2 Delivery of the Leeds Learner Entitlement

- 2.1 Headteacher Forum in Leeds has agreed to develop a new vision for learners in Leeds that would take the form of a learner entitlement. There is an existing 14-19 entitlement to which schools, colleges and other partners have agreed. The new entitlement will be developed over the spring and summer terms 2008. It is suggested that an agreed entitlement would be an appropriate element of any academy proposal.

3 Admissions and exclusions

- 3.1 In addition to the statutory requirements of the government's Admissions Code of Practice, any new academy in Leeds must work with other local schools to develop common approaches that ensure the establishment of high quality viable local provision for local young people. Any new academy in Leeds must apply the recently adopted "In year fair access protocol" for all Leeds Schools. Finally, any new academy in Leeds must work

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Academy Protocol - Consultation Document

actively with other local providers in the city to avoid any exclusions and to make suitable and appropriate provision for all children responding to their individual needs.

4 Curriculum planning and provision

- 4.1 Work is currently underway on the development of a Leeds Curriculum Framework that will ensure that Leeds can meet the statutory requirement for all young people to access all 14 specialised Diploma lines by 2013. This framework will ensure an agreed 14-19 curriculum offer for the city where all programmes have clear progression routes. Any new academy in Leeds must contribute to the implementation and development of this framework. This will include ensuring that the academy develops its post 14 curriculum offer using;
- the Leeds on-line Area Prospectus that is now available
 - a Common Application System for Post 16
 - appropriately quality assured 14-16 vocational learning providers
 - the cross sector city-wide e-learning strategy
- 4.2 Any new academy in Leeds must be an active contributor to the planning and quality assurance of post 14 provision in its locality.

5 Accountability

- 5.1 Academies will form an increasingly important part of the learning landscape here in Leeds and we need to develop models of governance and accountability that connect any new academy with its stakeholders, partners and its community as well as being part of the provision in the City of Leeds. In order to actively demonstrate their commitment to working in partnership as part of the wider community of Leeds any new academy in Leeds would be expected to allow the City Council to nominate two governors to its governing body, one representing the locality and one representing the administration.

Annex three

Academy Protocol - Responses to the consultation

Academies Protocol Consultation Summary of responses @ 27th March 2008

23 Respondents with 81 comments, summarised by section:

Section 1 (7 comments)

- Requires explicit statement about placing SEN pupils if the academy objects (1)
- Wording too vague – Locality needs to be defined and also linked to the admissions policy (1)
- Section 1.3 Requested further information on the success criteria for partnerships. Are all existing partnerships good, how would they continue, and how would academies join them? (1)
- Partnerships felt to be key – good communication is very important for success (1)
- Section 1.1/1.2 It is self evident that any new academy would have to have clear policies and procedures in place as well as an effective communication system (1)
- Section 1.3 Partnerships cannot be fully realised without compromising the ability of academies to pursue new models of working, which is one of their key strengths (1)
- Section 1.3 Strengthen the wording to state “partnerships across schools, with colleges and other providers are essential!” (1)

Section 2 (3 comments)

- Which entitlement? – requires clarification (1)
- 2.1 The present academy offers the new 14-19 curriculum and is doing that successfully by establishing partnerships not bound by Education Leeds (1)
- Section 2. Why would an academy not adopt the Leeds Learner Entitlement, since it will be good practice and ensure the needs of all learners are met. (1)

Section 3 (13 comments)

- Must accept excluded pupils (1)
- Additional statement regarding admission of SEN students needed to avoid unnecessary appeals and escalation to SOS DCSF to direct a placement. (1)
- Admissions policy statement should include need to consult with other schools not just EL (1)
- Need to honour the ‘nearest’ criteria within whichever admissions policy they adopt (1)
- Requires definition of ‘locality’ and more explicit about working with LEA policies (1)
- Don’t know what in year fair access protocol is (1)
- Who adopted the In year Fair Access Protocol? Governors Forum / individual GB’s have not adopted this (1)
- What is the LEA’s statutory duty in the context of working with others over exclusions, and does it override the actions of an Academy Governing Body? (1)

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Academy Protocol - Responses to the consultation

- 3.1 seeks to address the issue of higher exclusion rates at academies and the financial impact of placing excluded pupils, however it is not enforceable (1)
- Section 3 Who are the other partners apart from schools and colleges? (1)
- Section 3 Why should exclusions be avoided if there are pupils whose behaviour puts other pupils and staff at risk? (1)
- 3.1 Formal agreements over exclusions risk the ethos academies are trying to build up in their local communities. Perhaps the needs of excluded pupils need to be considered more creatively rather than passing them from school to school (1)
- Inclusion / exclusions are key, as everyone's learning is important (1)

Section 4 (3 comments)

- This section should refer to compliance with any future agreed policy on post 16 provision (1)
- Definition of locality needed (1)
- 4.1 Curriculum planning must be left to the discretion of each academy but it would be useful to ensure a fair distribution across the city of the 14-19 vocational diplomas (1)

Section 5 (5 comments)

- Clarification of phrases "learning landscape" and "connect any new academy with its stakeholders, partners and its community" required (1)
- Needs to be sentence which states a requirement relating to providing governance opportunities (not Parent Council additional tiers) for local community reps - again depending on what the local community is and wants (1)
- Challenge the need for City Council appointing 2 governors as there are already LEA governors on a governing body (1)
- 5.1 How would City Council governors be selected to ensure a strong governing body with a balanced skill set? (1)
- 5.1 The two City Council governors should not be a right, but encouraged as a matter of discretion for the new governing body (1)

Legal & governance issues (21 comments)

- Enforceable status / clauses is not compatible with Academy status (5)
- Requested confirmation of legal status of protocol (1)
- Specific terms / general tone too vague (4) (specific mentions of 'legally abide', 'clear arrangement', 'it is expected', 'it is suggested that')
- It is my understanding that it is not compulsory for new academies to sign up to the protocol as stated, that this would be dependent on the sponsoring bodies. (1)
- The wording suggested could be comfortably accepted by the DYCA and thus would not address many of the relevant issues (1)
- Terms included are the minimum required for all schools, whatever their status (1)
- Introduction - Trusts and memorandums would be a better model to quote than 'agreements in return for receiving the support of LCC' (1)
- No mention of funding scrutiny (1)
- Community schools are already bound by the terms of this protocol, and these are preferable to academies (2)
- Make up the governing body is not sufficient to ensure LA can enforce such policies (3)
- Should a certain number of LA reps be insisted upon? (1)

Rights and representation issues (6 comments)

- There is no mention of terms and conditions of service, or recognition of Trade Unions (4)

Annex three

Academy Protocol - Responses to the consultation

- No mention of community's input into shaping a new academy (1)
- Rights of young people and staff affected are not mentioned (1)

Other issues (17 comments)

- Holidays should be synchronised with other Leeds schools (1)
- Separate section on attendance needed (1)
- Is DYCA expected to sign up? (1)
- Opposed to academies in principle (4)
- Concerned that protocol doesn't provide a mechanism to prevent teaching of subjects such as creationism (1)
- No mention of vetting procedures for potential sponsors (1)
- Request copies of Leeds Inclusive Learning Strategy, Leeds School Improvement Policy, In Year Fair Access Protocol to make further comments (1)
- Include a reference to how the LA supports Academies in relating to managing attendance and persistent absence (including legal roles / responsibilities, quality Assurance role and data collection/monitoring) (1)
- Include something on how the LA oversees support for vulnerable children and young People(e.g LAC, Safeguarding etc), including data sharing protocols (1)
- It should be made clear that consideration of Academy status does not imply failure of any school, and this may be a positive step forward as part of the school's development and progression (1)
- The role of the sponsor should be clearly defined to make sure they have an understanding of educational issues and context. (1)
- Sponsors can only sign up to a vision for learning for the city if they have seen it. Partners and stakeholders need to agree the vision for learning in the city, and communicate it widely. This should include colleges as well as schools. (1)
- Acknowledgement of the potential for major financial implications for Leeds City Council, and also for other post 16 providers is needed. This is due to the 'top slice' funding for post 16 learning at academies. Care will be needed when agreeing post 16 numbers for academies. This will require further consideration as we move forward to the new structures set out in the White Paper "Raising Expectations". (1)
- The issue of locality and local partnerships needs definition, and terms of reference for partnerships agreed. (1)

Factual Corrections (1 comment)

- There will now be 17 diplomas not 14 (1)

Consultation Process (5 comments)

- Timescale too short (1)
- Whilst the need to establish a protocol is supported, it should have been preceded by document outlining the city wide vision for education in Leeds, and we are unable to respond without this (1)
- Consultation conducted in utterly shambolic way, and timing nothing short of bizarre (1)
- Discussions regarding specific academies are being held in secretive manner, and discussion of a city wide vision for secondary education, including the role of academies, should have been conducted first. This undermines the protocol being consulted upon. (1)
- Cannot understand delay in sending out the paper (1)

Annex three

Academy Protocol - Responses to the consultation

Detailed responses

Date	Method	Respondent	Comments
17/03/08	Meeting	Labour Group (Cllr Mulherin)	<ul style="list-style-type: none"> • Whilst the need to establish a protocol is supported, it should have been preceded by document outlining the city wide vision for education in Leeds, and we are unable to respond without this. • Consultation conducted in an utterly shambolic way, and timing nothing short of bizarre • Discussions regarding specific academies are being held in secretive manner, and discussion of city wide vision for secondary education, including the role of academies, should have been conducted first. This undermines the protocol being consulted upon. • Cannot understand delay in sending out the paper
29/02/08	Letter	Allerton High School Chair of Governors	<ul style="list-style-type: none"> • Sections 1,2,4,5 accepted. • Section 3. All schools must accept pupils excluded from other schools • Other - Term and half term dates must be in keeping with other Leeds schools to reduce pressure on working parents and on other schools.
?	Meeting	Intake School Council	<ul style="list-style-type: none"> • Section1, partnerships, felt to be key – good communication is very important for success • Section 3 is important – inclusion / exclusions are key, as everyone's learning is important • Things which are important to the running of a successful school, discussed in relation to the possibility of an Academy at Intake: Getting more people into school Children learning in order to achieve Thinking about the education of every learner Lessons are more active and involve a variety of lessons Not working at a weekend for everyone Academy should be in with all the other schools No testing by aptitude in Performing Arts There is already an audition for 10% of the entry Other local schools are available Therefore selection by aptitude is important, linked to the specialism of the school
18/03/08	Meeting	Trade Unions Liaison Group	<ul style="list-style-type: none"> • The unions generally remain philosophically opposed to any Academies. Any comments made do not imply any change in this position. • There is no mention of terms and conditions of service, or recognition of Trade Unions • Make up the governing body is not sufficient to ensure LA can enforce such policies • Many of the terms are too vague e.g. 'clear arrangement', 'it is expected', 'it is suggested that' • The inclusion of enforceable clauses is not compatible with Academy status
25/02/08	e-mail	Stephen	<ul style="list-style-type: none"> • Timescale too short for such an important matter, should have allowed for full consultation cycle

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Academy Protocol - Responses to the consultation

		Rennie, Governors Forum	
11/03/08	e-mail	Andrea Cowans, EL 14-19 Project manager	<ul style="list-style-type: none"> • Factual error/update there are now 17 diplomas making up the entitlement by 2013, not 14
12/03/08	e-mail	Gary Nixon, EL Integrated Children's Services	<ul style="list-style-type: none"> • Section 1 - SEN provision overlooked. The LA currently has no powers to direct the admission of SEN children into an academy if it says no. Although implicit in section 1.1, but should be clearer. • Section 3, admissions – Additional statement regarding admission of SEN students needed to avoid unnecessary appeals and escalation to SOS DCSF to direct a placement."
03/03/08	e-mail	Dave Masterman, Chair of Governors, SLHS	<ul style="list-style-type: none"> • Attachment not readable, but summary paraphrased from memory by HT: • The protocols are good, but could go further. • It should be made clear that consideration of Academy status does not imply failure of any school, and this may be a positive step forward as part of the school's development and progression. • The role of the sponsor should be clearly defined to make sure they have an understanding of educational issues and context.
06/03/08	e-mail	Sarah Steel, Chair of Governors, Robin Hood Primary	<ul style="list-style-type: none"> • Section 3.1 – it is vital that “the consultation on admission policy for new Academies must involve local schools rather than just Education Leeds”
06/03/08	e-mail	Viv Buckland, EL Admissions Team	<ul style="list-style-type: none"> • Section 3 – The requirement around admissions should include the need to honour the ‘nearest’ criteria within whichever admissions policy they adopt
03/03/08	e-mail	Jane Hall, EL Attendance Strategy Manager	<ul style="list-style-type: none"> • Separate section on attendance needed. Refer to Academy Principal's Handbook on the DCSF website (January 2007) www.standards.dfes.gov.uk/academies. Details of two specific issues are: • Include a reference to how the LA supports Academies in relating to managing attendance and persistent absence (including legal roles / responsibilities, quality Assurance role and data collection/monitoring) • Include a reference to how the LA oversees support for vulnerable children and young People(e.g LAC, Safeguarding etc), including data sharing protocols.

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Academy Protocol - Responses to the consultation

28/02/08	e-mail	Cllr Matthew Lobley	<ul style="list-style-type: none"> • In support. • Not clear about in year fair access protocol so unable to comment.
28/02/08	e-mail	Malcolm Learoyd, EL School Improvement	<ul style="list-style-type: none"> • Have the existing Academy been asked to sign up, or are there plans to ask them to do so?
26/02/08	e-mail	Cllr Richard Brett	<ul style="list-style-type: none"> • Should a certain number of LA reps on the governing body be insisted on?
11/03/08	e-mail	Ian Garforth, Governor and member of Governors Forum	<ul style="list-style-type: none"> • The phrase legally abide is too vague and requires clarification • Trusts and memorandums would be a better model to quote than 'agreements in return for receiving the support of LCC' • Section 1.1 – wording too vague – Locality needs to be defined and also linked to the admissions policy • Section 2 – which entitlement – the new one? • Section 3.1 – for local people – locality needs to be defined. Academies must be required to set admissions policies that are compatible with the LA . • Section 3.1 – Who adopted the In year Fair Access Protocol? Governors Forum / individual GB's have not adopted this • Section 3.1 – working with others over exclusions – What is the LA's statutory duty in this context, and does it override the actions of an Academy Governing Body? • Section 4.1 – This section should refer to compliance with any future agreed policy on post 16 provision • Section 4.2 – definition of locality needed • Section 5.1 – Clarification of phrase "learning landscape" required • Section 5.1 - Clarification of phrase "connect any new academy with its stakeholders, partners and its community" • Section 5.1 - Needs to be a sentence which states a requirement relating to providing governance opportunities (not Parent Council additional tiers) for local community reps - again depending on what the local community is and wants
19/03/08	Letter	NASUWT	<ul style="list-style-type: none"> • NASUWT is opposed to Academies in principle • The protocol would not be enforceable, and the basic nature of academies is enshrined in statute and would therefore be upheld over the protocol • There is no mention of the need to recognise Trade Unions, or of upholding national or local pay and conditions of service

Annex three

Academy Protocol - Responses to the consultation

18/03/08	Letter	NUS	<ul style="list-style-type: none"> • NUS is opposed to academies in principle • Not legally enforceable • Wording is too vague to be meaningful • Rights of young people and staff affected are not mentioned • The presence of 2 LA governors is not sufficient to provide effective protection for the local community of schools • The wording suggested could be comfortably accepted by the DYCA and thus would not address many of the relevant issues • Community schools are already bound by the terms of this protocol, and we would urge the council to preserve their status
13/03/08	Letter	Eileen Hallas, Governor at Windmill and Clapgate Primaries, & governors forum member	<ul style="list-style-type: none"> • Challenge the need for City Council appointing 2 governors as there are already LA governors on a governing body
19/03/08	Letter	GMB	<ul style="list-style-type: none"> • Opposed in principle to academies • Challenge how the agreement can be enforceable given current legislative powers of academies • Concerned that protocol doesn't provide a mechanism to prevent teaching of subjects such as creationism • Note the absence of pay and conditions, right of representation and collective agreements • No mention of vetting procedures for potential sponsors • No mention of community's input into shaping a new academy • No mention of funding scrutiny • Too vague • Local Authority schools are already bound by these protocols and these are preferred to academies. • Urge LCC to support community schools which are more accountable to the local community
20/03/08	email	ATL	<ul style="list-style-type: none"> • Terms contained are the minimum needed for all schools, whatever their status • The inclusion of two governors nominated by the LA would not provide any control • There is no binding requirement regarding pay and conditions. • Once an academy is established the protocol would have no legal standing

Annex three

Academy Protocol - Responses to the consultation

			<ul style="list-style-type: none"> Protocol 3.1 seeks to address the issue of higher exclusion rates at academies and the financial impact of placing excluded pupils, however it is not enforceable
11/03/08	letter	Leeds Chamber of Commerce	<ul style="list-style-type: none"> Requested a confirmation of the legal status of the protocol Section 1.3 Requested further information on the success criteria for partnerships. Are all existing partnerships good, how would they continue, and how would academies join them? Section 3 Who are the other partners apart from schools and colleges? Section 3 Why should exclusions be avoided if there are pupils whose behaviour puts other pupils and staff at risk? Section 5.1 How would City Council governors be selected to ensure a strong governing body with a balanced skill set? Request copies of Leeds Inclusive Learning Strategy, Leeds School Improvement Policy, In Year Fair Access Protocol to make further comments.
25/03/08	email	Ann Nicholl	<ul style="list-style-type: none"> Section 1.1 / 1.2 It is self evident that any new academy would have to have clear policies and procedures in place as well as an effective communication system Section 1.3 Partnerships cannot be fully realised without compromising the ability of academies to pursue new models of working, which is one of their key strengths Section 2.1 The present academy offers the new 14-19 curriculum and is doing that successfully by establishing partnerships not bound by Education Leeds Section 3.1 Formal agreements over exclusions risk the ethos academies are trying to build up in their local communities. Perhaps the needs of excluded pupils need to be considered more creatively rather than passing them from school to school Section 4.1 Curriculum planning must be left to the discretion of each academy but it would be useful to ensure a fair distribution across the city of the 14-19 vocational diplomas Section 5.1 The two City Council governors should not be a right, but encouraged as a matter of discretion for the new governing body It is my understanding that it is not compulsory for new academies to sign up to the protocol as stated, that this would be dependent on the sponsoring bodies.
4/4/08	email	Christina George, LSC	<ul style="list-style-type: none"> Sponsors can only sign up to a vision for learning for the city if they have seen it. Partners and stakeholders need to agree the vision for learning in the city, and communicate it widely. This should include colleges as well as schools. The issue of locality and local partnerships needs definition, and terms of reference for partnerships agreed. Acknowledgement of the potential for major financial implications for Leeds City Council, and also for other post 16 providers is needed. This is due to the 'top slice' funding for post 16 learning at academies. Care will be needed when agreeing post 16 numbers for academies. This will require

Annex three

Academy Protocol - Responses to the consultation

			<p>further consideration as we move forward to the new structures set out in the White Paper “Raising Expectations”.</p> <ul style="list-style-type: none">• Section 1.3 Strengthen the wording to state “partnerships across schools, with colleges and other providers are essential!”• Section 2. Why would an academy not adopt the Leeds Learner Entitlement, since it will be good practice and ensure the needs of all learners are met.
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Annex four

Academy Protocol - Content of a Memorandum of Understanding

As a result of the analysis outlined in section 3 of this report Education Leeds and Legal Services will, subject to the agreement of Executive Board, now develop memorandum of understanding to be agreed by the prospective sponsor of a new academy in Leeds that will ensure that:

- parents of young people attending the academy will be represented upon the academy governing body;
- every proposal to establish an academy in Leeds will identify how the views of young people attending the academy will inform the development of the academy;
- sponsors agree to recognise for collective bargaining purposes those trades unions recognised by Leeds City Council;
- the new academy will become an active contributor to school improvement and curriculum delivery partnerships within Leeds;
- consideration is given to reflecting within proposals to establish an academy in Leeds any agreed Leeds Learning Entitlement;
- admissions arrangements will be developed in consultation with both the local authority and with other schools;
- the Leeds admissions policy of “Local Schools for Local Children” informs the development of the admissions policy and that therefore “nearest school” will be the key factor in determining admission to the academy;
- young people with identified SEN will be admitted as a clearly identified priority group;
- from its opening the academy will work actively with other local providers in the city to avoid any exclusions and to make suitable and appropriate provision for all children irrespective of their individual needs;
- from its opening the academy will take its share of excluded pupils from other Leeds schools and accept in year transfers according to the Leeds fair access policy;
- the academy will contribute to the implementation and development of a Leeds post 14 curriculum framework;
- the academy develops its post 14 curriculum offer using
 - the Leeds on-line Area Prospectus that is now available;
 - a Common Application System for Post 16;
 - appropriately quality assured 14-16 vocational learning providers;
 - the cross sector city-wide e-learning strategy;
- it must be an active contributor to the planning and quality assurance of post 14 provision;
- City Council will nominate two governors to the governing body, one representing the locality and one representing the administration;
- Both attendance support from the LA and information/data sharing protocols will need to be included in any future Academy agreements to enable early intervention and support for Persistent Absence pupils and vulnerable pupils, including Safeguarding.
- very careful consideration is given to the impact of the academy establishing school holiday arrangements that were significantly out of step with neighbouring schools and specifically with the academy’s partner primary schools.