

NOTICE OF MEETING

Education Employment Sub Committee

Tuesday 19 July 2011, 5.30 pm

Council Chamber, Fourth Floor, Easthampstead House, Bracknell

To: EDUCATION EMPLOYMENT SUB COMMITTEE

Councillors Allen, Mrs Birch, Brunel-Walker, Davison and Mrs Temperton

cc: Substitute Members of the Panel

Councillors Thomas, Angell, Blatchford, Ms Brown, Dudley, Mrs Pile and Worrall

Co-optee:

Councillor Alan Ward

ALISON SANDERS

Director of Corporate Services

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Education Employment Sub Committee
Tuesday 19 July 2011, 5.30 pm
Council Chamber, Fourth Floor, Easthampstead House,
Bracknell

AGENDA

Page No

1. APPOINTMENT OF CHAIRMAN

2. APOLOGIES FOR ABSENCE/SUBSTITUTE MEMBERS

To receive any apologies for absence and to note the attendance of any substitute members.

3. DECLARATIONS OF INTEREST

Members are asked to declare any personal or prejudicial interest and the nature of that interest, in respect of any matter to be considered at this meeting.

4. URGENT ITEMS OF BUSINESS

Any other items which, pursuant to Section 100B(4)(b) of the Local Government Act 1972, the Chairman decides are urgent.

5. MINUTES OF PREVIOUS MEETING

To receive the minutes of the Sub-Committee held on 26 January 2010.

1 - 2

6. ACADEMY SCHOOLS

To receive an update on the Academies Programme and an overview of the employment implications of a school converting to academy status.

3 - 8

7. STRIKE ACTION 30 JUNE 2011

To update the Committee on the impact of recent strike action by teachers in Bracknell Forest.

9 - 14

8. DATE OF NEXT MEETING

The next meeting of the Education Employment Sub Committee will take place on Tuesday 11 October 2011 at 5.30pm.

**EDUCATION EMPLOYMENT SUB
COMMITTEE
26 JANUARY 2010
5.30 - 6.00 PM**



Present:

Councillors Edger, Leake, Mrs Beadsley, Mrs Ryder

Also Present:

Mr T Wheaton, NUT

Tony Madden, Chief Officer: Human Resources

Paul Young, Human Resources Manager, Social Care and Learning

5. Apologies for Absence/Substitute Members

There were no apologies or substitute members.

6. Declarations of Interest

There were no declarations of interest.

7. Minutes of last meeting

RESOLVED that

the minutes of the Sub-Committee held on 21 April 2009 be approved as a correct record and signed by the Chairman.

8. Job Evaluation

The Chief Officer: Human Resources introduced the item, explaining that it had already been discussed at non-school committees and was now being brought to this sub-committee because of its impact on non-teaching schools-based staff. He drew the sub-committee's attention to paragraph 5 of the circulated report, indicating that this was the only variation from the standard report on job evaluation which had been circulated. For school-based non-teaching staff there was a separate national statutory negotiating body which might in the future create country-wide pay scales for these staff. However, until these scales were brought in, the Council needed to make arrangements to equality proof the pay structure for this group of employees.

Headteachers and Chairs of Governors had already been briefed, and shortly school bursars would also be briefed. Three schools had volunteered to take part in a pilot study for the job evaluation exercise, and this would begin in the following week.

The sub-committee **RESOLVED** to note the report.

9. **Independent Safeguarding Authority Vetting and Barring Scheme**

The Human Resources Manager: Social Care and Learning introduced the report, explaining that this issue had been brought to an earlier meeting of the sub-committee, and this was just an update, although there had been little change since the last meeting. He drew attention to paragraph 4.8 reminding the meeting that all school staff would have to be registered with the Independent Safeguarding Authority (ISA) because their work was classed as Regulated Activity. Registration would begin in July 2010 for newly appointed employees, and from November 2010 would become mandatory for new workers or those moving to new jobs. For those who were already employed, the registration process would begin in April 2011.

Members of governing bodies of schools and those who were involved in activities with children would need to be CRB checked as well as being registered with ISA. This checking was part of the Safer Recruitment training, and was a statutory requirement for Headteachers and Governors. A fee of £64 was payable by the Council for registration with ISA, but would be waived for Governors as their role was voluntary.

The sub-committee **RESOLVED** to note the report.

10. **Date of next meeting**

The next meeting of the sub-committee will be held on 27 April 2010.

**TO: EDUCATION EMPLOYMENT COMMITTEE
19 JULY 2011**

**ACADEMY SCHOOLS
Director of Children, Young People and Learning**

1 PURPOSE OF REPORT

- 1.1 This report provides the committee with an overview of the employment implications of a school converting to academy status. Rather than provide full details of the conversion arrangements it is intended to provide a brief introduction to academy schools to enable the committee to consider the implications of conversion.
- 1.2 To date there is one school in Bracknell Forest that has successfully applied to convert to an academy - Ranelagh. It is unclear at present whether any other schools in Bracknell are likely to consider transfer. This report identifies some of the main employment issues experienced through the transfer of staff at Ranelagh.

2 RECOMMENDATION(S)

- 2.1 **The committee are asked to note the contents of the report and consider the employment aspects of academy conversion.**

3 REASONS FOR RECOMMENDATION(S)

- 3.1 To make the committee aware of the implications of academy conversion.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 n/a

5 SUPPORTING INFORMATION

What is an Academy?

- 5.1 An Academy is a state funded independent school which is exempt from local authority control. Under the previous government it was predominantly underperforming secondary schools which became Academies whilst under the coalition government it was initially high performing state schools (primary and secondary) rated as outstanding by Ofsted that have been encouraged to convert to academy status. From 2011 the academy route has been open to all primary, secondary and special schools.
- 5.2 There are two forms of Academies. Sponsored Academies replace schools which have been deemed to be unsuccessful and may have been in an Ofsted category, for example in Special Measures. The Secretary of State can direct a school to close and be replaced by a sponsored academy. Sponsors include faith groups, successful schools, charities, universities, companies and philanthropic individuals. Converter Academies are successful schools that chose to change to the status of an Academy.

- 5.3 The DfE have published extensive guidance for schools wishing to convert to an Academy and a small grant is available to assist with the process.

What are the freedoms that Academies have?

- 5.4 The main areas where academies have freedoms include:
- Staff pay and conditions – Academies cannot pay more than a teacher could reasonably expect under the School Teachers' Pay and Conditions Document, but could pay newly appointed teachers less.
 - The curriculum – however, it must be broad and balanced, include English, mathematics, science and RE*, and meet the National Curriculum assessment requirements. (For Academies without a religious character, this will be the locally agreed syllabus).
 - Financial and accounting arrangements – Academies do not have to comply with local authority financial and accounting arrangements. Their arrangements are set out in the funding agreement and payment is direct from the Young People's Learning Agency (YPLA).
 - School improvement – the local authority cannot intervene when the performance of an Academy causes concern although intervention is possible by the Secretary of State under the funding agreement.
 - School organisation – the local authority cannot make proposals to increase or decrease the number of pupils; or the age range of pupils; or to close an Academy. The funding agreement states the planned capacity of the school and age range, also specifying the number of sixth form or nursery places.
 - Infant class size – academies do not have to comply with current requirements for maximum class size of 30 for pupils in Key Stage 1.
 - The length of term and school days – the length of the school day and term can be extended or reduced.
 - Academies may not charge for attendance or admission or for the provision of education.
- 5.5 In order to convert there are a number of processes that need to be followed for employment purposes.

5.6 Consultation

Where a school considers transfer to an academy a full consultation process needs to be undertaken to include all relevant stakeholders. This provides an opportunity for staff and trade unions to comment on the proposals.

These arrangements were implemented at Ranelagh but the number of staff involved with the joint staff and trade union meetings was limited – only 7 staff members. This out of a total staff team of 167 employees. The school insisted this was due to the fact that they had already had held a number of internal staff meetings where these proposals were discussed. It is worth noting that as Ranelagh is an Aided school the staff are already employed by the governing body of the school.

5.7 TUPE

Once a decision is made to transfer to academy status the employees of the school will need to transfer to a new employer, this being the governing body of the new school. This process is followed under the TUPE regulations. This results in the workforce being transferred to the new employer on the same terms and conditions of employment.

Although the actual timescales to enable TUPE consultation is not defined in law, one would normally expect a period of at least 28 days to adequately consult fully with staff and trade unions. These consultation arrangements should be to identify what will be transferred to the “new” school and identify any proposed changes to the employment (known as Measures). There are some complex responsibilities under the TUPE regulations that need particular attention. One of which involve pensions but for academy transfers this is relatively straightforward, as staff will remain within the Teachers’ Pensions Scheme of the Local Government Pension Scheme – as appropriate.

The position with Ranelagh was relatively straightforward in that staff were already employed by the school so the transfer relates to the legal changes in status to an academy. This was reflected with the staff and trade union TUPE meeting involving fewer than 30 staff, less than 18% of the workforce. One area that has proved complex relates to the arrangements for the flexible benefits packages offered through Bracknell Forest. It has become apparent that these cannot be provided in the same form through the academy. As a result, should Ranelagh wish to continue with these, they will be required to run these schemes directly.

The arrangements for academy schools allow them to deviate from national pay, terms and conditions of service. This was discussed through the consultation period but did not appear to have been a particular concern for staff.

5.8 Trade unions

The trade unions have been involved with the consultation arrangements during the process undertaken at Ranelagh School. There has been a consistent message presented by trade unions during this period, all of which is supportive of the LA and partnership arrangements with other schools.

5.9 Services to schools

There are a number of services offered to schools through buy back arrangements under Service Level Agreements. There are over 30 current in place. To continue with these the academy can decide on which services they wish to continue and buy this back from the Council.

Ranelagh has indicated their intention to sustain purchase levels of LA services as at 2010/11, so in the short term there appears a low risk to be able to maintain current traded services. Clearly, were there to be an escalation in the numbers of Bracknell Forest schools seeking conversion, and in-year funding adjustments, it will be necessary to ‘downsize’ a range of central services to reflect any loss on trading.

5.10 The future

It is difficult to judge how the academy status programme will be developed in Bracknell Forest over the coming months and years. There are ongoing discussions with schools, with heads and governors, with the aim to identify which schools are considering a change in status. These discussions will continue during the autumn term.

Conclusion

- 5.11 Bracknell Forest prides itself on the strong partnership that exists with all our schools. At present we have not seen a great desire from our schools to take on academy status and many schools have stated that they do not want to become academies and prefer to remain as maintained schools.
- 5.12 Over the past year the DFE has constantly expanded the entry requirements for schools seeking to become academies and any school can now apply. The timescales are such that conversion can take place over a relatively short period of time. We know that schools are discussing academy status at governing body meetings.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 Not requested for this information item

Borough Treasurer

- 6.2 Not requested for this information item

Equalities Impact Assessment

- 6.3 Not undertaken for this information item

Strategic Risk Management Issues

- 6.4 The academy programme presents financial, organisational and educational risks, the significance of which will be determined by the number of conversions that take place and the extent to which the Council continues trading . The likelihood of a significant impact from these risks will increase if more schools convert. At this stage, with only one school known to be converting, overall risks are considered to be relatively low. Risks will be further evaluated during the coming months.

Other Officers

- 6.5 n/a

7 CONSULTATION

Principal Groups Consulted

- 7.1 n/a

Method of Consultation

- 7.2 n/a

Representations Received

- 7.3 n/a

Background Papers

Academies Act (2010)

Contact for further information

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**TO: EDUCATION EMPLOYMENT COMMITTEE
19 JULY 2011**

**STRIKE ACTION – 30 JUNE 2011
Director of Children, Young People and Learning**

1 PURPOSE OF REPORT

- 1.1 This report provides the committee with an overview of the industrial action that occurred on 30 June 2011.

2 RECOMMENDATION(S)

- 2.1 The committee are asked to note the contents of the report as an information item.

3 REASONS FOR RECOMMENDATION(S)

- 3.1 For information only.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 n/a

5 SUPPORTING INFORMATION

- 5.1 The industrial action had the following impact on our schools:

- 15 Schools Closed
- 5 Schools partially opened
- 19 Schools Open

There were a total of 257 teachers taking part in the strike action – 214 full time and 43 part time. The payroll department has been advised of the names of these teachers in order for a pay deduction to be made for the one day of absence. A breakdown of the schools closures are attached as Annex A.

5.2 Communications

A guidance note was issued to headteachers and chairs of Governors to provide advice on dealing with the impending action. This helped resolve some of the regular questions which may have been forthcoming from headteachers. Indeed, there were a number of occasions where we were able to signpost headteachers to the guidance issued when phoning through with enquiries.

There was regular contact between headteachers and the HR Team to discuss the impact of the strike action on their schools. A number of regular questions were raised regarding opportunities for cover arrangements and minimum staffing numbers for the school to be safe. There were not too many contentious issues to resolve.

In addition an internal communications network was established within Bracknell Forest to ensure Members and other relevant officers of the council were advised of the impact of the action. The electronic media of the Bracknell Forest website, twitter etc was updated and the local media, including Radio Berkshire, were informed.

5.3 Trade unions

The Bracknell Forest union representatives for the NUT and ATL proved very helpful in their useful and timely contact. They were able to provide details of any issues arising at certain schools regarding the action and, in many ways, provide a degree of reassurance of the actions their unions and members were intending to take. This was particularly useful in regard to the picketing arrangements. There were a number of headteachers who were particularly anxious on how to respond to any form of demonstration or picket. The information received from the trade unions helped provide re-assurance to those headteachers that there were unlikely to be any local picketing. There was a larger demonstration held in Reading where, it would appear, local Bracknell teachers were in attendance.

5.4 Future Actions

It is too early to say exactly how this dispute will develop over the coming months. Other trade unions, such as the headteachers union NAHT, are balloting their membership on future strike action. It is also known the the support staff unions GMB and Unison are considering their options for future action. It is currently unclear what the position is of the remaining teaching unions.

We will continue to monitor the situation very closely and retain an open dialogue with the various trade union organisations.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

6.1 Not requested for this information item

Borough Treasurer

6.2 Not requested for this information item

Equalities Impact Assessment

6.3 Not requested for this information item

Strategic Risk Management Issues

6.4

Other Officers

6.5 n/a

7 CONSULTATION

Principal Groups Consulted

7.1 n/a

Method of Consultation

7.2 n/a

Representations Received

7.3 n/a

Background Papers

Contact for further information

Paul Young, Children, Young People and Learning - 01344 354060

Paul.young@bracknell-forest.gov.uk

Annex A

Establishment	Number of teachers	School Status	Number of teachers on strike	% teachers on strike
TOTAL	1,004		257	26%
Ascot Heath Church of England Junior School	12	1 - Open	0	0%
Ascot Heath Infant School	12	1 - Open	0	0%
College Town Junior School	16	1 - Open	0	0%
Cranbourne Primary School	12	1 - Open	0	0%
Crowthorne Church of England Primary School	10	1 - Open	0	0%
Holly Spring Junior School	12	1 - Open	0	0%
Meadow Vale Primary School	23	1 - Open	0	0%
Sandy Lane Primary School	30	1 - Open	0	0%
St Michael's CE Aided Primary School, Sandhurst	11	1 - Open	0	0%
St Michael's Easthampstead CE Aided Primary School	10	1 - Open	0	0%
Whitegrove Primary School	25	1 - Open	0	0%
Wildmoor Heath School	13	1 - Open	0	0%
Wildridings Primary School	15	1 - Open	0	0%
Wooden Hill Primary and Nursery School	19	1 - Open	0	0%
College Hall	12	1 - Open	0	0%
Warfield Church of England Primary School	12	1 - Open	1	8%
Great Hollands Primary School	21	1 - Open	2	10%
The Pines School	9	2 - Partially Open	1	11%
Sandhurst School	72	1 - Open	11	15%
Easthampstead Park Community School	63	2 - Partially Open 6th form only	10	16%
St Joseph's Catholic Primary School, Bracknell	17	2 - Partially Open	3	18%
Ranelagh Church of England School	82	1 - Open	16	20%
Binfield Church of England Primary School	22	2 - Partially Open	5	23%
Fox Hill Primary School	13	3 - Closed	3	23%
The Brakenhale School	67	3 - Closed	19	28%
St Margaret Clitherow Catholic Primary School	15	3 - Closed	5	33%
Garth Hill College	86	3 - Closed	30	35%
Crown Wood Primary School	17	3 - Closed	6	35%
Kennel Lane School	30	3 - Closed	12	40%
Winkfield St Mary's CE Primary School	12	2 - Partially Open	5	42%
St Michael's CE Aided Primary School, Sandhurst	11	3 - Closed	5	45%
Owlsmoor Primary School	20	3 - Closed	10	50%

College Town Infant and Nursery School	15	3 - Closed	7	47%
New Scotland Hill Primary School	15	3 - Closed	7	47%
Harmans Water Primary School	28	3 - Closed	15	54%
Holly Spring Infant and Nursery School	13	3 - Closed	7	54%
Uplands Primary School	11	3 - Closed	6	55%
Birch Hill Primary School	23	3 - Closed	14	61%
Edgbarrow School	84	3 - Closed	55	65%
Centrally Employed Teachers	14	N/A	2	14.29%

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