

DECISION-MAKER:	CABINET		
SUBJECT:	WESTON SHORE INFANTS SCHOOL (ROOF WORKS)		
DATE OF DECISION:	16 APRIL 2019		
REPORT OF:	CABINET MEMBER FOR ASPIRATION, SCHOOLS AND LIFELONG LEARNING		
<u>CONTACT DETAILS</u>			
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STATEMENT OF CONFIDENTIALITY			
None.			
BRIEF SUMMARY			
<p>Weston Shore Infants School was subject to an Ofsted inspection in December 2017 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. Weston Shore Infants School is a maintained trust and the building and land is owned by Southampton Education Trust.</p> <p>The Local Authority has a responsibility to ensure school accommodation is in a safe and in reasonable condition as part of the transfer arrangements to an academy trust. (Academies Act 2010, s4, s8)</p> <p>In the case of Weston Shore Infant School the nominated Academy Trust for the proposed operation of the school is Hamwic Academy Trust. The flat roof on the school is now at the end of its economic life and needs replacing this will require an investment of £712k to replace the roof with new.</p> <p>The continued provision of an Infant School in Weston will ensure effective provision of education for infant age children in the Weston Ward of the City; which is one of the most deprived wards in the City.</p>			
RECOMMENDATIONS:			
1.	(i)	Having complied with paragraph 15 of the Council's Access to Information Procedure Rules. Approve the addition and spend of £712K in 2019/20 to the Aspiration, Schools and Lifelong Learning programme; to be funded from capital receipts to undertake the necessary replacement to the roof at the school.	
	(ii)	Enter into a Financial Agreement with Hamwic Education Trust for the £712k funding to be transferred to the Trust in order for the works to be completed by the Trust in accordance with an agreed schedule of works to an agreed standard; in order for the Conversion Date of May 1 st 2019 to be achieved.	
REASONS FOR REPORT RECOMMENDATIONS			
2.	This report is submitted for consideration as a General Exception under paragraph 15 of the Access to Information Procedure Rules in Part 4 of the City Council's Constitution, notice having been given to the Chair of the relevant Scrutiny Panel and the Public. The matter requires a decision in		

	order to complete the conversion of Weston Shore Infants School to an academy by the agreed transfer date of May 1 st 2019 in line with the agreed timescale with the Regional Schools Commissioner and the DfE the item was not included on the Forward Plan as the extent of the works were not confirmed until February 2019.
3.	There is insufficient funding in the Schools Repairs and Maintenance budgets to meet the costs associated with replacing the entire flat roof on the school and therefore a proposal has been taken through Council Capital Board on Tuesday February 26 th 2019 to secure the required capital from the corporate Capital Programme
4.	Though Weston Shore Infants School is a small school Hamwic Academy Trust have provided a written undertaking to the RSC and the LA in relation to the long term future for the school.
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED	
5.	The potential transfer of Children at Weston Shore Infants School to Weston Park Primary School has been considered and discussed with all stakeholders including the Regional School Commissioner, (RSC) and with Hamwic Academy Trust. This has been ruled out as a possible alternative. The RSC and Hamwic Academy Trust have provided written undertaking that Weston Shore infants School will continue to operate as a school.
DETAIL (Including consultation carried out)	
6.	A full condition survey of the roof and accommodation at Weston Shore Infants School has been commissioned and is attached at Appendix 1 of this Cabinet Report. The proposal is for a schedule of works to be agreed between Hamwic Academy Trust and Southampton City Council; in line with the survey provided at Appendix 1. A Financial Agreement will be drawn up between Hamwic Academy Trust and Southampton City Council whereby the funding for the works to replace the roof will be transferred to the Academy trust and the trust will undertake the works in line with the schedule of works. This will allow the transfer of the school on May 1st 2019 in line with the agreed date.
RESOURCE IMPLICATIONS	
<u>Capital/Revenue</u>	
7.	The survey provided at Appendix 1 sets out the scope of the works required to replace the roof at Weston Park Infants school to bring the school accommodation up to an acceptable and reasonable standard. Total capital budget for the works is £712k
<u>Property/Other</u>	
8.	Under Section 7.0 of the Southampton City Council Scheme for Financing Schools (Repairs and Maintenance) it states: 7. Repairs and Maintenance 7.1.1 Funds are delegated to schools to cover all repairs and maintenance of school buildings except for works which meet the City Council's usual definition of capital expenditure. The main areas of capital expenditure on school buildings which will not be delegated are as follows:

	<ul style="list-style-type: none"> • new buildings, extensions or significant improvements as part of the City Council's capital programme • maintenance or improvement works supported by specific grants • large scale replacement, renewal or maintenance of the structure of a building e.g. foundations, structural walls, roof, chimney, floor and staircase structures • large scale window replacement (e.g. all windows in one face of a building) • large scale replacement or renewal of electrical, heating or other services • demolition, including site clearance and sealing off of drains and other services • large scale health and safety work e.g. asbestos removal, complete resurfacing of playgrounds • installation, replacement or structural maintenance of temporary buildings • significant measures to improve access to the building for people with disabilities e.g. installation of lifts or access ramps <p>The liability for the replacement of the roof at Weston Shore Infants School sits outside of the delegated budget for the school and therefore is the responsibility of Southampton City Council; (7.1.1 large scale replacement...)</p>
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LEGAL IMPLICATIONS

9.	<p>The Conversion to Academy Agreement, (CTA) will have a supporting Financial Agreement between Southampton City Council and Hamwic Academy Trust and the funding will be transferred to the Academy Trust with an agreed schedule of works to be completed by the Trust to agreed standards. .</p>
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Statutory power to undertake proposals in the report:

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> <ol style="list-style-type: none"> a. the governing body of the school; b. the headteacher; c. the local authority; and d. in the case of a foundation or voluntary school that has a foundation: <ol style="list-style-type: none"> (i) the trustees of the school; (ii) the person or persons by whom the foundation governors are appointed; and,

	(iii) in the case of a school which has a religious character, the appropriate religious body.
12	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.
13	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> : <ul style="list-style-type: none"> (i) the trustees of the school; (ii) the person or persons by whom the foundation governors are appointed; and (iii) in the case of a school which has a religious character, the appropriate religious body.
14	The Council has satisfied itself that the RSC has issued an Academies Order for Weston Shore Infants 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.
<u>Other Legal Implications:</u>	
15	An Equality and Safety Impact Assessment has been undertaken in relation to the proposals and this is attached as an Appendix to this report.
RISK MANAGEMENT IMPLICATIONS	
16.	Failure to secure the finance to undertake the necessary works 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)
POLICY FRAMEWORK IMPLICATIONS	
17	None
KEY DECISION?	Yes
WARDS/COMMUNITIES AFFECTED:	All
<u>SUPPORTING DOCUMENTATION</u>	
Appendices	
1.	Weston Shore Infants School Condition Survey
2.	(Education, Training and Skills) Extract from open academies, free schools and UTCs and academy projects awaiting approval
Documents In Members' Rooms	
1.	Equality and Safety Impact Statement
Equality Impact Assessment	
Do the implications/subject of the report require an Equality and	Yes

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