

North Tyneside Council

Report to Cabinet

Date: 17 July 2013

Item 3
Kings Priory Academy
Proposals

Portfolio(s): Children, Young People and Learning

Cabinet Member(s): Councillor Ian Grayson

Report from Directorate: Children, Young People and Learning

Report Author: Gill Alexander, Strategic Director for Children, Young People and Learning (Tel: (0191) 643 8001)

Wards affected: All

PART 1

1.1 Purpose:

The purpose of this report is to enable Cabinet to consider the view expressed by Council upon the Secretary of State for Education's decision to approve the Kings Priory academy proposals and to determine what action, if any, the Authority should now take.

1.2 Recommendation(s):

It is recommended that Cabinet:

- (1) Consider the view expressed by Council at the meeting of 17 July 2013; and
- (2) Determine what action, if any, the Authority should now take, with reference to the options set out in paragraph 1.6 below.

1.3 Forward Plan:

This matter did not appear on the Forward Plan. The decision of the Secretary of State for Education was issued during the evening of Friday 5 July 2013. The Authority did not receive prior notice that the decision was to be made on the date. An urgent report was presented to Cabinet on 8 July 2013. Cabinet agreed to consult with all members via a meeting of Council to enable views to be expressed about the Secretary of State's decision. Cabinet requested that the Monitoring Officer make the necessary arrangements for an extraordinary meeting of Council to be convened for that purpose. Appropriate agreements were secured to enable this Cabinet meeting to be convened immediately after the rising of the Extraordinary Council Meeting.

As the issue relates to a education matter, with the Academy scheduled to open in September 2013, there is a need to consider the report as an urgent item to enable to avoid any unnecessary delays in addressing this matter.

1.4 Council Plan and Policy Framework

The report relates to Priority 2 of the Council Strategic Plan 2012 – 2015: Maintaining excellent education, training and employment opportunities, including apprenticeships and working in collaboration with partners.

The report relates to Priority 3 of the Sustainable Communities Strategy 2010 - 2013: Best Start in Life.

1.5 Information:

Background information is contained in the report to Council dated 17 July 2013. Members are asked to bring the report with them to the Cabinet meeting.

1.6 Decision options:

The following decision options are available for consideration by Cabinet.

Option 1

Cabinet may:

- (1) Consider the view expressed by Council at the meeting of 17 July 2013 and whether support was expressed for Cabinet to take all appropriate steps to secure that the Department for Education reconsiders the decision to enter into the funding agreement to create the Kings Priory Academy to ensure that errors are rectified and the impact upon other schools is properly considered; and
- (2) Agree to take all appropriate steps (as set out in (1) above) and in particular to agree that the Authority will issue a pre action protocol letter to the Secretary of State for Education to challenge the decision making process with regard to his decision made on 5 July 2013 and detailed in his decision letter dated 10 July 2013;

And either:

- (3)(a) Agree to consider the response to the pre action protocol letter when it is received before determining whether any further action is appropriate;

Or:

- (3)(b) To enable any necessary action arising to be taken expeditiously, authorise the Cabinet Member for Education, in consultation with the Elected Mayor, the Strategic Director for Children, Young People and Learning and the Head of Law and Governance to consider the response to the pre action protocol before determining and taking such further action as considered appropriate.

Option 2

Cabinet may:

- (1) Consider the view expressed by Council at the meeting of 17 July 2013 and whether support was expressed for Cabinet to take all appropriate steps to secure that the Department for Education reconsiders the decision to enter into the funding agreement to create the Kings Priory Academy to ensure that errors are rectified and the impact upon other schools is properly considered; and
- (2) Determine that no formal action will be taken; and
- (3) Instruct the Strategic Director for Children, Young People and Learning in consultation with the Elected Mayor and Cabinet Member for Education to monitor the impact upon schools in the Borough and advise Cabinet upon steps that can be taken to mitigate the impact.

Option 1 is the recommended option.

1.7 Reasons for recommended option:

- 1.7.1 In light of the impact of the proposed Academy upon education in the Borough, it is considered appropriate to seek reconsideration of the Secretary of State's decision making in relation to this matter, so that it is undertaken in a transparent and thorough manner and in the full knowledge of the likely impact.

1.8 Appendices:

None

1.9 Contact officers:

Gill Alexander, Strategic Director for Children, Young People and Learning tel: 0191 643 8001

Louise Watson, Senior Manager Legal Services, tel: 0191 643 5325

Anthony Gollings, Financial Business Manager, tel: 0191 643 8071

1.10 Background information:

The following background papers/information have been used in the compilation of this report and are available at the office of the author:

- (1) Academies Act 2010
- (2) Report to Council dated 17 July 2013 regarding proposals for Kings Priory Academy:
http://www.northtyneside.gov.uk/browsedisplay.shtml?p_ID=546105&p_subjectCategory=40

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

The financial implications are set out in the body of the report to Council dated 17 July 2013.

2.2 Legal

The legal implications are set out in the body of the report to Council dated 17 July 2013.

If a pre action letter is issued or if judicial review proceedings are pursued, the decision of the Secretary of State may be set aside and the flawed decision making process undertaken correctly.

2.3 Consultation/community engagement

The issue under consideration has been the subject of consultation with all members via a meeting of Full Council on 17 July 2013.

2.4 Human rights

There are no human rights implications directly arising from this report.

2.5 Equalities and diversity

There are no equality and diversity implications directly arising from this report. In section 1.5 of the report to Council dated 17 July 2013 concerns are set out regarding the Secretary of State's approach to undertaking equality impact assessments in relation to the academy proposals.

2.6 Risk management

Any risks to the provision of education in the Borough identified as part of the impact assessment will be monitored and appropriate steps will be taken to safeguard against those risks.

2.7 Crime and disorder

There are no crime and disorder implications directly arising from this report.

2.8 Environment and sustainability

There are no environment and sustainability implications directly arising from this report.

PART 3 - SIGN OFF

- Chief Executive

 x

- Strategic Director(s)

 x

- Mayor/Cabinet Member(s)

 x

- Chief Finance Officer

 X

- Monitoring Officer

 X

- Strategic Manager Policy and Partnerships

 X