


Reason for Urgency: We cannot provide the usual 28 days notice of this decision as the determination for the preferred multi-academy trust partner for Holland Park School will be taken on 21 July.

Decision Maker	Leadership Team	 THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA
Date of Report	6 July 2022	
Forward Plan ref:	KD06248/22/K/A	
Report title	SUPPORT FOR A LOCAL MULTI-ACADEMY TRUST BETWEEN HOLLAND PARK SCHOOL AND KENSINGTON ALDRIDGE ACADEMY	
Reporting officer	Sarah Newman, Bi-borough Executive Director of Children's Services	
Key decision	Yes	
Access to information classification	Public	
Wards	All	

1. EXECUTIVE SUMMARY

- 1.1 This report recommends that the Leadership Team agree, in principle, to a loan of up to £1 million over 3 years to Kensington Aldridge Academy (KAA) to support the necessary resourcing of the establishment of a local Multi Academy Trust (MAT) between Holland Park School and (KAA). The loan is intended to be repaid from the new MAT's reserves.
- 1.2 The decision to provide a loan in principle affords the local MAT option the ability to provide similar resourcing to the other larger national MATs (United Learning and Harris Academy) being considered by the Department for Education (DfE) through the Regional Schools Commissioner (RSC).
- 1.3 By agreeing to take this, in principle, decision the Council will be strengthening our commitment as set out in the Council Plan to making the borough 'A great place to live, work and learn'.

2. RECOMMENDATIONS

The Leadership Team is recommended to:

- 2.1 Agree in principle a loan of up to £1 million over three years to KAA.
- 2.2 Agree that the Council pursues securing such a loan against the Holland Park School (HPS) reserves to support the formulation of a new local Multi Academy Trust (MAT) between HPS and KAA.
- 2.3 In the event KAA is nominated by the DfE to form a MAT with HPS, to agree that the final arrangements for the loan will be agreed through a further Key Decision.

3. REASONS FOR DECISION

- 3.1 Kensington Aldridge Academy requires upfront funding of up to £1 million to form a multi-academy trust (MAT) with Holland Park School. The Council has committed to supporting the establishment of this MAT.

4. BACKGROUND

(a) The school and its community

- 4.1 Holland Park School (HPS) is a Single Academy Trust (SAT), providing secondary and sixth form education to 1389 pupils. It is located in Campden Ward in the borough.
- 4.2 HPS was initially judged outstanding by Ofsted in 2015 and has consistently achieved an excess of 95% students achieving 5 GCSEs grades 4-9; the attainment 8 score is 64, which is significantly above the UK average of 50.9.
- 4.3 Given the location of HPS in Kensington, all of the attending children and their families were affected to some extent by the Grenfell Tower tragedy in 2017. One child who had been attending at the school died in the fire and others lost relatives. The Council's Grenfell Dedicated Service has been providing support to a number of children and families connected to HPS.
- 4.4 Over the past five years the Council has worked hard to evidence a different way of working with our communities, making a commitment to put our communities first. This has meant ensuring that our residents have a voice and that the Council listens to what is said so that any service developments and/ or delivery is a collaboration. Rightly the community now expects to be treated as an equal partner in determining matters that impact them.

(b) Recent History

- 4.5 HPS fell into challenging times during summer 2021, when dossiers of complaints from former students and teachers were given to the media, alleging a toxic culture. The Board of Governors struggled to manage the media attention and

failed to agree how to tackle the allegations; there were subsequently a number of resignations.

- 4.6 The Regional Schools Commissioner was approached for assistance and an intervention team was appointed to strengthen the governance and tackle the issues, this included the appointment of a number of new governors. At this time the Education Skills Funding Agency (ESFA) issued the school with a financial warning notice – regarding compliance with financial regulations – which required the new governing body to consider whether the school ought to become part of a Multi-Academy Trust.

(c) Current Issue

- 4.7 In January 2022 the newly established governing body determined that Holland Park School should become part of a Multi-Academy Trust (MAT) and agreed a process to select the best MAT partner for the school, including a selection criterion.
- 4.8 The local authority, in consultation with our local schools system, determined that a local MAT option should be put forward and a plan was developed with Kensington Aldridge Academy (KAA) to work up a proposal. This proposal was submitted to the Board of Governors in February 2022. Kensington Aldridge Academy is situated in Kensington. It is an Ofsted-graded 'outstanding' school, with strong governance and safeguarding practices and was also affected by the Grenfell Tower tragedy. This local option was not shortlisted by the Board of Governors at HPS.
- 4.9 In March 2022 the Board of Governors announced that United Learning Trust was their preferred MAT partner for HPS and initiated a stakeholder engagement process. Subsequently approximately 400 parents have collectively sought to challenge this position and there have been student protests, parent protests and more recently teacher strikes.
- 4.10 An inspection was expected at the school in the academic year 2021/22 as part of the routine inspections of all schools graded as outstanding and an inspection was announced by Ofsted on 20th April 2022. Ofsted published the final inspection report in respect of Holland Park School on 17 June 2022. The overall effectiveness of the school was judged as inadequate by Ofsted which triggered action by the Regional School Commissioner (RSC) under the 'Schools Causing Concern' guidance, updated March 2022. As part of this action, the RSC made a decision to reconsider a preferred MAT partner for HPS.
- 4.11 The RSC is intending to determine the preferred MAT partner at an Advisory Board Meeting on 21st July. The recommendation from this meeting will be shared with Baroness Barran, Parliamentary Under Secretary of State at the Department for Education, for her determination.

- 4.12 In advance of this meeting, an exercise has subsequently been completed by the RSC to consider all potential and appropriate MAT partners within a 3 mile radius of the school. This exercise has led to a shortlist of 3 options:
- United Learning Trust
 - Harris Academy
 - KAA / local trust
- 4.13 Both the Local Authority and KAA have argued that the KAA local trust option be afforded the same serious consideration as the other two options. The Council has been consistently assured that the Department for Education (DfE) is exploring all three options as potential MAT partners and that there are strengths and challenges associated with each of them.
- 4.14 Earlier this year, the governing body at HPS commissioned an internal investigation into culture, leadership and behaviour management at the school following dossiers of allegations by former students and teachers. This investigation has identified a number of significant and complex issues to be addressed at the school, including:
- The current banding system
 - Early entry for GCSE examinations
 - Lack of middle managers
 - Teacher recruitment
- 4.15 The DfE have indicated that significant resources will be required to address these issues. Both Harris and United Learning have given an indication that they can mobilise 15 members of staff to deal with these issues.
- 4.16 The RSC is now meeting with all the shortlisted potential MAT partners and is asking for a detailed summary of the resource that can be secured for HPS. KAA have outlined that they can mobilise five members of staff and pool a few more across both sites, given proximity. This includes the Head Teacher and HR lead.
- 4.17 During the interview with KAA, the DfE pushed on the resource plan, implying they did not think it was adequate to address the issues outlined above. The DfE have consistently seen the larger MAT's ability to secure significant resource for HPS as a strength.

The Council's position to date has been:

- a) KAA is unlikely to need as much resource as the larger MATs given the standing credibility with the community.
- b) KAA will have the ongoing support of the Council's HR team to manage the disciplinary processes

- c) The successful MAT partner will have access to the £3m reserve at HPS to secure any additional staffing required.

4.18 Despite these assertions, it is possible that the local option may be ruled out on the basis that it does not have the upfront resources to address the issues that need to be tackled at HPS at pace. That noted, it is unlikely that an existing large MAT would possess sufficient spare resources to deploy for the benefit of HPS.

5. OPTIONS, ANALYSIS AND PROPOSALS

5.1 Option: To provide up-front funding to allow KAA to purchase the level of resourcing equivalent to that proposed by the two larger MATs.

- To provide KAA with a letter confirming the LA's intention to provide upfront funding in the first three years of the newly established MAT; £500,000 in the first year, £300,000 in the second year and £200,000 in the third.
- That upfront money would allow KAA to procure additional resources to address the significant issues identified in the HPS review and moving the school from inadequate to good at pace.
- That the Council will look to any loan being secured against the £3m reserves at HPS.

5.2 This commitment would put KAA in a similar resourcing position to the larger MATs – who would likely backfill any additional upfront staffing with the HPS reserve. This would allow the local MAT option to be considered on the same resourcing terms as the two larger options, recognising that KAA would be in a better position to determine actual need if the DfE approves them as the preferred MAT option. By putting in place the approvals for a loan facility at the leadership meeting on 6th July 2022, the proposed local option can present strengthened resourcing capacity.

5.3 Option: Do nothing – if the Leadership Team does not agree to proceed with the funding, it is very unlikely that KAA will be able to support the formation of a local MAT.

6. CONSULTATION AND COMMUNITY ENGAGEMENT

6.1 A formal consultation by the Council has not been undertaken. Significant informal community engagement has taken place.

6.2 A significant part of the school community have organised themselves (30%) into a collective in order to have a shared voice on this matter. The parent collective have been critical of the process followed by the Board of Governors in recommending United Learning as their preferred MAT partner and have issued a Judicial Review to question the legitimacy of their decision making process. The subsequent inadequate Ofsted judgement may undermine this process as the decision making has now transferred from the Board of Governors to the

Department for Education (DfE) through the Regional Schools Commissioner (RSC).

- 6.3 The parent collective have been consistent that their preference is for HPS to remain as a Single Academy Trust (SAT). However, they have also been clear that should the school be legitimately required to join a MAT their preference is for the local option – with KAA.
- 6.4 A number of parents have been supportive of the Governors decision for HPS to move to UL. However, it is not clear how many parents support this option.
- 6.5 The Council has met with groups of parents and a council Scrutiny meeting on 21 March 2022 heard from a number of pupils and parents, which led to the recent motion about HPS being agreed across parties at a full council meeting on 22 June 2022.
- 6.6 The secondary school headteacher network has consistently supported the local MAT option and formal representation has been made to the governing body at HPS and the RSC in respect of this.

7. LEGAL IMPLICATIONS

- 7.1 Under section 1 of the Localism Act 2011 the Council has the general power of competence to do anything that an individual generally may do provided it is not prohibited by other legislation. This general power of competence would include the giving of a loan.
- 7.2 As this is an in principle decision only at this stage, if the DfE make a determination that KAA and HPS should form a MAT then this matter should be brought back as a Key Decision for consideration of the next steps to be taken by the Council.
- 7.3 The Academies Act 2010 provides that a local authority must cease to maintain the school on the date on which the school opens as an academy but does not prohibit the Council from providing financial assistance by making payments in respect of some (but not all) of the expenses of maintaining the academy.

8. FINANCIAL IMPLICATIONS

- 8.1 If the Leadership Team agrees to the this in principle decision a three year loan of up to £1m to Kensington Aldridge Academy (KAA) will be made to support the formulation of a new local MAT between Holland Park School (HPS) and KAA. Legal and finance officers will draw up the loan agreements under the delegations approved in this report.
- 8.2 The loan will be funded upfront from the General Fund Special Projects Reserve and funds returned to the reserve as the loan is re-paid. Approval for use of the reserve is included as an addendum to the 2021/22 Financial Outturn Report which is also on this agenda.

8.3 The latest accounts for HPS were published on Companies House in August 2021 and show that the school has reserve balances of £3.258m. The loan of up to £1m from the Council will enable KAA to put in place immediate support until access to the reserves of HPS is enabled.

9. EQUALITIES IMPLICATIONS

10.1 A full equalities screening document will follow.

Sarah Newman
Bi-borough Executive Director of Family and Children's Services

Local Government Act 1972 (as amended) – Background papers used in the preparation of this report

None.

Mandatory clearance requirements for all Key and Executive Decision reports

Cleared by Corporate Finance (officer's initials)

[TE]

Cleared by Director of Law (officer's initials)

[JG/HB]

Cleared by Communications (officer's initials)

[AR]