

Children and Families Committee

Supplementary Documents

Date: Monday, 23rd May, 2022
Time: 2.00 pm
Venue: Committee Suite 1,2 & 3, Westfields, Middlewich Road,
Sandbach CW11 1HZ

The information on the following pages was received following publication of the committee agenda.

8. **School Organisation: Academisation of Schools: Oakfield Lodge School (Pupil Referral Unit)** (Pages 3 - 10)

To consider appendices 1-3 in relation to agenda item 8 School Organisation: Academisation of Schools: Oakfield Lodge School (Pupil Referral Unit) which were not included in the agenda pack.

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Appendix 1: Previously agreed Committee approval on Academy Conversions

At the [Children and Families Committee meeting on 12 July 2021](#), approval was given to put in place a process by which academy conversions would be undertaken by Cheshire East Borough Council (the council). A decision was taken to enable certain conversions to be progressed via Officer Decision Record subject to exemptions. Key to these were the arrangements relating to the land transfer, the commercial transfer agreement and the financial position of the school as the point of transfer.

It was resolved that the committee:

- 2.1 Delegates to the Executive Director of Children's Services in consultation with Chief Finance Officer and Monitoring Officer authority to take all steps necessary to agree and execute the commercial transfer agreement, novation of third-party contracts, Shared Use Agreements/Facilities Access Agreements, staffing and information transfer.
- 2.2 Delegates to the Executive Director of Place in consultation with Chief Finance Officer and Monitoring Officer to take all steps necessary to agree and execute any transactions in relation to land, facilities or shared use agreements.
- 2.3 Notes that the Chief Finance Officer has authority to take all steps necessary to agree, transfer and adjust relevant budgets and allocate balances in accordance with Department for Education Guidance
- 2.4 Notes that no delegation may be exercised to execute any agreement as per recommendations 2.1 ,2.2 or 2.3 of the report where:
 - a) the school has a deficit of £100k or there is any significant impact on the Medium Term Financial Strategy
 - b) there are substantive third party land interests
 - c) any public funds are to be reclaimed under section (land contributions)
 - d) any current or proposed legal claim has been identified
 - e) where an indemnity is sought against Cheshire East Council on any matter.

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Regional Delivery Directorate
Department for Education
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Mr Ged Rowney
Interim Director of Children's Services
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Westfields
Middlewich Road
Sandbach
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16 September 2021

ACADEMY ORDER FOR OAKFIELD LODGE SCHOOL

Following the recent application of the management committee of Oakfield Lodge School to become an academy, I am delighted to confirm that I am agreeable to the conversion of this school to an academy.

I enclose a copy of an Academy Order, which will enable the school to convert to an academy. For conversion to take place, I will need to agree, with the Academy Trust that will run the academy, a Funding Agreement and the Articles of Association of the Academy Trust. The Funding Agreement will record the date on which the school will convert into an academy.

Formal TUPE consultations with staff, unions, and the employer should start as soon as possible. For schools where the management committee is the employer of staff, the management committee will lead on the TUPE process, but they may require your support to do so. In all cases, you should please ensure that any personnel files which you hold for the schools are fully up-to-date, and that you have an accurate record of the staff employed at the schools and the terms and conditions of their employment.

It will be necessary for the land and buildings occupied by the school to be transferred to the Academy Trust so that they are available for use by the academy from the conversion date. The exact arrangements for achieving this will depend on whether the school is a community, foundation or trust school, or a voluntary school, and whether the land used by the school is public land, private land or a combination of the two.

In cases where you own the land and buildings currently occupied by the school, I am asking you to agree to lease these to the Academy Trust through a 125-year lease similar to that used for existing academies. As a first step, you should please start to gather land ownership and land registration documentation and information if you have not already done so. My officials will also discuss with you the implications of any schools proposing to convert to academies that are involved in an existing PFI contract or BSF scheme. Model lease documents for Academy Trusts and local authorities to use as the basis for negotiations are available on the Department's website at <http://www.education.gov.uk/schools/leadership/typesofschools/academies>

I am writing to the management committee, copied to the head teacher, to give my agreement to the conversion.

A handwritten signature in black ink, appearing to read 'Andrew Warren', with a long horizontal flourish extending to the right.

Andrew Warren,

Regional Schools Commissioner, West Midlands



Rt Hon Gavin Williamson CBE MP
Secretary of State

Sanctuary Buildings Great Smith Street Westminster London SW1P 3BT
tel: 0370 000 2288 www.education.gov.uk/help/contactus

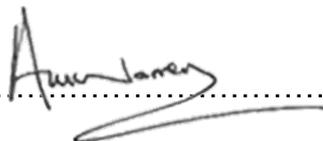
To: The Management Committee of Oakfield Lodge School

Cheshire East Council

ACADEMY ORDER

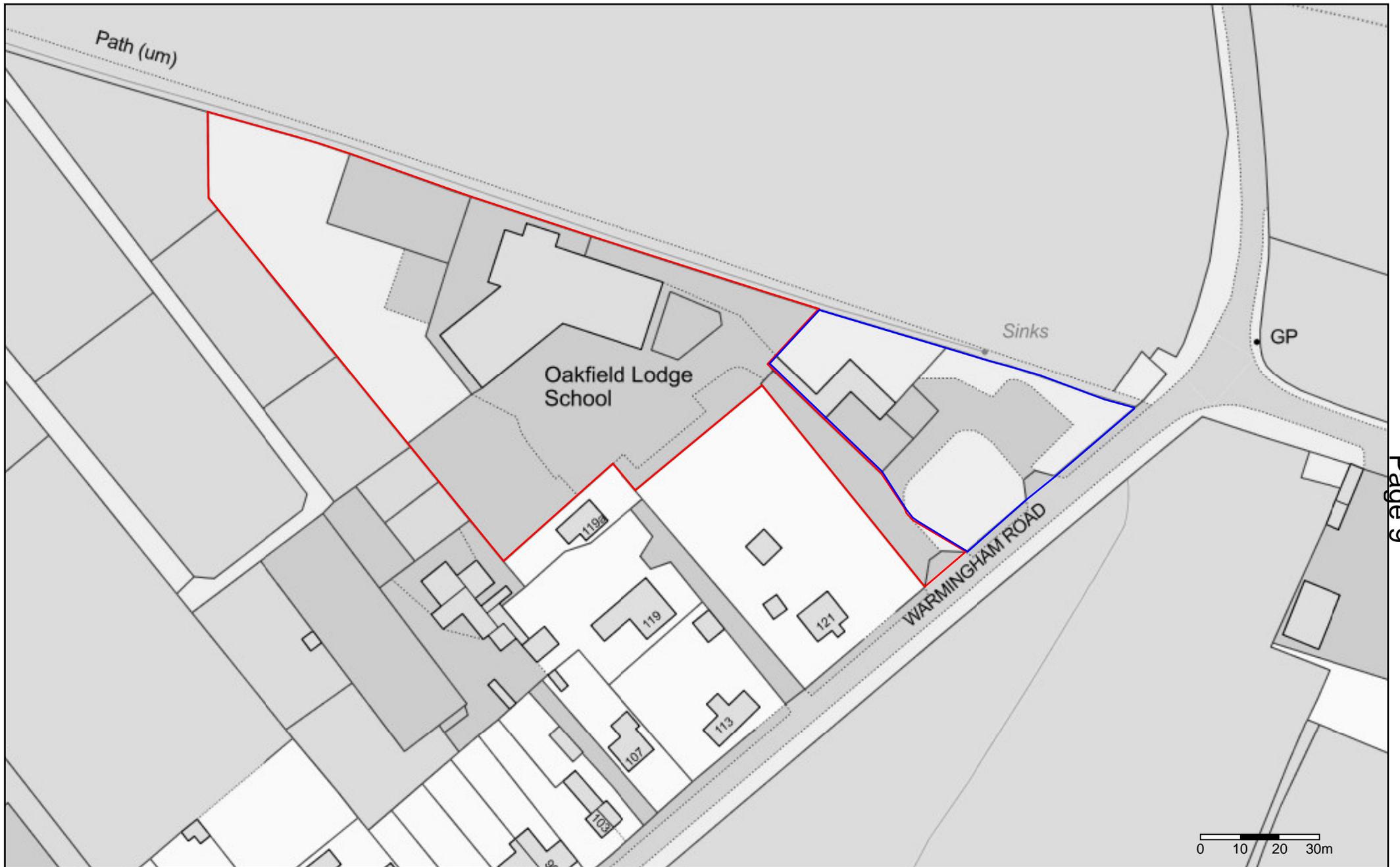
1. This is an Academy Order made further to section 4 of the Academies Act 2010.
2. I hereby order that on the conversion date Oakfield Lodge School shall be converted into an Alternative Provision Academy.
3. The conversion date shall be the date that the PRU opens as an Alternative Provision Academy further to and as provided for in Academy arrangements made further to section 1 of the Academies Act 2010.
4. On the conversion date Cheshire East Council shall cease to maintain Oakfield Lodge School.
5. The independent school standards (as defined in section 157(2) of the Education Act 2002) are to be treated as met in relation to the Alternative Provision Academy on the conversion date.

Signed on behalf of the Secretary of State for Education by:

Signed:.......... Date: 16 September 2021

Andrew Warren,
Regional Schools Commissioner

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20/1/2022

Oakfield Lodge School lease plan



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