

OFFICER DECISION RECORD (ODR2)

This form records an officer decision and is published in accordance with the Openness of Local Government Bodies Regulations 2014

Date of Decision	27 November 2024
Decision Taker (including Job Title)	Theresa Leavy Interim Executive Director of Children's Services
Specific Delegation	Children and Families Committee, 11 November 2024 Academisation of St John's CofE Primary School, Heath Road, Sandbach, Cheshire, CW11 2LE. Report of: Theresa Leavy, Interim Executive Director of Children's Services Report Reference No: CF/28/24-25 That the Children and Families Committee: Authorise the Executive Director of Children's Services in consultation with the Chief Finance Officer and the Monitoring Officer to take all steps necessary to agree and execute the Commercial Transfer Agreement (Appendix 1) to the North West Academies Trust Limited relating to the transfer of all staff under the Transfer of Undertakings (Protection of Employment) Regulations 2006, and assets.
Brief Description of Decision	To enter into a Commercial Transfer Agreement with the North West Academies Trust Limited in substantially the same standard form as required by the Department for Education on the conversion of St John's CofE Primary School, Heath Road, Sandbach, Cheshire, CW11 2LE. The DfE has made a directive academy order (DAO) on 16 February 2024 that St John's CofE Primary School converts to an Academy. The School is proposing to join the North West Academies Trust Limited, an established multi academy trust. The proposed conversion date is 1 January 2025. The Council is entering into a Commercial Transfer Agreement with the Interim Executive Board of St John's CofE Primary School and the North West Academies Trust Limited to give effect

OFFICIAL

	<p>to this conversion. This agreement deals with transfer of non-land assets, contracts, staffing and information.</p>
<p>Reasons for the Decision and alternatives considered</p>	<p><u>Reasons for the decision</u> In April 2021, the Education Secretary set out the government’s vision of “a world-class school-led system where every school is part of a family of schools in a strong multi-academy trust (MAT).” Key reasons schools consider conversions to MATs are to increase collaboration, to benefit from better strategic planning and direction; to provide more opportunities to staff for professional development; to gain access to better centrally provided services; to benefit from cost savings and efficiencies; to benefit from strengthened governance and leadership. Source: Schools’ views on the perceived benefits and obstacles to joining a multi-academy trust (publishing.service.gov.uk) St John’s CofE Primary School is one of 51 primary school provisions in Cheshire East which has not already converted to an Academy. There are currently 72 primary academies. The DfE granted a directive academy order on 16 February 2024; therefore, the Council is under a statutory duty to facilitate the academisation of the school and is expected to work constructively so that the conversion takes place within a specified time period.</p> <p><u>Alternative options considered and rejected</u> The Council’s consent is not required for the School to convert to an Academy. The Council consent is required for the commercial and land transaction. The land and commercial transactions follow standard documentation which the Council and school can vary to achieve the best outcome dependant on the individual circumstance of each school. This may include historic land issues and sporting facilities as way of example. An Academy Proprietor is entitled to expect the lease of all the premises and facilities which the school uses and are matters for negotiation and if agreement cannot be reached then the Council should make application to the Office of the School’s Adjudicator on or before the conversion date seeking resolution of the dispute. The Secretary of State retains a default power where there is an inability to reach agreement and negotiate the lease arrangements and a Commercial Transfer Agreement.</p>

<p>Member consultation and interests declared</p>	<p>Committee members RESOLVED (unanimously) the recommendations in the report. See Item 59 of minutes from Children and Families Committee, 11 November 2024.</p> <p>Agenda for Children and Families Committee on Monday, 11th November, 2024, 2.00 pm Cheshire East Council</p>
<p>Significant Decision</p>	<p>YES</p> <p>Committee approval is sought for the academisation of the school as it is a significant decision in terms of the effects of the decision on communities living or working in an area comprising one ward or electoral divisions.</p>
<p>Legal Implications</p>	<p>The Council is under a Statutory obligation to facilitate the Academy Order provided by the Department for Education (DfE).</p> <p>In order to facilitate the conversion to Academy status, the Council must enter into a Commercial Transfer Agreement (CTA) with the School and the Trust. The CTA ensures that all relevant contracts, liabilities and employees held by the Council are transferred to the Trust upon the conversion date of the School to an Academy.</p> <p>The Council use a model CTA drafted by the DfE with slight amendments where necessary. Legal notes that at the time of this ODR, there is no concerns/outstanding matters raised by the School and/or Trust and the CTA will be agreed/signed as planned.</p> <p>Therefore, Legal approves this ODR.</p> <p>Name: Daniel Allee Title: Lawyer - Contract & Procurement Team Date: 22 November 2024</p>
<p>Financial Implications</p>	<p>The conversion to Academy status has a number of financial implications for the Council as outlined in the Committee report, paragraph 36 to 42. The report and appendices can be accessed via, Agenda for Children and Families Committee on Monday, 11th November, 2024, 2.00 pm Cheshire East Council item 59.</p>

	<p>The 2023/24 outturn show that the school had a surplus carry forward of £16,203 as at 31/03/2024 and a surplus is also forecast 2024/25. There are no issues with any current deficit balances, loans or leases with this school. I am satisfied that the recommended option is supportable.</p> <p>Name: Kathy Oliver Title: Finance Lead Business Partner (Children and Families) Date: 22 November 2024</p>
Confidential/Exempt Information	Not applicable.
Background Papers	<p>The report and appendices can be accessed via Agenda for Children and Families Committee on Monday, 11th November, 2024, 2.00 pm Cheshire East Council item 59.</p> <p>Appendix 1: Draft Commercial Transfer Agreement Appendix 2: Draft Model Lease Appendix 3: St John's CofE Primary School Lease plan Appendix 4: Academy Order for St John's CofE Primary School</p> <p>And link to background paper Convert to an academy: documents for schools - GOV.UK (www.gov.uk)</p>

Theresa Leavy, Interim Executive Director of Children's Services

Signed

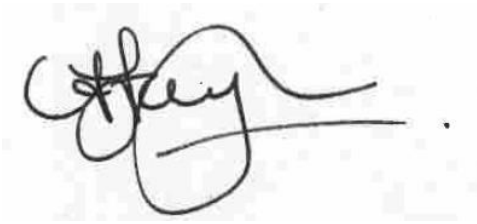


Dated 27 November 2024

Consultees

OFFICIAL

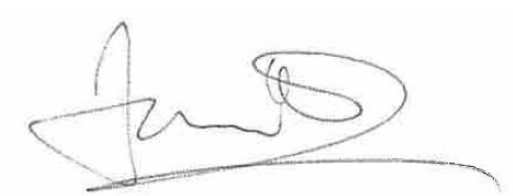
Adele Taylor, Interim Executive Director of Resources Section 151 Officer

A handwritten signature in black ink, appearing to read 'Adele Taylor', with a horizontal line extending from the end of the signature.

Signed

Dated 25th November 2024

Janet Witkowski, Acting Governance, Compliance and Monitoring Officer

A handwritten signature in black ink, appearing to read 'Janet Witkowski', with a horizontal line extending from the end of the signature.

Signed

Dated 25th November 2024