

Dear Rob

You have asked me to explain why it is that a bid for a University Technical College ("UTC") needs to include evidence that a charitable company limited by guarantee is already in existence before the closing date for applications, which in this case is 16 November 2012.

One of the very few hard pieces of evidence which persuades the assessors of a UTC application of the genuine nature of the local commitment is the fact that the proposers between them have taken the steps to approve and form such a company. The very fact that in all cases this requires considered thought and high levels of authorisation is the reason why this is taken so seriously. We want to know that you mean it. Also one of the very few but critical distinguishing features of a UTC by comparison with all other academies is the nature of the legal entity owning, managing, and responsible for the school. This legal entity will be the company that we now ask you to form.

Of course it can be a shell company. It will be a company limited by guarantee. It needs the minimum number of members (who appoint and remove the directors and approve the Articles of Association) and directors (who do everything else and are legally accountable for the assets, finances and performance of the UTC). The members should be the key backers of the project and the members can of course change the composition of the Board by written resolution after the deadline. Note that the company will also be an exempt charity regulated not by the Charity Commission, but by the Secretary of State for Education.

Given that your application will not be as fully formed as many others that we expect to receive, I think you and your colleagues should regard the formation of this company as an essential indication of the seriousness of the proposers' intent.

As far as timescales are concerned, the applications will be assessed by the DfE and ourselves and, probably in early December, a decision will be made concerning which of those should be asked to an interview. These interviews will take place in late January or early February. If your bid is selected this gives you time further to refine your proposal and to make sure that the senior individuals who will attend the interview are fully committed and fully briefed.

Yours

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