

**REPORT TITLE: Closure of Dogsthorpe Junior School, Academy Transfer Agreement and Lease of Premises**

**Councillor John Holdich, Cabinet Member for Education, Skills and University**

**July 2014**

Cabinet portfolio holder:	Councillor John Holdich, Cabinet Member for Education, Skills and University
Responsible Director:	John Harrison, Executive Director, Resources
Is this a Key Decision?	YES If yes has it been included on the Forward Plan : Yes Unique Key decision Reference from Forward Plan : KEY/30MAY14/01
Is this decision eligible for call-in?	YES
Does this Public report have any annex that contains exempt information?	NO

**R E C O M M E N D A T I O N S**

The Cabinet Member is recommended:

1. To approve the closure of Dogsthorpe Junior School;
2. To approve the execution of a commercial transfer agreement; and
3. To grant a 125 year lease of the premises known as Dogsthorpe Junior School at a peppercorn rent to Greenwood Academies Trust from 1 September 2014.

**1. SUMMARY OF MAIN ISSUES**

- 1.1 It is the Government's policy for schools to become Academies.
- 1.2 The Ofsted Inspection of June 2013 judged Dogsthorpe Junior School to be inadequate. In order to bring about improvement, the Governing Body of Dogsthorpe Junior School applied to become an academy and the school has been accepted on to the Academy Programme. The change of status is to take effect from 1 September 2014. The new Academy will be sponsored by the Greenwood Academies Trust.
- 1.3 As part of the Academy Order made by the Government the Council is obliged to transfer the contracts and assets of the school and to grant a 125 year lease of the land and property to the academy sponsor, Greenwood Academies Trust.
- 1.4 The lease will be for a peppercorn rent. Should the grant funding for the Dogsthorpe Junior Academy be withdrawn the lease would automatically terminate and the land and assets would revert to the Council

- 1.5 Employees of the school will transfer to the Academy under a TUPE – transfer of undertaking (protection of employment) – agreement. The prescribed consultations meetings with staff and trade unions have been held.

## **2. PURPOSE OF THIS REPORT**

- 2.1 This decision is proposed in accordance with the delegations for Councillor Holdich, Cabinet Member for Education, Skills and University exercising delegated authority under paragraph 3.3.3 of Part 3 of the constitution in accordance with the terms of their portfolio at paragraph 3.5(a).

## **3. TIMESCALE**

Is this a Major Policy Item/Statutory Plan?	<b>NO</b>
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## **4. DETAILS OF DECISION REQUIRED**

- 4.1 Approval is required for the closure of Dogsthorpe School, which is currently a community school, on 31 March 2014, so that the new Academy can open on 1 September 2014.
- 4.2 Approval is required for a 125 year lease of the land and buildings of Dogsthorpe Junior School to Greenwood Academies Trust.
- 4.3 Approval is required for the transfer of the contracts and assets of Dogsthorpe Junior School to Greenwood Academies Trust by a commercial transfer agreement.

## **5. CONSULTATION**

- 5.1 The formal consultation process started on Monday 31st March and ended on Monday 21st April 2014. A Transfer of Undertaking Protection of Employment (TUPE) Meeting was held on Monday 28th April 2014 with trade union representatives and staff to inform them of the process. No concerns have been raised.

## **6. ANTICIPATED OUTCOMES**

- 6.1 The anticipated outcome is that Dogsthorpe Junior School will close and re-open as an Academy, the land and buildings of Dogsthorpe Junior School will be leased and the assets transferred to Greenwood Academies Trust from 1 September 2014

## **7. REASONS FOR RECOMMENDATIONS & ANY RELEVANT BACKGROUND INFORMATION**

- 7.1 The Council is required to co-operate with the Academy conversion, once approved by the Secretary of State for Education, under the 2011 Education Act.

## **8. ALTERNATIVE OPTIONS CONSIDERED**

- 8.1 Refuse the closure of Dogsthorpe Junior School and transfer to academy status. Once the school has been accepted for academy status by the Secretary of State the Council is required to support the decision.
- 8.2 Not to grant a lease of the premises: This option was rejected because the Academy Order requires the Council to grant a lease of the premises to the new Academy.
- 8.3 Sell the site to the new Academy: This option was rejected because there is no requirement for the Academy to buy land (for which no funding has been made available) and the Council would prefer to retain ownership.

## **9. IMPLICATIONS**

- 9.1 Property - The land and buildings will remain under the ownership of the Council but Dogsthorpe Junior Academy and Greenwood Academies Trust will have full control of them for a 125 year period, unless the Academy's grant funding is withdrawn in which case they will revert to the Council.
- 9.2 Finance – Dogsthorpe Junior Academy will receive its funding direct from the Department for Education. Government funding for Peterborough schools will be reduced proportionately.
- 9.3 Admissions Dogsthorpe Junior Academy will be its own admissions authority and will determine its own admissions arrangements. Places will continue to be allocated via the co-ordinated admissions scheme.
- 9.4 Legal and Governance – The Council is required to co-operate with the Academy conversion once approved by the Secretary of State for Education, under the 2011 Education Act.

## **10. DECLARATIONS / CONFLICTS OF INTEREST & DISPENSATIONS GRANTED**

*Declarations by any cabinet member consulted by the decision maker and any dispensation granted by the Audit Committee or Head of Paid Service (Chief Executive). Note, the Audit Committee grants dispensations where the member concerned has a pecuniary interest, whereas the Chief executive may grant a dispensation for these purposes to any cabinet member consulted on these proposals whether by an officer or another individual cabinet member where there is a common law conflict of interest that may not amount to a pecuniary interest under the Regulations.*

None.

## **11. BACKGROUND DOCUMENTS**

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985) and The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

None.