



EXECUTIVE MEMBER DECISION

REPORT OF: Executive Member for Children's Services
LEAD OFFICERS: Director of Children's Services
DATE: 30th November 2018

PORTFOLIO/S AFFECTED: Children's Services

WARD/S AFFECTED: Wensley Fold

SUBJECT: St Silas's C.E. Primary School Academy Conversion to Cidari Multi Academy Trust

1. EXECUTIVE SUMMARY

On the 16th May 2018 Blackburn with Darwen Borough Council received formal notification from the Department of Education, that St Silas C.E Primary School will convert to an Academy under Section 4 of the Academies Act 2010. Officers are working with the school and the trust to achieve a proposed conversion date of 1 December 2018

2. RECOMMENDATIONS

That the Executive Member:

- Notes the decision of the Secretary of State to exercise his statutory powers in respect of St Silas C.E. Primary School.
- Delegates authority to the Director of Children's Services and Director of HR, Legal & Governance to negotiate and enter into the Commercial Transfer Agreement (CTA) between the Council, the outgoing Governing Body and the Academy Trust.

3. BACKGROUND

3.1 The Secretary of State (SoS) for Education has exercised powers to convert St Silas C.E. Primary School to sponsored academy status under the Academies Act 2010. The Department for Education has identified Cidari Multi Academy Trust as the sponsor.

3.2 Under the Academies Act 2010 the Council is required to enter into a Commercial Transfer Agreement to transfer existing operational and service contracts to the Academy Trust.

4. KEY ISSUES & RISKS

4.1 Schedule 1 to the Academies Act 2010 enables the Secretary of State to make a scheme in relation to the school site (i.e. to make mandatory directions in relation to the transfer of the school

site to the Academy Trust). The school site is already owned by the Blackburn Diocesan Board of Education consisting of the hard standings and buildings therefore no transfer of land or buildings is required.

5. POLICY IMPLICATIONS

None

6. FINANCIAL IMPLICATIONS

The academy conversion process will incur expenditure in terms of professional and legal fees incurred internally by the Local Authority.

Schedule 1 of the Academies Act 2010 does not place any obligation on the Local Authority to reimburse any legal and or other professional costs incurred by the school or Academy Trust in completing the transfer.

The Council's Schools Finance team will work closely with the school to ensure the correct treatment of any surplus/deficit balance and closure of bank accounts in accordance with DfE guidance and legislation: the Academies Act 2010, the Academy Conversions (Transfer of School Surpluses) Regulations 2013 and the School and Early Years Finance (England) Regulations 2018.

St Silas currently purchase a number of services from Blackburn with Darwen Council. In the next financial period some of these services will not be renewed and will be delivered directly by the Cidari Trust.

7. LEGAL IMPLICATIONS

The Commercial Transfer Agreement is entered into to ensure that all existing operational and service contracts are captured and transferred to the Academy Trust

From the Council's perspective, this academy conversion does not constitute a transfer to which the Safeguarding of Employees Directive (2001/23/EC) and the Transfer of Undertakings (Protection of Employment) Regulations 2006 (as amended) apply. All of the staff currently working at the school are employed by the Governing Body.

8. RESOURCE IMPLICATIONS

Resource implications will be met within the Schools and Education portfolio with additional support from legal and the property team.

9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below. Where appropriate please include the hyperlink to the EIA.

Option 1 Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2 In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. (*insert EIA link here*)

Option 3 In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. (*insert EIA attachment*)

10. CONSULTATIONS

Officers have consulted with the relevant departments and will continue to consult internally as and when required.

11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded and published if applicable.

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CONTACT OFFICER:	Carol Grimshaw
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DATE:	28/11/2018
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BACKGROUND PAPER:	
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