

Delegated Decision Notice

This form is the written record of a key, significant operational or administrative decision taken by an officer.

Decision type	<input type="checkbox"/> Key Decision	<input checked="" type="checkbox"/> Significant Operational Decision	<input type="checkbox"/> Administrative Decision
Approximate value	<input type="checkbox"/> Below £500,000 <input type="checkbox"/> £500,000 to £1,000,000 <input type="checkbox"/> over £1,000,000	<input checked="" type="checkbox"/> below £25,000 <input type="checkbox"/> £25,000 to £100,000 <input type="checkbox"/> £100,000 to £500,000 <input type="checkbox"/> Over £500,000	<input type="checkbox"/> below £25,000 <input type="checkbox"/> £25,000 to £100,000
Director¹	The Director of Children and Families		
Contact person:	Janet Carter – Planning Manager, Sufficiency and Participation Team	Telephone number: 0113 3787226	
Subject²:	Commercial Transfer Agreement – Spring Bank Primary School to The Owlcotes Multi Academy Trust		
Decision details³:	<p>What decision has been taken? (Set out all necessary decisions to be taken by the decision taker including decisions in relation to exempt information, exemption from call in etc.)</p> <p>The Director of Children & Families agreed to:</p> <ul style="list-style-type: none"> • Note the negotiations held with Solicitors acting on behalf of The Owlcotes Multi Academy Trust; • Give authority for the following agreements to be executed and completed to enable the Academy to open on 1st May 2024 or such later date advised by the DfE (subject to the PFI funders/banks approval): <ul style="list-style-type: none"> ○ Schools Agreement between Leeds City Council and The Owlcotes Multi Academy Trust; ○ Principal Agreement between Leeds City Council, The Secretary of State for Education and The Owlcotes Multi Academy Trust; and ○ Commercial Transfer Agreement between Leeds City Council, the Governing Body of Spring Bank Primary School, and The Owlcotes Multi Academy Trust, together with any other documentation required to complete the transfer. • note that a Local Government (Contracts Act) certificate was signed by the Director of Resources (as approved by the City Solicitor) in relation to the Deed of Variation dated 1st September 2013 which varied the terms of the PFI project agreement for Leeds Seven Schools PFI programme to accommodate (amongst other things) this conversation. • Note that decisions relating to the transfer of land and/or the granting of any 		

¹ Give title of Director with delegated responsibility for function to which decision relates.


² If the decision is key and has appeared on the list of forthcoming key decisions, the title of the decision should be the same as that used in the list

³ Simply refer to supporting report where used as these matters have been set out in detail.

	<p>leases or licences are not included for approval in this report. These will be undertaken under separate delegated powers by the Director of City Development.</p> <ul style="list-style-type: none"> • Give authority for any other necessary action to be taken to effect the transfer.
	<p>A brief statement of the reasons for the decision (Include any significant financial, procurement, legal or equalities implications, having consulted with Finance, PACS, Legal, HR and Equality colleagues as appropriate)</p> <p>Under the Academies Act 2010, publicly funded schools in England may become academies. Schools may be converted into academies by an academy order made under s4 of the Act and on 23 February 2023 the Director of Children and Families received the academy order enabling Spring Bank Primary School to convert to an academy. The proposed conversion date is 1st May 2024 or such later date as advised by the DfE.</p> <p>This is a Significant Operational Decision on the basis that there are indemnities within the CTA around staffing, with a risk that the City Council could potentially be liable for future costs arising from Employment Tribunals should any arise, however this has been assessed against the impact of the conversion not proceeding or proceeding without the City Council entering into the Commercial Transfer Agreement, which is a greater risk for the City Council under the circumstances.</p> <p>The School Agreement, Principal Agreement, and Deed of Variation are required because Spring Bank Primary School is one of the schools built under the Leeds Seven Schools PFI Project. These documents are based on template agreements issued by DfE (except the Deed of Variation) in relation to transfers of schools within PFI Projects. The documentation envisages that the City Council remains as counterparty to the PFI contract but is intended to apportion potential risks from that continuing arrangement appropriately between the City Council, the Academy, and the DfE. This is because the Academy receives funding directly from the DfE, and the Local Education Authority (LEA) no longer maintains the school and loses its other powers in relation to school management.</p>
	<p>Brief details of any alternative options considered and rejected by the decision maker at the time of making the decision</p> <p>Not applicable</p>
Affected wards:	Headingley and Hyde Park
Details of consultation undertaken⁴:	<p>Executive Member</p> <p>Ward Councillors</p> <p>Chief Digital and Information Officer⁵</p>

⁴ Include details of any interest disclosed by an elected Member on consultation and the date of any relevant dispensation given.

⁵ See Officer Delegation Scheme (Executive Functions) CDIO must be consulted in relation to all matters relating to the Council's use of digital technology

	Chief Asset Management and Regeneration Officer ⁶	
	Others Any other required consultation will have been carried out by the Regional Schools Commissioner.	
Implementation	Officer accountable, and proposed timescales for implementation Darren Crawley - The agreements will be executed and completed to enable the Academy to transfer on 1st May 2024 (or such later date advised by DfE)	
List of Forthcoming Key Decisions⁷	Date Added to List:-	
	If Special Urgency or General Exception a brief statement of the reason why it is impracticable to delay the decision	
	If Special Urgency Relevant Scrutiny Chair(s) approval Signature _____ Date _____	
Publication of report⁸	If not published for 5 clear working days prior to decision being taken the reason why not possible:	
	If published late relevant Executive member's approval Signature _____ Date _____	
Call In	Is the decision available ⁹ for call-in?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	If exempt from call-in , the reason why call-in would prejudice the interests of the council or the public:	
Approval of Decision	Authorised decision maker ¹⁰ Director of Children and Families – Julie Longworth	
	Signature 	Date: 18/3/24

⁶ See Officer Delegation Scheme (Executive Functions) CAMRO must be consulted in relation to all matters relating to the Council's land and buildings.

⁷ See Executive and Decision Making Procedure Rule 2.4 - 2.6. Complete this section for key decisions only

⁸ See Executive and Decision Making Procedure Rule 3.1. Complete this section for key decisions only

⁹ See Executive and Decision Making Procedure Rule 5.1. Significant operational decisions taken by officers are never available for call in. Key decisions are always available for call in unless they have been exempted from call in under rule 5.1.3.

¹⁰ Give the post title and name of the officer with appropriate delegated authority to take the decision.