

**Report of :** Head of Land and Property  
**Report to :** Director of City Development

**Date:**

**Subject:** Guiseley School, Fieldhead Road, Guiseley, Leeds, LS20 8DT – transfer to the Aireborough Learning Partnership Trust.

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Guiseley and Rawdon	
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

### Summary of main issues

1. The purpose of this report is to seek approval to the disposal of the site of Guiseley School to the Aireborough Learning Partnership Trust in pursuance of the Schools Standards and Framework Act 1998 and the School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2007 and the Education and Inspections Act 2006 (“the Acts and Regulations”).
2. The subject site noted within this report is an operational school.
3. The Schools Standards and Framework Act 1998 and the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 set out the basis upon which assets are to be transferred from a local authority to a school seeking trust or foundation status. The legislation provides flexibility for schools to work together under a shared trust in partnership with other schools and with external organisations (such as universities, business foundations and community groups).
4. Under the Act and the Regulations all assets (being land and buildings held or used for the purposes of the school by a local authority) will automatically transfer for nil consideration to the trustees of schools converting to trust status (“trust schools”) on the date the school becomes a trust school (“the Implementation Date”). The requirements of the Act override a local authority’s duty under section 123 of the Local Government Act 1972 to secure best consideration for the disposal of and

interest in the land.

5. Under the Act and Regulations, the trustees do not have to pay for the land and the Local Authority cannot demand any consideration for the land and buildings.

## **Recommendations**

7. It is recommended that approval is given to the freehold disposal of Guiseley School to the Aireborough Learning Partnership Trust at nil consideration on the terms outlined within this report.
- 

### **1 Purpose of this report**

- 1.1 The purpose of this report is to seek approval to the disposal of Guiseley School to the Aireborough Learning Partnership Trust under the Schools Standards and Framework Act 1998 and the School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2007.

### **2 Background information**

- 2.1 Provisions contained within the Act and the Regulations have added to the opportunities for diversity in school structures and governance, particularly in relation to the establishment of foundation schools with a charitable foundation, commonly referred to as trust schools.
- 2.2 The governing bodies of schools can decide to convert to trust status. This results in land and buildings used for school purposes automatically vesting in a trust, once it is established, for nil consideration. Guiseley School has elected to convert to trust status, becoming part of the Aireborough Learning Partnership Trust.
- 2.3 A trust school remains a local authority maintained school that is funded on the same basis as other local authority maintained schools, and funding will be delegated to the governing body, not the Trust. There will be no additional funding from the local authority for a trust school, and there is no expectation that the Trust will provide the school with additional funding. Trusts are not required or expected to make any financial contribution to the schools they support. They could, however, bring in additional resources in terms of professional expertise, knowledge and vocational opportunities.
- 2.4 Any deficit that occurs is the responsibility of the governing body but, as with any maintained school in deficit, a local authority licenses the deficit and agrees a recovery plan.
- 2.5 The governing body will set the school's own admission arrangements, but it will have to act in accordance with the School Admissions Code and will not be allowed to introduce selection by ability. Trust schools are expected to play a full part in taking "hard to place" pupils, have a fair admissions policy and work with other schools. School staff of a trust school including teachers and caretakers will be employed directly by the governing body.
- 2.6 The governing body of any trust school will manage its own land and buildings. A trust will hold the land and buildings of the school on trust for the duration of that trust. The implications of this are covered in more detail below.

- 2.7 A school is supported by a trust through the appointment of governors to the school's governing body. The governing body of a trust school, and not the trust itself, will remain responsible for all aspects of the conduct of the school. The trust and the governing body remain separate entities.

### **3 Main issues**

- 3.1 The Transfer is negotiated between the parties and the main provisions are as follows:

1. Transferee: The party to the transfer will be the Aireborough Learning Partnership Trust.
2. Freehold transfer: All the land within the area edged black on the attached plan 18827A.
3. Consideration: The consideration payable for the transfer will be nil.
4. Use: The transferee will covenant not to use the property otherwise than:
  - (a) for the purposes of the provision of educational services; and
  - (b) for community, fundraising and recreational purposes which are ancillary to the use permitted under clause (a) above.
5. Restriction on title: Restrictions will be placed on the title under the provisions of the School Standards and Framework Act 1998 requiring the transferee to notify the Council of any proposed disposals. The Council can prevent or agree (including requesting a share of any proceeds) to disposals.
6. Legal Costs: Under the School Standards and Framework Act 1998 Leeds City Council is required to pay the reasonable costs of the transferee in connection with the transfer.

### **4 Corporate Considerations**

#### **4.1 Consultation and Engagement**

- 4.1.1 Children's Services advises that pupils, their parents/guardians, teachers and staff were all made aware of the School's proposal to convert to trust status.
- 4.1.2 All Ward Members have been contacted by City Development by e-mailed letter on 6 February 2019. Cllr. G. Latty responded by e-mail to say that he is content with the proposal and does not need to comment further.
- 4.1.3 It is understood from Children's Services that the Director of Children's Services and the Executive Member for Children's Services were made aware of the proposal after receipt of the conversion notification in January 2014.

#### **4.2 Equality and Diversity / Cohesion and Integration**

- 4.2.1 The proposal has no specific implications for equality, diversity, cohesion and integration.

### **4.3 Council Policies and City Priorities**

4.4 The proposal outlined in this report will impact on the Leeds City Council aim that Councillors are committed to improving outcomes for children and young people. *The Best Council Plan 2018/19-2020/21* has, as key objectives, to “build a child friendly city” by improving outcomes for children and families, with focuses on: Increasing the number of children and young people participating and engaging in learning, improving achievement and attainment for all, NEETs and attendance; raising educational standards and narrowing the gap for vulnerable groups; and ensuring enough school places as the City grows.

### **4.5 Resources and Value for Money**

4.5.1 Although the Council has a duty under s.123 of the Local Government Act 1972 (or the Housing Act 1985) to secure the best consideration that it reasonably can from the disposal of its property assets, this obligation is overridden by the requirements of the Schools Standards and Framework Act 1998 and the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 to make the transfer at nil consideration.

4.5.2 The site is entered in the asset register at £36,132,000. The disposal of the land and premises to the Aireborough Learning Partnership Trust would represent value for money for the Council and as such would not have less than best implications, as it is a statutory function of the Council to provide education for children in Leeds. There is no alternative value for the site as there is a requirement to continue to provide education to around 1,440 children in the catchment area.

4.5.3 The report referred to at 7.1 below, of the Chief Executive of Education Leeds to the Executive Board detailed the financial implications for the Council of the proposed school trusts in the process of being created in Leeds.

### **4.6 Legal Implications, Access to Information and Call In**

4.6.1 Under Part 3, Section 3E(g) of the Council’s Constitution (Officer Delegation Scheme (Executive Functions)) the Director of City Development has authority to discharge any function of the Executive in relation to Asset Management.

4.6.2 The Chief Officer Asset Management and Regeneration, Head of Asset Management and Head of Land and Property have authority to take decisions in relation to Asset Management as delegated in the Director of City Development’s sub delegation scheme.

4.6.3 The proposal constitutes a significant operational decision and is not subject to call in.

### **4.7 Risk Management**

4.7.1 The Aireborough Learning Partnership Trust has occupied the site since conversion on 1 January 2014. There is deemed to be no risk in the transfer of the site as requested.

## **5 Conclusions**

5.1 The proposal should be supported in line with the DfE’s making of an order enabling the schools to convert to trust status under the Schools Standards and Framework

Act 1998 and the School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2007.

## **6 Recommendations**

- 6.1 It is recommended that approval is given to the freehold disposal of Guiseley School to the Aireborough Learning Partnership Trust at nil consideration on the terms outlined within this report.

## **7 Background documents<sup>1</sup>**

- 7.1 Report of the Director of Children's Services to the Executive Board on 5 September 2012.

---

<sup>1</sup> The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.