

**Rufford Park Primary School, Rufford Avenue LS19 7QR**

Date: 15 June 2022

Report of: Land and Property Services

Report to: The Director of City Development

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

**What is this report about?**

**Including how it contributes to the city's and council's ambitions**

- The purpose of this report is to note the transfer and vesting of the Rufford Park Primary School site to the Aireborough Learning Partnership Trust in pursuance of the Schools Standards and Framework Act 1998, the School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2007 and the Education and Inspections Act 2006 (“the Acts and Regulations”).
- The subject site is noted within this report and comprises an operational school site.

**Recommendations**

- a) It is recommended that the Director of City Development notes the proposed disposal of land and buildings at Rufford Park Primary School to the Aireborough Learning Partnership Trust. This is to be at nil consideration in line with the statutory obligations placed upon the Council.

**Why is the proposal being put forward?**

- 1 The purpose of this report is to note the statutory transfer and vesting of Rufford Park Primary School to the Aireborough Learning Partnership Trust under the Acts and Regulations.
- 2 The proposal should be supported in line with the DfE's making of an order enabling the school 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.
- 3 The Acts and Regulations set out the basis upon which assets are to be transferred from a local authority to a school which changes category or acquires a foundation. The Acts and Regulations provide flexibility for schools to work together under a shared Trust in partnership with external organisations (such as Universities, Business Foundations and Community Groups).
- 4 Under the Acts 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 trust is implemented (“the Implementation Date”). The requirements of the Acts and Regulations

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. A school decides to become a trust school and applies to the Department of Education. Once the conversion is authorised by the Department for Education a local authority must comply with the request to convert.

- 5 Under the Acts and Regulations, the trustees do not have to pay for the land and buildings and the Local Authority cannot demand any consideration for the land and buildings.
- 6 Provisions contained within the Acts 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. In respect of trust schools there is a statutory transfer and vesting of the land in a trust on the date that the trust is implemented. The Council is responsible for transferring the title of the land after the date of implementation. The extent to be transferred can be agreed between the parties.
- 7 The governing bodies of schools can decide to convert to trust status. This results in land and buildings used for school purposes automatically transferring and vesting for nil consideration in a trust once it is established. Rufford Park Primary School elected to convert to trust status in December 2014. The Council and the Trust have agreed the extent of the land that transferred and are ready to formalise the land transfer by completing the Transfer document. City Development, Children's Services and Legal Services have ensured that the land to be transferred is appropriate and does not fall outside the extent of land that is legally permitted to be transferred under the Acts and the Regulations.
- 8 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.
- 9 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.
- 10 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 will be 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.
- 11 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.
- 12 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.
- 13 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 coloured blue on the attached plan.
  
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 A restriction 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 has an opportunity to make comment on the proposed disposals (including requesting a share of any proceeds) to disposals.
  
6. Legal Costs: Under the Acts and the Regulations each party is responsible for its own legal costs.

**Wards Affected:**

Have ward members been consulted?

Yes

No

**What impact will this proposal have?**

- 14 The proposals outlined in this report will impact on the Leeds City Council Best City Ambition, a key pillar of which is Health and wellbeing and a focus on ensuring that Children in all areas of the city have the best start in life and enjoy a healthy, happy and friendly childhood.

### **What consultation and engagement has taken place?**

- 15 Land & Property Section informed Otley and Yeadon Ward Members of the leasehold transfer by e-mail on 25 May 2022. Councillors Lay and Campbell acknowledged receipt. Councillor Downes has declared an interest as a School Governor and declined to comment.
- 16 Children's & Families advises that the Director of Children's & Families and the Executive Member for Children's & Families are aware of the proposal

### **What are the resource implications?**

- 17 Although the Council has a duty under s.123 of the Local Government Act 1972 (or the Housing Act 1995) 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 Acts and the Regulations which dictate that the transfer is for nil consideration.
- 18 The disposal of the land and premises to the Aireborough Partnership Learning 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.

### **What are the legal implications?**

- 19 Under Part 3 Section 3E Paragraph 2(a) of the Council's Constitution (Officer Delegation Scheme (Executive Functions)) the Director of City Development has authority to discharge any function of Executive Board in relation to the management of land (including disposals of land)
- 20 The Director of City Development has authority to take the decisions requested in this report under functions 1 and 10 (d) of the Director of City Development's sub delegation scheme.
- 21 The proposal constitutes an administrative decision and is not subject to call in.

### **What are the key risks and how are they being managed?**

- 22 The Aireborough Partnership Learning Trust has occupied the site since conversion in December 2014. There is deemed to be no risk in the transfer of the site as requested.

### **Does this proposal support the council's 3 Key Pillars?**

Inclusive Growth                       Health and Wellbeing                       Climate Emergency

- 23 In accordance with the Schools Admissions Code.

### **Options, timescales and measuring success**

#### **a) What other options were considered?**

- 24 None – the Council is required to complete the transfer under the Acts and Regulations.

#### **b) How will success be measured?**

- 25 Upon completion of the transfer.

**c) What is the timetable for implementation?**

26 Within 12 weeks of approval.

**Appendices**

27 None

**Background papers**

28 None