

URGENT DECISION FORM



Date: 6/12/2024	Ref No:		
Type of Decision:			
Cabinet Decision		Council Decision	
Key	x	Non-Key	

Subject matter: Legal Agreement with Oak Learning Partnership in support of the Academisation

Reason for Urgency:

Following a Directive Academy Order issued by the Secretary of State, Bury Secondary PRU Spring Lane School is due to transfer to Oak Learning Partnership Multi Academy Trust on 1 January 2025. Despite exhaustive efforts a side letter agreement has only just been reached between Oak Learning Partnership and Bury Council which was unable to be completed in line with Cabinet reporting cycle for a decision. This agreement is in respect of the future school estate for the Secondary Pupil Referral Unit provision post academy conversion.

Background

The Secretary of State issued a Directive Academy Order in respect of Bury Secondary PRU Spring Lane School on 10 February 2023. Oak Learning Partnership (OLP) was approved as the trust to sponsor the school.

This Academy Order was issued further to section 4(1)(b) of the Academies Act 2010 (as amended by the Education and Adoption Act 2016) as a result of Bury Secondary PRU Spring Lane School meeting the definition of a school that is coasting (not making necessary improvements) as set out in the Coasting Schools (England) Regulations 2022.

OLP has responded to this and is currently operating under a Service Level Agreement to implement improvements at the school and meet the needs of vulnerable children in the local authority in advance of the conversion.

In parallel, Council Officers have been collaborating closely with the DfE conversion team and the trust to facilitate the conversion.

The target date for conversion is 1 January 2025. Under DfE guidelines the transfer is to be by way of a 125-year lease at a peppercorn using procedure and prescribed lease template provided by the DfE. There are currently 3 sites where the PRU will be located at the transfer date which will each require a separate 125-year lease. These sites are only temporary locations for the PRU and therefore break clauses will need to be inserted into the leases.

The sites concerned are:

- New Kershaw centre, Deal Street, Bury BL9 7PZ
- Park House, 190 Chesham Road, Bury BL9 6HA
- Former Whittaker Street offices, Whittaker Street, Radcliffe M26 2TE (This will be an agreement to lease for 125 years while the modular build is erected on site)

The break clauses are to be instigated once a new site has been identified and any new or existing buildings on the identified site are suitable for occupation by the PRU. A new lease will subsequently be entered into by both parties for the new site / sites.

Urgent decision

The Council is therefore required to enter into a side letter/agreement with the Academy Trust to provide comfort on the plan to provide a permanent location of the PRU. This was the subject of the December Cabinet report, seeking approval to proceed with the side agreement between the Council and OLP in respect of the future school estate for the Secondary Pupil Referral Unit provision post academy conversion.

Approval is sought to enter into the appended side letter as part of the academisation process to meet the requirements of Oak Learning Partnership and the Department of Education.



Key Dates:

- 1st December 2024 - All legal and commercial transfer agreements complete
- 10th December 2024 - Council urgent decision approved
- 13th December 2024 - Department of Education, "all dates met" confirmation
- 1st January 2025 – Academisation of Spring Lane School to Oak Learning Partnership

Freedom of Information Status

Some aspects of the legal agreements and side letter are classed as commercially listed

Equality Impact Assessment [Does this decision change policy, procedure or working practice or negatively impact on a group of people? If yes – complete EIA and summarise issues identified and recommendations – forward EIA to Corporate HR]	N/A	
Decision taken: To meet the requirements of Oak Learning Partnership and the Department of Education to enter into a side letter/agreement with the Academy Trust to provide comfort on the plan to provide a permanent location of the PRU. This is approved by Councillor O'Brien, Leader of the Council, via the urgent decision process, following consultation with the Cabinet Member for Children and Young People and following consultation as to the need for urgency with Councillors: Boles (Chair of the Children and Young People's Scrutiny Committee) Bernstein (Leader of the Conservative Group) M Smith (Leader of Radcliffe First).		
Decision taken by:	Signature:	Date:

Chief/Senior Officer/Cabinet Chair	 Cllr Eamonn O'Brien	5.12.24
After consultation with:		
Cabinet Member (if a Key Decision) or Chair or Lead Member (as appropriate)	 Cllr Lucy Smith	5.12.24
If it is a Key Decision, the Chair of Scrutiny Committee to agree that the decision cannot be deferred	Cllr Ciaran Boles	5.12.24
Opposition Leader or nominated spokesperson (Council Decision) or Leader or Majority Group Member on Overview and Scrutiny Committee (if a Key Decision) to agree that the decision cannot be deferred	Cllr Russell Bernstein	5.12.24
Leader of second largest Opposition Group (if a Key/Council Decision) to agree that the decision cannot be deferred	Cllr Mike Smith	5.12.24

Background information:

Cabinet meeting papers December 2023

<https://councildecisions.bury.gov.uk/ieListDocuments.aspx?CId=126&MId=3457&Ver=4>

Appendix 1

Side Letter – letter restricted.

April 2015

Report Author: Matthew Nicholson
Job Title: Major Project's Manager – Educational Capital
Date: 1/12/24