

## URGENT DECISION FORM



TO BE UPLOADED ON TO THE INTERNET BY DEMOCRATIC SERVICE

<b>Date:</b> 23/12/2024		<b>Ref No:</b>	
<b>Type of Decision:</b>			
<b>Cabinet Decision</b>		<b>Council Decision</b>	
<b>Key</b>	x	<b>Non-Key</b>	

**Subject matter: Legal Agreement with Oak Learning Partnership in support of the Academisation of Bury Secondary PRU Spring Lane School**

**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 and a subsequent amendment to the Commercial Transfer Agreement (CTA) have now been agreed between Oak Learning Partnership and Bury Council, which was unable to be completed in line with Cabinet reporting cycle for a decision. The side letter agreement and amendment to the CTA focuses on the future school estate for the Secondary Pupil Referral Unit provision after 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 occupied by the PRU. A new lease will subsequently be entered into by both parties for the new site / sites, in line with the customary DfE lease guidelines for academy transfer (see above).

The amended CTA commits the Council to providing suitable site(s) and building(s) for the PRU by the end of the 2028 calendar year. Indicative construction costs are contained at Appendix One (*not for publication – commercially sensitive*)

**Urgent decision**

The Council is required to enter into a side letter/agreement **and** amended CTA with the Academy Trust to provide assurance 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 now sought to enter into the appended side letter and CTA as part of the academisation process to meet the requirements of Oak Learning Partnership and the Department for Education.

Members to please note:

- Recommendation to Council that the Capital programme, and Medium Term Financial Strategy includes provision for indicative cost figures for the build programme (as set out in Appendix One)
- Note that the Council will use its best endeavours to provide the school by 1 January 2030

**Appendices (*not for publication*)**

- Appendix One: Indicative Build Costs
- Appendix Two: Side Letter Agreement
- Appendix Three: Commercial Transfer Agreement

**Key Dates:**

- 19 December 2024 (noon) - cleared version of the Supplemental Funding Agreement (SFA) to be signed by both parties
- 18 December 2024 - Confirmation of lease agreements
- 23 December 2024 (12 noon) - Confirmation that CTA is agreed and signed & Council urgent decision approved
- 1<sup>st</sup> 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:**

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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	  Leader of the Council	23/12/24
<b>After consultation with:</b>		

Cabinet Member (if a Key Decision) or Chair or Lead Member (as appropriate)		
	Cllr L. Smith	23/12/24
If it is a Key Decision, the Chair of Scrutiny Committee to agree that the decision cannot be deferred	Cllr C Boles, approved by e-mail	23/12/24
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 R Bernstein, approved by e-mail	23/12/24
Leader of second largest Opposition Group (if a Key/Council Decision) to agree that the decision cannot be deferred	Cllr M Smith, approved by e-mail	23/12/24

Report Author: Stephen Holden  
Job Title: Director of Education  
Date: 23/12/2024

Background Papers:

Appendix 1-3 Restricted.

[Decision - Legal Agreement with Oak Learning Partnership in support of the Academisation - Bury Council](#)