12 June 2018

ACADEMY ORDER FOR THE JOHN ROAN SCHOOL

I am writing to inform you that I have agreed The John Roan School will become an academy sponsored by University Schools Trust, East London. The sponsor will now work with your officers, the school and my office to convert the school to an academy. I would be grateful for your support in enabling the conversion to happen as swiftly as possible.

Under section 5B of the Academies Act 2010, as amended by the Education and Adoption Act 2016, the governing body of the school and the local authority are under a duty to take all reasonable steps to facilitate the conversion of the school into an academy. Further details are set out in Annex A. The governing body and the local authority are also under a duty to take all reasonable steps to facilitate the making of academy arrangements with the sponsor.

My office will be in touch with your officers shortly to agree the details of how you should help the school become an academy. This will include:

- Supporting the transfer of the staff at the school to the academy trust under the Transfer of Undertakings (Protection of Employment) Regulations 2006.

- Supporting the transfer of the land and buildings occupied by the school to the academy trust so that they are available for use when the academy opens. If the authority owns the freehold of the land and buildings currently occupied by the school, you should agree to lease these to the academy trust, using the department’s model 125-year lease available at: https://www.gov.uk/government/publications/academy-long-term-lease-model
As a first step, it would be helpful to gather land ownership and land registration documentation and information;

- Supporting the transfer of assets and liabilities (other than land) to the academy trust and agreeing how any future liabilities will be dealt with, by agreeing a Commercial Transfer Agreement with the outgoing governing body and the academy trust using the department’s model agreement available at: https://www.gov.uk/government/publications/academy-commercial-transfer-agreement

I attach a copy of the Academy Order and my letter to the chair of governors.

Dominic Herrington,
Regional Schools Commissioner, South East and South London
Annex A: duty to facilitate conversion

- The governing body and the local authority are under a duty to take all reasonable steps to facilitate the conversion of the school into an academy by a date to be determined by the Regional Schools Commissioner.
- The governing body and the local authority are also under a duty to facilitate the making of academy arrangements with the sponsor.
- The Secretary of State would expect the governing body and local authority (LA), as appropriate, to undertake the following to facilitate conversion:
  - Provide reasonable and timely access for the academy trust or sponsor and its agents to information necessary for the conversion and for access to the school premises in furtherance of the conversion;
  - Co-operate in providing data and information including information on pupil performance and tracking systems;
  - Drafting of, and agreement on, a Commercial Transfer Agreement which outlines historic and future liabilities, staff and asset information and contracts and agreements;
  - Arrange for the transfer of any existing contracts the academy trust will continue with post-opening;
  - Provision of financial information including budget statements, internal school budget information and audit reports;
  - Provision of land information, including a site plan, details of any shared use and land registration documentation to the academy trust;
  - Agree land and building arrangements with the academy trust or other landowner where appropriate; conclude shared use agreements where appropriate;
  - Completion of the land transfer to the academy trust using the DfE model lease;
  - The LA, or governing body, if it is the employer of the current staff, should complete the TUPE process including informal and formal consultation with staff and union representatives in a timely manner so as not to delay the agreed transfer date;
  - Provision of staff information to the academy trust in good time to allow for due diligence to be conducted;
  - Provide information to the academy trust on pension arrangements for teaching and non-teaching staff.
  - For PFI schools, the LA and the governing body should provide necessary financial information and complete the required documentation including the principal agreement and the project agreement.
  - If the LA is required to and has not completed the transfer of its interest in the land to a church school, this should be completed speedily.

This is not an exhaustive list the governing body and the local authority are under a general duty to facilitate conversion and the making of academy arrangements which may well include other tasks not listed here. The Project Lead will draw up a timetable for this academy conversion. Officials will report regularly to the relevant RSC on progress and if necessary raise any concerns about where it is not felt that the LA or governing body is taking reasonable steps to facilitate the conversion in line with its legal obligations. The Secretary of State has powers to direct the LA and the governing body to take specified steps to facilitate the conversion.