

# Statement of the role of Milton Keynes Council in the implementation of academy conversions

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## Purpose of this document

To outline the functions Milton Keynes Council is required to perform to implement an academy conversion within the deadline provided by the Department for Education. This relates only to activity **after** the Academy Order has been issued.



The council does not have a role in approving academy applications or brokering multi-academy trusts. **This is for the Regional School Commissioner and we will not be providing advice on this.** The council would however expect any school becoming an academy to have thought through which trust it should join in order to improve standards and may provide appropriate challenge on this.

Receipt of an Academy Order presumes that the school has fulfilled its responsibilities in relation to governance and consultation and has reassured itself that the conversion will improve education standards and outcomes for all children.

## Local Authority responsibilities in the conversion process

The chart overleaf lists the specific functions the council will perform. If the school is already foundation, voluntary aided or voluntary controlled some of the tasks marked\* do not apply where the school already owns its buildings and land and/or the staff are not employees of Milton Keynes Council. Academy trusts and their solicitors will guide a school through the conversion tasks so the council does not provide a monitoring role outside of its own specific functions.

The Department for Education sends us an Academy Order detailing the intended conversion date and the name of the academy trust. This is usually only four months before the deadline, creating a tight schedule. Conversion can take place on the 1<sup>st</sup> of any month. Schools should refer to the Department for Education list published for each conversion month to see when specific tasks need to be completed. Each school will have a named DfE contact responsible for ensuring that the school, the trust and the LA meet these deadlines.

<https://www.gov.uk/government/publications/academy-conversion-important-dates>

## Our fee to schools

We will send a sales order (invoice) to each converting school for a flat rate of £5,000. This fee is subject to review and any update will be communicated via our Educ@te e-newsletter.

- Meet with school to clarify roles and responsibilities and find out issues with building ownership, caretaker property, tenants, staff and other liabilities
- Define recent or upcoming building work and check for contracts/warranties for completed works still within their defects period and for any outstanding planning conditions or liabilities \*
- In liaison with the school, arrange formal staff consultation regarding TUPE \*
- Obtain Deeds / Land Registry information for the school's solicitor
- Appoint external Solicitor to arrange lease transfer of land and buildings on behalf of council \*
- Visit school to confirm site boundary line, assets, shared users, shared utilities, rights easements, wayleaves, construction-related matters, covenants, site-specific conditions, indemnities \*
- Liaise with solicitors acting for school and academy trust to draft the Commercial Transfer Agreement

### 3 months before conversion:-

- Provide template spreadsheet for school to list their procurement contracts including loans. This forms part of the Commercial Transfer Agreement.
- Complete DfE's Local Authority Questionnaire
- Advise school regarding becoming their Own Admissions Authority – to manage its own process including periodic consultation and publication. Academies must retain their existing over-subscription criteria and conform to the Appeals Code and Fair Access Protocol as if they were a maintained school. They must conduct their process as part of wider LA coordination.
- Provide copy of Buildings Survey or Asset Management Plan \*
- Arrange for an Actuary to calculate staff pension liability costs and provide the trust with their pension contribution rates \*
- Gather personal data from school's employees so it is accurate \*

### 2 months before conversion:-

- Confirm staff transfer information to Chair of Governors \*
- Arrange for a Site Access Licence if the council will do capital works after conversion \*
- Ensure trust has building insurance in place before removing from MKC schools insurance policy \*
- Provide clarity on future funding for the school and confirm that admissions PAN is reflected in the funding agreement
- Add the new academy bank account onto the council finance system and web portal

### 1 month before conversion:-

- Confirm a legally finalised 125 year Lease Document \*
- Legally seal the finalised Commercial Transfer Agreement

### Final stages:-

- Novate the procurement contracts from the council to the new academy including writing to suppliers
- Complete individual staff transfers from the council HR system \*

### 3-4 months after conversion date:-

- Arrange final balance sign off with school and transfer the budget.