

Report for: **INFORMATION**



Contains Confidential or Exempt Information	No
Title	Appointment of Trustees to the Windsor Royal Free and Industrial Schools Trust
Responsible Officer(s)	Alison Alexander, Managing Director and Strategic Director Children's Services
Contact officer, job title and phone number	Kevin McDaniel, Head of Schools and Educational Services, 01628 683592
Member reporting	Cllr Natasha Airey Lead Member for Children's Services
For Consideration By	Cabinet
Date to be Considered	30 th June 2016
Implementation Date if Not Called In	Immediate
Affected Wards	All

REPORT SUMMARY

1. Trevelayn Middle School, in Windsor, is converting to an academy. For this to happen, the Royal Borough needs to formalise the ownership of part of the site, so that it can be leased to the new academy's trust by virtue of a standard 125 year academy lease under the Academies Act 2010.
2. The Royal Borough needs to appoint two Councillors as Trustees to the Windsor Royal Free and Industrial Schools Trust to act with the other trustees and those trustees together will register the land with the Land Registry.
3. Once registered, the Trustees will be able to transfer the land to the Royal Borough, who will then be able to create the lease to the academy trust on the date of conversion.

If recommendations are adopted, how will residents benefit?

Benefits to residents and reasons why they will benefit	Dates by which residents can expect to notice a difference

1. DETAILS OF RECOMMENDATIONS

RECOMMENDATION: That Cabinet:

- i. **Appoints two Royal Borough Councillors as follows to the Windsor Royal Free and Industrial Schools Trust:**
 - a. **Cllr Natasha Airey, Cabinet Member for Children's Services.**
 - b. **Cllr David Evans, Deputy Lead Member, School Improvement.**

2. REASON FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

Background

- 2.1 Trevelyan Middle School in Windsor is seeking to convert to an academy, joining the Upton Court Education Trust, a multi-academy trust. An academy order was made by the Department for Education on 20th January 2016, although both the school and the Royal Borough have been preparing for the school to convert since mid-2015.
- 2.2 When a school converts to an academy, the whole site needs to be transferred to the academy trust, usually on a 125 year lease with a peppercorn rent. In some cases, this is relatively straightforward, but complications often arise.
- 2.3 In the case of Trevelyan Middle School, the site consists of three separate parcels of land as follows:
 - **Land owned by the Royal Borough**, which will be transferred to the academy trust in the normal way.
 - **Crown Estate land**, for which a new lease between the Crown and the academy trust has been agreed, with a regular rent review.
 - **Land vested in the trustees of what was Princess Margaret Royal Free School.**
- 2.4 This last parcel of land has been problematic, because the full details of ownership and the trustees have not been apparent. Some of the relevant paperwork dates back to the 1850s, and the Windsor Royal Free and Industrial Schools Trust itself dates from 25th May 1859.
- 2.5 Work by Shared Legal Services and solicitors acting on behalf of the Oxford Diocese has established that the Trust has three representatives from the local authority, alongside four from the Church of England. One of the borough's representatives will be the Mayor, as an ex officio trustee. The other two need to be appointed and must be elected representatives of the council.
- 2.6 Once the trustees are appointed, they will be registered as owners of the land at the Land Registry, a process which is likely to take up to eight weeks. Once that is done, then the trustees will be able to carry out their sole obligation, which will be to execute a transfer deed transferring the land from the Windsor Royal Free and Industrial Schools Trust to the Royal Borough. The borough will, in turn, then be able to grant a lease to the academy trust in the normal way.

Option	Comments
To appoint two Councillors to the Windsor Royal Free and Industrial Schools Trust. Recommended.	This will allow the academy conversion of Trevelyan Middle School to proceed.
To not appoint two Councillors to the Windsor Royal Free and Industrial Schools Trust. Not recommended.	This will mean that the academy conversion of Trevelyan Middle School cannot proceed and the position of the land will be left in limbo indefinitely.

3 KEY IMPLICATIONS

Defined Outcomes	Unmet	Met	Exceeded	Significantly Exceeded	Date they should be delivered by
That Trevelyan Middle School converts to an academy.	N/A	N/A	N/A	N/A	1 st November 2016.

4. FINANCIAL DETAILS

Financial impact on the budget

4.1 There are no financial implications arising from this report.

5. LEGAL IMPLICATIONS

5.1 The appointment completes the seven trustees positions under the 1859 Trust – four of which are ecclesiastical (whose appointment is being dealt with by the Oxford Diocese) and three members of the Royal Borough’s Council. Currently the land is vested in the 1859 Trust but with no trustees. This means there is no one to operate the trust and fulfil its obligations. In consequence the land is in limbo and cannot be dealt with and no one has title or rights in respect thereof. Failure to appoint and register the land continues that position with a lack of ability to deal with any land issue.

6. VALUE FOR MONEY

6.1 There are no value for money implications arising from this report.

7. SUSTAINABILITY IMPACT APPRAISAL

7.1 There are no sustainability impacts arising from the recommendations.

8. RISK MANAGEMENT

Risks	Uncontrolled Risk	Controls	Controlled Risk
None identified			

9. LINKS TO STRATEGIC OBJECTIVES

9.1 The recommendations in this report link to Delivering together with our partners, as the borough works with all parties to ensure that Trevelyan Middle School can convert to an academy.

10. EQUALITIES, HUMAN RIGHTS AND COMMUNITY COHESION

10.1 No Equalities Impact Assessment has been carried out.

11. STAFFING/WORKFORCE AND ACCOMMODATION IMPLICATIONS

11.1 There are no staffing/workforce or accommodation implications.

12. PROPERTY AND ASSETS

12.1 There are no property and assets implications arising from the recommendations in this report.

13. ANY OTHER IMPLICATIONS

13.1 There are no other implications at this stage.

14. CONSULTATION

14.1 No consultation is required or has been carried out.

15. TIMETABLE FOR IMPLEMENTATION

15.1 If Cabinet approves the appointment of two trustees to the Windsor Royal Free and Industrial Schools Trust, then the land will need to be registered with the Land Registry. This could take up to eight weeks. Once that process is complete, the land can be transferred to the Royal Borough, who can then grant a lease to the academy trust. It is expected that this process will be completed in time for Trevelyan Middle School to convert on 1st October or 1st November 2016. This will depend, however, on swift action by other organisations, as well as by the Royal Borough.

16. APPENDICES

None.

17. BACKGROUND INFORMATION

None.

18. CONSULTATION (MANDATORY)

Name of consultee	Post held and Department	Date sent	Date received	See comments in paragraph:
Internal				
Cllr Dudley	Leader of the Council			
Cllr Airey	Lead Member for Children's Services			
Russell O'Keefe	Strategic Director Corporate and Community Services			
Alison Alexander	Managing Director/ Strategic Director Adults, Children and Health			
Simon Fletcher	Strategic Director Operations and Customer Services			
	Finance Partner			
Michaela Rizou	Cabinet Policy Officer			
Legal				
External				

REPORT HISTORY

Decision type:	Urgency item?
Non-key decision	No

Full name of report author	Job title	Full contact no:
Ben Wright	Education Planning Officer	01628 796572