



**Executive**  
13<sup>th</sup> March 2006

**Report from the Director of  
Children and Families**

For Action

Wards Affected:  
ALL

**Transfer Of Wembley High Technology College**

Forward Plan Ref: C&F05/06-035

**1.0 Summary**

1.1 This report seeks Members' consent to transfer the Council's interests in Wembley High Technology College to the governing body of the school.

**2.0 Recommendations**

2.1 The Executive authorises the transfer of the Council's interest in Wembley High Technology College as shown edged with a heavy black line on the plan annexed to this report to the governing body of the school.

**3.0 Detail**

3.1 Wembley High Technology College is currently a Community School maintained by the Council in its capacity as a local education authority ("LEA") in accordance with the School Standard and Framework Act 1998. The school site is shown edged with a heavy black line on the plan annexed to this report ("the Site").

3.2 The governing body of the School ("the governing body") have complied with the procedure for changing the School from a community school to a foundation school.

3.3 The procedures for changing a School from one category of maintained school to another are set out in the School Standard and Framework Act 1998 and the Education (Change of Category of Maintained Schools) (England)

Regulations 2000 as amended by the Education (Change of Category of Maintained Schools) (Amendment) (England) Regulations 2005 (“the Regulations”).

- 3.4 The governing body, in accordance with the streamlined procedure in the Regulations, on 20<sup>th</sup> July 2005 notified its stakeholders (parents, staff, LEA and local community) of its proposals to change the school from a community school to a foundation school.
- 3.5 The governing body, in accordance with this procedure, consulted with parents on 5<sup>th</sup> October 2005. The LEA and other stakeholders {staff, local and wider Brent community} were also consulted on 6<sup>th</sup> October 2005.
- 3.6 The governing body considered the responses to the consultation on 10<sup>th</sup> October 2005 and the statutory proposals were published in the Wembley Observer and associated papers on the 13<sup>th</sup> of October 2005. The Secretary of State for Education and Skills and the LEA were also notified of the published proposals on the 10<sup>th</sup> of October 2005.
- 3.7 The period for objections ended on 14<sup>th</sup> November 2005 and no objections were received.
- 3.8 The governing body decided to implement the proposal on 16<sup>th</sup> November 2005 and the Secretary of State and the LEA were notified on the 23<sup>rd</sup> of November 2005.
- 3.9 The Regulations provide that new instrument of government must be made and this was made on 16<sup>th</sup> November 2005 and the new governing body was reconstituted on 16<sup>th</sup> November 2005.
- 3.10 The governing body are required under the Regulations to implement the change of the school from a community school to a foundation school within six months of the date of the decision and the date chosen for implementation is 1<sup>st</sup> April 2006.
- 3.11 Schedule 6 to the Regulations and Section 198 and Schedule 10 to the Education Reform Act 1988 (as modified by the Education (New Procedures for Property Transfers) (Regulations 2000) (SI2000/3209) have effect in relation to the transfer of land. These statutory provisions provide that any land, which immediately before the date chosen to implement the change was held, or used, by the local authority for the purposes of a community school, will that date be transferred to the Trustees, to be held in trust for the purposes of the school or if the school has no Trustees to the governing body.
- 3.12 As the School does not have trustees but a governing body the Council is required to transfer its interest in the Site to the governing body of the school pursuant to the School Standards and Framework Act 1998 and the Regulations.
- 3.13 As the transfer is being undertaken in accordance with the relevant statute there will be no consideration payable on transfer of the land and buildings to the governing body.

## **4.0 Financial Implications**

- 4.1 There will be no change to funding arrangements. The School will continue to receive funding from the Individual Schools' Budget (ISB) at the same level as it would as a Community School; other Council support (including support under the Capital Investment Plan), will continue as before.
- 4.2 As this transfer is pursuant to a statutory provision the transfer will be made for nil consideration and as such the general requirement to obtain best consideration will not apply. In the event that the school in its new format should cease to exist it would be at the discretion of the Secretary of State as to whether the school's assets would transfer to the new body providing the educational service, or return to the Council.

## **5.0 Legal Implications**

- 5.1 The procedure for the change of schools from one category to another is set out in the Regulations. It is noted that the governing body has complied with the Regulations.
- 5.2 It is noted that the Council is required under the Regulations to transfer the School site to the governing body pursuant to the School Standards and Framework Act 1998 and the Regulations.

## **6.0 Diversity Implications**

- 6.1 There are no diversity implications for the immediate purpose of this report.

## **7.0 Staffing/Accommodation Implications (if appropriate)**

The change of the school category to foundation will result in a change of employer for the school's staff. The Regulations provides for all rights, powers, duties and liabilities to transfer from the local authority to the governing body. Another consequence of the change in category is that anything done by the authority in respect of the employee is considered, from the Implementation Date, to have been done by the governing body.

### **Background Papers**

EAL Asset Management Service: Wembley High Technology College.

### **Contact Officers**

**Nitin Parshotam**, Chesterfield House, 9 Park Lane, Wembley, Middlesex HA9 7RW

**Tel : 020 8937 3080 Fax : 020 8937 3093**

E-mail : [nitin.parshotam@brent.gov.uk](mailto:nitin.parshotam@brent.gov.uk)

**John Christie**

**Director of Children & Families**