

| | |
|---|---|
|  | <p>ACTION TAKEN UNDER DELEGATED POWERS BY OFFICER 11th April 2017</p> |
| <p style="text-align: center;">Title</p> | <p>Oak Hill Campus Tenancy at Will</p> |
| <p style="text-align: center;">Report of</p> | <p>Director of Children’s Services and Director of Resources</p> |
| <p style="text-align: center;">Wards</p> | <p>All</p> |
| <p style="text-align: center;">Status</p> | <p>PUBLIC.</p> |
| <p style="text-align: center;">Enclosures</p> | <p>None</p> |
| <p style="text-align: center;">Officer Contact Details</p> | <p>David Monger david.monger@barnet.gov.uk 020 8359 2754</p> |

| |
|---|
| <h3>Summary</h3> |
| <p>This report seeks approval to terminate the tenancy at will for the premises and site of Oak Hill Campus to Mill Hill County High School Academy Trust, and grant a new tenancy at Will to the new AP Barnet Multi-Academy Trust and to negotiate a 125 year Academy lease thereafter.</p> |

| |
|---|
| <h3>Decisions</h3> |
| <ol style="list-style-type: none"> 1. To terminate the existing tenancy at will for the premises and site at Oak Hill Campus which was granted to Mill Hill County High School Academy Trust; 2. Following termination of Mill Hill’s tenancy at will, to grant a new tenancy at will of Oak Hill Campus to the new AP Barnet Multi-Academy Trust; 3. To extend the area of the site covered by the new tenancy at will to include the first floor of the Whale Centre previously occupied by the YMCA; and 4. To progress to prepare and issue a 125 year lease of the site and premises of Oak Hill Campus (including the area previously occupied by the YMCA) to AP Barnet Multi-Academy Trust in line with the usual academy arrangements. |

1. WHY THIS REPORT IS NEEDED

- 1.1 At its meeting on 9th March 2015, the Children, Education, Libraries and Safeguarding Committee gave authority to the Director of Children's Services to continue to explore with the Department for Education, the Governing Body of Mill Hill County High School and the Management Committee of the Pavilion Pupil Referral Unit, the option of transferring the governance and leadership of Oak Hill Additional Resourced Provision from Mill Hill County High School to a new Multi-Academy Trust (MAT) which would also incorporate the Pavilion Pupil Referral Unit. This aimed to strengthen the local continuum of provision for children and young people with special educational needs in the area of social, emotional and mental health needs. As work progressed, Northgate Pupil Referral Unit also expressed interest in joining the proposed MAT.
- 1.2 The Regional School Commissioner has now given approval for Oak Hill ARP to separate from Mill Hill County High School Academy Trust and become a Special Academy under the new AP Barnet Multi-Academy Trust, which has been formed by three Barnet Academies.

2. REASONS FOR DECISIONS

- 2.1 Following Mill Hill County High School's conversion to Academy status in 2010, the Council granted a tenancy at will for the Oak Hill Campus site. This route was taken owing to the short timescales involved. It was intended to convert this to a 125 lease as is usual with academies, but this has not been pursued.
- 2.2 The tenancy at will currently excludes The first floor area of the Whale Centre which sits above the school buildings and was previously occupied by the YMCA. This was vacated over two years ago, the location and the accessibility of the accommodation which has shared services makes it difficult to let in isolation. This area will be used by the Multi-Academy Trust to develop outreach services offered by the Home and Hospital Tuition Service. Given the short timescales again, it is proposed to terminate the tenancy at will with Mill Hill County High School Academy Trust, enter into a new tenancy at will with AP Barnet Multi-Academy Trust and include the ex-YMCA rooms within the new tenancy. Oak Hill Special Academy will occupy and maintain these premises.
- 2.3 Following this interim arrangement, it is proposed that a 125 year lease is negotiated with AP Barnet Multi-Academy Trust in line with the usual academy arrangements.

3. ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 3.1 Given the approval for Oak Hill to become a special academy, it is a requirement for the Council to arrange for the premises to be available to the new MAT. As a lease will take time to negotiate, the tenancy at will provides the interim solution.

4. POST DECISION IMPLEMENTATION

- 4.1 The tenancy at will be arranged with AP Barnet Multi-Academy Trust and thereafter, a 125 Academy lease will be negotiated to replace the tenancy at will.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 The establishment of the Oak Hill Special Academy contributes to the following Council priorities:

- more young people with complex disabilities will stay in Barnet, where they grew up, and live in their own homes, with education and training opportunities helping them to grow in independence.
- the council will continue to ensure a great start in life for every child and that young people are well prepared for adulthood

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 The establishment of Oak Hill Special Academy will permit the expansion from 35 to 40 places and thereby offer opportunities to avoid expensive placements out of borough.
- 5.2.2 Loss of potential income from the letting of the first floor to a community user.

5.3 Legal and Constitutional References

- 5.3.1 The Council has a statutory duty under the Education Act 1996 to ensure the provision of sufficient schools for primary and secondary education in their area. Under s.14 of the Education Act 1996, a local authority shall secure that sufficient schools for providing primary and secondary education are available in their area. Sufficient means sufficient in number, character and equipment to provide for all pupils the opportunity of appropriate education. In meeting this duty, a local authority must do so with a view to securing diversity in the provision of schools and increasing opportunities for parental choice.
- 5.3.2 The statutory guidance also recommends that local authorities aim for a flexible range of provision and support that can respond to individual pupil needs and parental preference.

5.3.3. The Academies Act 2010 requires local authorities to arrange for the academy trust to have use of the land and buildings of the school(s), usually either by way of a 125 year lease with the local authority or the transfer of the freehold of the land, as applicable.

5.4 Risk Management

5.4.1 Given the short timescales involved, the granting of a tenancy at will will enable proper consideration to be given to the terms of the long lease required under the academies legal framework.

5.5 Equalities and Diversity

5.5.1 Equality and diversity issues are a mandatory consideration in the decision making of the council. This requires elected Members to satisfy themselves that equality considerations are integrated into day to day business and that proposals have properly taken into consideration what impact, if any, there is on any protected group and what mitigating factors can be put in train.

5.5.2 Ensuring a high quality education offer supports the progress of all children and young people including those with additional needs or at risk of underachievement, for example, children with additional learning needs or young people with behavioural emotional and social difficulties. By reshaping and investing in new provision for children with special educational needs and aiming to retain Barnet's diverse educational offer, the council is investing to ensure that Barnet remains a popular place for families to live and study.

5.6 Consultation and Engagement

5.6.1 The wider proposal for the establishment of Oak Hill as a separate Special Academy within a Multi-Academy trust was the subject of consultation with Barnet schools in September 2015 and with the parents of Oak Hill Campus in July 2015. There were no objections received.

6. BACKGROUND PAPERS

Item 10, Planning for New School Places 2015-16 to 2019-20: Children, Education, Libraries and Safeguarding Committee, 15th September 2014.

Item 10, Preparing to Meet Future Needs for Children with Special Educational Needs: Children, Education, Libraries and Safeguarding Committee, 9th March 2015.

Item 8, Future Provision of Specialist Places for Children and Young People with Special Educational Needs and Disabilities: Children, Education, Libraries and Safeguarding Committee, 16th July 2015

Item 9, The Future Provision Of Specialist Places for Children and Young People with Special Educational Needs and Disabilities 2015/16 To 2019/20: Children, Education, Libraries and Safeguarding Committee, 6th January

2016

7. DECISION TAKER'S STATEMENT

7.1 *I have the required powers to make the decision documented in this report. I am responsible for the report's content and am satisfied that all relevant advice has been sought in the preparation of this report and that it is compliant with the decision making framework of the organisation which includes Constitution, Scheme of Delegation, Budget and Policy Framework and Legal issues including Equalities obligations.*

8. OFFICER'S DECISION

I authorise the following action

8.1

Signed Director of Children's Services

Date 11th April 2017

Signed Head of Estates Management

Date 11th April 2017
