

15 April 2013**Agenda Item: 6****REPORT OF THE SERVICE DIRECTOR, EDUCATION STANDARDS AND
INCLUSION****PROPOSAL TO ESTABLISH THE MANSFIELD AREA PARTNERSHIP
LIMITED – A SCHOOL COMPANY****Purpose of the Report**

1. This report seeks the permission of the Committee to allow Garibaldi Comprehensive School, a secondary community school, to join with a number of academies and a voluntary aided school to form a company. Leas Park Junior School also intends to join the Partnership at a later date. Other schools may also wish to join the company at a later date.

Information and Advice

2. Schools are allowed, if they wish, to form themselves into a company, registered at Companies House. This option to form a company was established in the Education Act 2002. The existence of a company enables individual governing bodies to enter into contracts as a group and to pool resources, without being a part of any formal structure which affects their direct governance, such as forming a federation or entering into a chain of academies. The company remains a separate legal entity from the schools with the governing body of each school remaining responsible for the running of its own school.
3. The Mansfield schools wishing to form the company, as listed below, intend to work together to support each other by establishing the Company to raise standards across the schools and improve achievement levels for the benefit of the children and young people of their community. They intend that each school commits a sum of £2,000 annually for those schools with over 800 students and a sum of £500 annually for those with fewer than 800 students to the Company. However, under the Articles of Association, the Company is limited by guarantee and the liability of each school is limited to £10.

The Brunts Academy**The Manor Academy****Queen Elizabeth's Academy as an agent for School Partnership Trust Academies****All Saints RC Comprehensive School****Garibaldi College****Meden School as an agent for Torch Academy Gateway Trust****Samworth Church Academy**

4. In order for a company to be formed, which includes a community school, the community school must have the permission of the local authority. The Schools Companies Regulations 2002 lists the grounds on which a Local Education Authority may refuse permission. These are only when:
 - A. The school is subject to special measures
 - B. The school has serious weaknesses
 - C. The Local Education Authority considers that the school is likely to become subject to special measures or be assessed as having serious weaknesses within the next year.
 - D. The school has a deficit budget
 - E. The Governing Body of the school has, within the last three years, been a member of a school company which has become insolvent at the time that the school's governing body was a member
 - F. The governing body of the school has been the member of a company which failed to act in accordance with these regulations within the last three years.
5. Garibaldi School is the only member school of the proposed Company which is a community school. It breaches none of the allowable conditions.
6. Once permission is given the schools plan to seek incorporation into company status as soon as it is practicable. At this point, because a community school is among the number of its members, the Council would be required to become the "Supervisory Authority" for the Company. The Council would have the duty to notify the Secretary of State for Education of the particulars of the Company and to monitor its finances. The Company will submit the company accounts to the Local Authority at the same time as they are submitted to Companies House.

Other Options Considered

7. There is no other option to consider. Schools have the right to seek to form a company under the Education Act 2002. Local authorities must give permission to schools to form a company unless one or more of their members are in breach of the Regulations set out in the Schools Companies Regulations 2002.

Reason/s for Recommendation/s

8. The legal requirements for the Council to give permission for the schools of the proposed Mansfield Area Partnership Limited are fulfilled and, once permission is given, the Council is required to act as the "Supervisory Authority".

Statutory and Policy Implications

9. This report has been compiled after consideration of implications in respect of finance, equal opportunities, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION/S

That the Committee grants permission for:

- 1) the schools named in the Mansfield Area Partnership, as listed in paragraph 3, to form a company limited by guarantee
- 2) Leas Park Junior School and any other school which wishes to join the company, and where the company agrees, in the future to do so, provided that each of such schools fulfils all of the criteria listed A-F in paragraph 4 of this report.

John Slater

Service Director, Education Standards and Inclusion

For any enquiries about this report please contact:

John Slater

Service Director, Education Standards and Inclusion

T: 0115 9773589

E: john.slater@nottsccl.gov.uk

Constitutional Comments (LM 20/03/13)

10. The Children and Young People's Committee had delegated authority within the Constitution to approve the recommendations in the report.

Financial Comments (KLA 20/03/13)

11. There are no financial implications arising directly from this report.

Background Papers

Articles of association of the Mansfield Area Partnership Limited.

Memorandum of association of the Mansfield Area Partnership Limited.

Collaboration agreement of the Mansfield Area Partnership Limited.

Schools Companies Regulations 2002.

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Electoral Division(s) and Member(s) Affected

All Mansfield: Councillor John Allin
 Councillor Victor Bobo
 Councillor Joyce Bosnjak
 Councillor Bob Cross
 Councillor Stephen Garner
 Councillor June Stendall
 Councillor Parry Tsimbiridis

Councillor Chris Winterton
Councillor Martin Wright

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