

## **CABINET**

# **Extension of deadline for conclusion of Funding Agreement for Oasis Academy Oldham**

## **Report of Councillor Knox**

Portfolio Responsibility : Children, Young People and Families

**23<sup>rd</sup> September 2009**

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### **Purpose of Report**

The purpose of this report is to secure an extension of the deadline for the signing of the Funding Agreement for the Oasis Academy Oldham which is a condition for the confirmation of the conditional approval given by Cabinet on March 23<sup>rd</sup> 2009 to discontinue South Chadderton and Kaskenmoor schools.

### **Executive Summary**

That the deadline for the signing of the Funding Agreement for the Oasis Academy Oldham be extended until December 31<sup>st</sup> 2009, as a condition to be fulfilled prior to confirmation of the conditional approval by Cabinet on March 23<sup>rd</sup> 2009 to discontinue South Chadderton and Kaskenmoor schools.

### **Recommendations**

That the deadline for the signing of the Funding Agreement for the Oasis Academy Oldham be extended until December 31<sup>st</sup> 2009, as a condition to be fulfilled prior to confirmation of the conditional approval by Cabinet on March 23<sup>rd</sup> 2009 to discontinue South Chadderton and Kaskenmoor schools.

## EXECUTIVE DECISION RECORDING SYSTEM

REFERENCE NO : [insert no.]

Cabinet

23<sup>rd</sup> September 2009

### **Extension of deadline for conclusion of Funding Agreement for Oasis Academy Oldham**

Report of Executive Director People Communities and Society

Portfolio Responsibility : Councillor Kay Knox, Children, Young People and Families

#### **1 Purpose of Report**

- 1.1 The purpose of this report is to secure an extension of the deadline for the signing of the Funding Agreement for the Oasis Academy Oldham which is a condition for the confirmation of the conditional approval given by Cabinet on March 23<sup>rd</sup> 2009 to discontinue South Chadderton and Kaskenmoor schools. The Funding Agreement was submitted to Ministers by DCSF officials several weeks ago and approval was expected prior to the current September 30<sup>th</sup> deadline. However, due to a delay in consideration and signing of the Funding Agreement by Ministers, an extension of the deadline is required.

#### **2 Executive Summary**

- 2.1 The report summaries the reasons, process and implications of the extension of the deadline for the signing of the Funding Agreement for the Oasis Academy Oldham which is a condition for the confirmation of the conditional approval given by Cabinet on March 23<sup>rd</sup> 2009 to discontinue South Chadderton and Kaskenmoor schools.

#### **3 Recommendations**

- 3.1 That the deadline for the signing of the Funding Agreement for the Oasis Academy Oldham be extended until December 31<sup>st</sup> 2009, as a condition to be fulfilled prior to confirmation of the conditional approval by Cabinet on March 23<sup>rd</sup> 2009 to discontinue South Chadderton and Kaskenmoor schools.

#### **4 Background**

- 4.1 Cabinet on March 23<sup>rd</sup> 2009 agreed a recommendation to conditionally approve the proposals to:
- discontinue Breeze Hill School with effect from 31 August 2010.
  - discontinue Counthill School with effect from 31 August 2010.
  - discontinue Grange School on 31 August 2010
  - discontinue Kaskenmoor School with effect from 31 August 2010.
  - discontinue South Chadderton School with effect from 31 August 2010.

The approvals were conditional upon the making of Funding Agreements under section 482(1) of the 1996 Act for the establishment of three successor Academies which will provide for the pupils currently at the schools which are the subject of the proposals to transfer to the Academies. South Chadderton and Kaskenmoor Schools will close and be replaced by the Oasis Academy Oldham. Breeze Hill and Counthill Schools will close and be replaced by the Waterhead Academy and Grange School will close and be replaced by the EACT Academy.

The March 23<sup>rd</sup> 2009 Cabinet meeting agreed that this condition should be met by June 30<sup>th</sup> 2009, and that if it were not met by the specified date, the proposals should be referred back to Cabinet for fresh consideration or modification of the condition date before the date expires. Cabinet on June 24<sup>th</sup> 2009 extended to September 30<sup>th</sup> 2009 the deadline by which Funding Agreements were to be signed.

The September 9<sup>th</sup> 2009 Cabinet meeting agreed in relation to the EACT and Waterhead Academies to further extend the deadline until December 31<sup>st</sup> 2009. This was due to the overall delay in the process and the particular complexities of the legal agreements associated with the EACT and RC sites and the Waterhead Academy.

Cabinet are permitted to modify the condition if it proves not to be achievable by the date specified, as long as this takes place before the expiry of the condition. This was highlighted in the legal comments given in respect of the reports to Cabinet on 23<sup>rd</sup> March, June 24<sup>th</sup>, and September 9<sup>th</sup>.

## **5 Current Position**

- 5.1 The deadline for signing off Funding Agreements for the EACT and Waterhead Academies is December 31<sup>st</sup> 2009. It had been thought that the Oasis Academy Funding Agreement would be signed by the current deadline of September 30<sup>th</sup> 2009. The Funding Agreement was submitted to Ministers by DCSF officials several weeks ago and approval was expected prior to the current September 30<sup>th</sup> deadline. However, due to a delay in consideration and signing of the Funding Agreement by Ministers, an extension of the deadline is required.

## **6 Options/Alternatives**

- 6.1 There are no alternative options to an extension of the Oasis Funding Agreement deadline as it is a requirement of the process Cabinet has put in place in relation to the statutory school closures.

## **7 Preferred Option**

- 7.1 The preferred option is to extend the deadline for the signing off of the Oasis Funding Agreement until December 31<sup>st</sup> 2009.

## **8 Consultation**

- 8.1 The sponsors of the Academy – Oasis Community Learning – have been consulted.

## **9 Financial ilmplications**

- 9.1 There are no financial implications – Peter Cammack

10 **Legal Services comments**

- 10.1 If Cabinet approves extension of the date by which the Funding Agreement must be signed and this it is not met, the matter will need to be referred back to Cabinet in advance of the expiry of the further deadline for reconsideration of the matter and/or extension of the deadline. Cabinet is permitted to modify conditions for closure of schools if they prove not to be achievable by the date specified, as long as this takes place before the expiry of the condition.

11 **Human Resources comments**

- 11.1 Not applicable. Marie Wilcock

12 **Risk assessments**

- 12.1 The strategy outlined in the report manages risks associated with the finalisation of the Funding Agreement and the successful conclusion of the statutory school closure process.

13 **IT implications**

- 13.1 Not applicable – Andy Stobbie

14 **Property implications**

- 14.1 Not applicable – Cath Conroy

15 **Procurement implications**

- 15.1 There are no procurement implications. The Oasis Outline Business Case has been approved by Partnerships for Schools, subject to the signing of the Funding Agreement and procurement of the Oasis Academy Oldham via the National Academies Framework has commenced. David Ratnam

16 **Environmental and Health & Safety implications**

- 16.1 Not applicable.

17 **Community Cohesion Implications [including Crime & Disorder Implications in accordance with Section 17 of the Act] and Equalities Implications**

- 17.1 A key aim of the Academies and wider BSF programme is to provide new schools which bring together young people from diverse social and ethnic backgrounds. The Council and the sponsors understand the complexity of this and are building community cohesion into wider transition plans. Transition plans are currently under development for all three Academies. They will have a short, medium and longer term focus and be driven by Transition Groups for all three Academies.

18 **Forward Plan Reference**

- 18.1 Not applicable.

19 **Key Decision**


19.1 Not applicable.

20 **Background papers**

20.1 Cabinet reports: March 23<sup>rd</sup> 2009, June 24<sup>th</sup> 2009 and September 9<sup>th</sup> 2009.

21 **Appendices**

21.1 None

Signed _____ Cabinet Member for Children, Young People and Families	Dated _____
Signed  _____ Executive Director	Dated 23 <sup>rd</sup> September 2009__