

Ms Samantha Dangerfield  
Chair of Governors  
Nightingale Infant and Nursery School  
Nightingale Drive  
Taverham  
Norwich, NR8 6LA

10 May 2018

Dear Ms Dangerfield,

### **ACADEMY ORDER FOR NIGHTINGALE INFANT AND NURSERY SCHOOL**

I am writing to you as the Regional Schools Commissioner responsible for tackling school underperformance in this region.

Your school was inspected by Ofsted on 13 March 2018 and is judged to be Inadequate.

As the school is eligible for intervention under sections 61 and 62 of the 2006 Education and Inspections Act, I am writing on behalf of the Secretary of State for Education under Section 4 of the Academies Act 2010 (as amended by the Education and Adoption Act 2016) to issue the enclosed Academy Order.

I am considering a suitable academy sponsor for your school. Once I have selected a sponsor, I will be in contact in due course to confirm this, and a representative from the sponsor will be in touch to initiate their due diligence activities.

The DfE Project Lead (PL) assigned to you is [REDACTED] and can be contacted by email: [REDACTED]. The PL will contact you and the local authority within five working days of this letter and will provide advice about what steps you will be expected to take, and to what timescales, to facilitate the conversion. Further information can be found in the Schools Causing Concern guidance at: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/510080/schools-causing-concern-guidance.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/510080/schools-causing-concern-guidance.pdf)

To minimise any delays to the academy conversion process, the governing body of your school and the local authority are under a duty to take all reasonable steps to facilitate the conversion of the school into an academy. Further details are set out in

Annex A. The governing body and the local authority are also under a duty to take all reasonable steps to facilitate the making of academy arrangements with a sponsor, once determined (section 5B of the Academies Act 2010, as amended by the Education and Adoption Act 2016).

The Secretary of State has the power to revoke this Academy Order. This would usually only happen in exceptional circumstances, predominantly where following due diligence a school is judged to be financially unviable. Where this is the case, the expectation is that the local authority will take steps to close the school.

Please complete the attached Annex B as soon as possible; your PL will advise you of a deadline for return.

I am copying this Academy Order to the head teacher of your school and Norfolk County Council.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Sue Baldwin', with a stylized, cursive script.

Sue Baldwin  
**Regional Schools Commissioner**  
**East of England and North East London**

## Annex A: duty to facilitate conversion

- The governing body and the local authority are under a duty to take all reasonable steps to facilitate the conversion of the school into an academy by a date to be determined by the Regional Schools Commissioner.
- The governing body and the local authority are also under a duty to facilitate the making of academy arrangements with the sponsor.
- The Secretary of State would expect the governing body and local authority (LA), as appropriate, to undertake the following to facilitate conversion:
- Provide reasonable and timely access for the academy trust or sponsor and its agents to information necessary for the conversion and for access to the school premises in furtherance of the conversion;
- Co-operate in providing data and information including information on pupil performance and tracking systems;
- Drafting of, and agreement on, a Commercial Transfer Agreement which outlines historic and future liabilities, staff and asset information and contracts and agreements;
- Arrange for the transfer of any existing contracts the academy trust will continue with post-opening;
- Provision of financial information including budget statements, internal school budget information and audit reports;
- Provision of land information, including a site plan, details of any shared use and land registration documentation to the academy trust;
- Agree land and building arrangements with the academy trust or other landowner where appropriate; conclude shared use agreements where appropriate;
- Completion of the land transfer to the academy trust using the DfE model lease;
- The LA, or governing body, if it is the employer of the current staff, should complete the TUPE process including informal and formal consultation with staff and union representatives in a timely manner so as not to delay the agreed transfer date;
- Provision of staff information to the academy trust in good time to allow for due diligence to be conducted;
- Provide information to the academy trust on pension arrangements for teaching and non-teaching staff.
- For PFI schools, the LA and the governing body should provide necessary financial information and complete the required documentation including the principal agreement and the project agreement.
- If the LA is required to and has not completed the transfer of its interest in the land to a church school, this should be completed speedily.

**This is not an exhaustive list** the governing body and the local authority are under a general duty to facilitate conversion and the making of academy arrangements which may well include other tasks not listed here. The Project Lead will draw up a timetable for this academy conversion. Officials will report regularly to the relevant RSC on progress and if necessary raise any concerns about where it is not felt that the LA or governing body is taking reasonable steps to facilitate the conversion in line with its legal obligations. The Secretary of State has powers to direct the LA and the governing body to take specified steps to facilitate the conversion.

## Annex B: information collection

To be completed by the School Governing Body

### Your details

Name:

Email address:

Telephone number:

Are you the main contact for the conversion process?

### School information

School Pupil Forecasts			
	Capacity	Total pupil numbers 4-11; 11-16; 16-18	% full
Current AY (2018/19)			
2019/20 Forecast			
2020/21 Forecast			
2021/22 Forecast			

School Budget Information	
Revenue carry forward at end-March 2018	
Projected revenue balance at end-March 2019:	£
If <u>revenue</u> deficit, give reasons	
Capital carry forward at end-March 2018	
Projected capital balance at end-March 2019:	£
If <u>capital</u> deficit, give reasons and remedial action:	
Details of any agreed loans or leases (please provide details of who the loan/lease is with, how much for and what period also include your schedule of repayments and the interest rate being charged)	

2018-21 finance plans:			
Revenue balances:	2018/19 budget	2019/20 budget	2020/21 budget
Total allocation and income			
Revenue gross expenditure			
Revenue balance in year			
Revenue balance brought forward from previous year			
Revenue balance carried forward to following year			
<b>Notes:</b>			

### **Additional information**

Is your school part of a local authority reorganisation?

Is your school part of any closure plans your local authority may have? If so, please provide details, including timetable for closure.

Is your school a church school or linked to a diocese? If so, which?

Is your school supported by a foundation, trust or other body that appoints foundation governors? If so, please provide details (including trust contact details)

Is your school part of a federation (The School Governance (Federations) (England) Regulations 2012)?

### **Land and buildings**

Who owns or holds your school's building and associated land?

Do other organisations use any part of your school's facilities? For example, this could include hiring out your school hall or playing fields to community groups.

Are there any planned or ongoing building works at your school? (If so, please provide details below of what is being done, their scheduled completion date and whether the arrangements for their funding will be affected by academy conversion.

Is there a shared facility on site, such as a nursery, children's centre, swimming pool, leisure centre or community library? (If yes, please provide details)

Has your school received or are you expecting to receive any grants from Sport England, The Big Lottery Fund, or the Football Federation that have/ will have terms and conditions that continue after the school becomes an academy? If yes please provide a copy of the grant agreement.

Is your school part of a private finance initiative (PFI) scheme? If so, which scheme?

Is your school part of the Priority School Building Programme?

Is the school part of a Building Schools for the Future (BSF) contract?