

Commercial

Commercial Property
Company & Commercial
Employment
Legal disputes

Private Client

Employment
Family law issues
Injury claims
Legal disputes
Moving home & buy-to-let
Professional negligence
Wills, probate & tax planning
Elderly client & Incapacity Law
Court of Protection

Romford Office

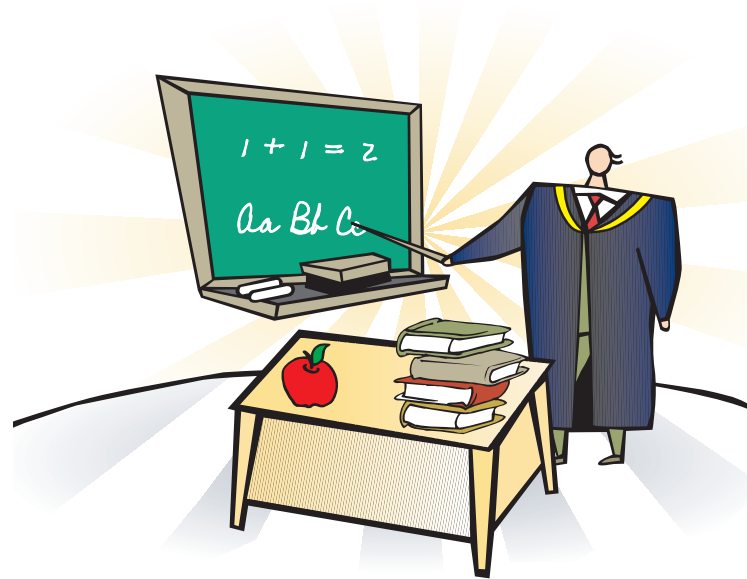
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Academy Schools



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Introduction

The Academies Act 2010 was introduced by the Secretary of State for Education to allow schools the opportunity to become Academies. Academies are publicly funded schools that benefit from greater freedom and flexibility. The Department for Education website contains a lot of useful information about the benefits of becoming an Academy.

Mullis & Peake LLP have considerable experience in forming companies, transferring land and advising on employee related matters. Our commercial and employment teams are available to give you the benefit of that experience to assist your school with its application to become an Academy.

The areas in which your school will require legal assistance include the formation of the Academy Trust: consulting with employees in accordance with the Transfer of Undertakings (Protection of Employment) Regulations 2006 ("TUPE") and dealing with any land and buildings currently owned or occupied by the school.

Academy Trust

An essential part of the Academy process is the incorporation of an Academy Trust. This is a charitable company limited by guarantee which will be responsible, through its board of directors, for the management and operation of the Academy.

Every company needs to be registered with Companies House and must have Articles of Association ("Articles"). The Articles set out how the Academy Trust will be operated going forwards including identifying the powers and responsibilities of the board of directors.

Model Articles are available for downloading from the Department for Education website. These model Articles are likely to require some amendment in order to reflect the nature and aims of your school.

Our Company Commercial team will be able to advise on any appropriate amendments that should be made to the Articles. The team is also able to explain the terms of the Articles in detail so that the directors and Trust members are fully aware of their powers and obligations.

One of the last stages of the conversion to an Academy is the commercial transfer agreement, which in legal terms is more commonly known as a business sale agreement. Our Company Commercial team has vast experience in dealing with mergers and acquisitions. This means that the Company Commercial team is perfectly placed to advise you on the terms of the commercial transfer agreement and any additional provisions which may be required.

Employees

The teachers and all support staff will be affected by the change in status of a school to an Academy. The contracts of employment of

all employees will need to be transferred from their current employer to the Academy Trust.

It is important to reassure the employees that they will be protected by TUPE. These regulations require a current employer and a new employer to inform employees of the intended transfer of their contracts of employment and also to consult with them should any changes to their contracts of employment be proposed.

It is essential that employers strictly adhere to TUPE regulations otherwise the employees may have a right to take action against either the current employer or the new employer to recover compensation.

Our Employment team has considerable experience in guiding employers through the TUPE regulations to ensure that all parties follow the procedures correctly and fairly.

Property

Any land or buildings which the school currently uses or occupies must be made available for use by the Academy Trust. The steps which need to be taken to achieve this will depend on the current ownership and use of the land and buildings.

Land Registry searches will need to be undertaken and a report prepared (referred to as a Report On Title) for submission to the Department for Education. The arrangements in relation to any land and buildings and the relevant documentation will need to be prepared in advance of the final stage of completion of the application process.

Our Commercial Property team will be able to assist whether land and buildings need to be transferred or leased. The team is dedicated to dealing with commercial property matters and has assisted a wide range of landowners, tenants and lending institutions. From small shop owners to large commercial property investment companies our team has the necessary experience and expertise to help ensure your land and buildings are properly dealt with and protected.

Contact

If you would like further information about the services which Mullis & Peake LLP is able to provide, please contact:

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We will be happy to arrange a meeting to discuss any queries which you may have and to enable you to meet the individual solicitors who will be providing the necessary advice and support to you.

Mullis & Peake LLP is a limited liability partnership registered in England and Wales, number OC339711. A list of members' names is available for inspection at our registered office 8-10 Eastern Road, Romford, Essex RM1 3PJ. Authorised and regulated by the Solicitors Regulation Authority.

The information contained within this publication was correct at time of going to press.