**Annex B – Incoming trust agreement letter**

**Incoming Trust**



**Regional Schools Commissioner’s Office**

**XXXX Region**

**XXXX Address**

**Email: XXXX@education.gov.uk**

**Academy transfer protocols and declaration of intent**

Academy transfers require collaborative working between both the outgoing and incoming trusts and their solicitors, and the Department for Education (DfE) project team / lead. In order to achieve the best outcome for the school and students, it is important that all parties have a shared understanding of what we are working towards and agree to share information as needed. To support this, the incoming trust must agree to these protocols by completing the attached Declaration of Intent.

The Protocols:

1. Working collaboratively with the DfE and outgoing trust to implement the stakeholder engagement process including leading a stakeholder engagement meeting and sharing feedback with the DfE project team / lead.
2. Meet with the DfE project team / lead and the outgoing trust after agreeing to academy transfer for the purpose of project management planning and agree to the timescales and target transfer date as set by the DfE project team / lead.
3. Agree to uphold confidentiality during the academy transfer process and handling information belonging to all parties confidentially.
4. Carry out due diligence within the agreed timescales.
5. CEO to keep the Trust Board appropriately informed and engaged to ensure decisions can be made in line with the agreed timescales and the Trust’s governance requirements.
6. Pass the contact details of the solicitor acting for the trust to the DfE project team / lead when requested.
7. Ensure solicitors are appropriately instructed and engaged to ensure the completion of tasks to agreed timescales.
8. Seek permission from the outgoing trust, as the current employer, prior to any communications with academy staff and agree a joint approach to consultation and communication with the outgoing trust as early as possible.
9. Work collaboratively with the outgoing trust to hold TUPE consultations informing them of any proposed measures or changes to the terms or conditions of academy staff post transfer as required under TUPE regulations as early as possible.
10. Complete the digital bank details form.
11. Draft the supplementary funding agreement, to be shared with and cleared by the DfE project lead.
12. Where applicable, any trust not operating on the latest model version Master Funding Agreement (MFA) will need to draft and put in place a new MFA as part of the transfer.
13. Agree the draft deed of novation and variation with outgoing trust. The incoming trust’s solicitors are to complete this, share and agree with the outgoing trust’s solicitors and seek clearance from the DfE project lead.
14. Solicitors to send two signed copies of SFA and DoNV to the DfE project lead six weeks prior to transfer.
15. Agree the Commercial Transfer Agreement with outgoing trust and ensure the DfE project team have sight before it is signed.
16. Ensure trustees are available to sign documentation within the agreed timescales.

*Please complete the below and return a copy to* *XXX@education.gov.uk**. Please keep a copy for your records.*

Declaration of Intent:

On behalf of XXXX Trust, I undertake to adhere to the above academy transfer protocols.

I undertake to work with the DfE project team and XXXX Trust, the outgoing trust, to transfer XXXX Academy/ies.

Signature \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name (please print) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Position \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_