**Annex A – Outgoing trust agreement letter**

**Outgoing 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 pupils, 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 outgoing trust must agree to these protocols by completing the attached Declaration of Intent.

The Protocols:

1. Working collaboratively with the DfE and incoming trust to implement the stakeholder engagement process including supporting the incoming trust to lead the stakeholder engagement meeting and sharing feedback with the DfE project team.
2. Meet with the DfE project team / lead and the incoming trust 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 upholding confidentiality during the academy transfer process and handling information belonging to all parties confidentially.
4. Provide full and timely access to all necessary school information to enable the incoming trust to complete due diligence.
5. If required by the DfE project team / lead, ensure they are kept updated throughout the process on the financial position of the academies and the trust. This includes the provision of monthly management accounts, monthly trial balance sheets, and full cooperation with any additional requests from the DfE or ESFA. If any additional funding is requested, the trust will need to provide a full business case explaining why it is necessary and what steps will be taken to minimise the necessity for financial support.
6. Trust representative to have regular meetings with the DfE project team / lead to update on progress. The frequency of these meetings will be agreed between the outgoing trust and the DfE project team / lead.
7. CEO to keep the Trust Board appropriately informed and engaged to ensure decisions can be made in line with the agreed timescales and Trust’s governance requirements.
8. Pass the contact details of the solicitor acting for the trust to the DfE project team / lead when requested.
9. Ensure solicitors are aware appropriately instructed and engaged to ensure completion of tasks to agreed timescales.
10. Undertake TUPE consultations with academy staff and union representatives and inform the DfE project lead of the timeframe and completion of the consultations and of any issues that are raised.
11. Complete PIN Form A to seek consent for land transfer and return to the DfE project lead.
12. Agree the deed of novation and variation with the incoming trust.
13. Agree the Commercial Transfer Agreement with the incoming trust.

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 agree to work with the DfE project team and XXXX Trust, the incoming trust, to transfer XXXX Academy/ies.

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

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

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

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