



Office of  
the Schools  
Adjudicator

## Determination

**Case reference: LAN84**

**Applicant: The governing body for Woodeaton Manor School, Oxford, Oxfordshire**

**Application: Transfer of land to the governing body of Woodeaton Manor School**

**Date of direction: 15 November 2024**

## Certificate of Title and Registration of Transfer of Land

- 1. Under the powers conferred upon me by paragraph 19 of Schedule 6 to The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007, I hereby certify that by virtue of paragraphs 1 and 2 of the said Schedule the Property specified in this paragraph transferred to the governing body of Woodeaton Manor School on 1 April 2008 together with any interest in or right over the Property which existed immediately prior to that date, and that this determination is to be conclusive evidence for all purposes of that fact.**

**The Property so specified is the land and buildings known as Woodeaton Manor School, Oxford, outlined in red on that attached plan which forms part of the land registered under HM Land Registry Title Number ON269019.**

**The address of the Property is Woodeaton Manor School, Woodeaton, Oxford, Oxfordshire, OX3 9TS, and the transfer is subject to:**

- a. all matters referred to in the Property and Charges Registers of Title Number ON269019 which were subsisting on 1 April 2008 insofar as the same affect the property and**
- b. all rights easements and exceptions in over or under the Property and such local land charges subsisting on 1 April 2008 (whether or not registered before the date of this Transfer) as may affect the Property.**

2. **This determination is to serve as a Certificate of Title to the effect that under paragraphs 1 and 2 of Schedule 6 to The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 the land specified in paragraph 1 was transferred by virtue of these Regulations to the governing body of Woodeaton Manor School and is conclusive evidence for all purposes of that fact.**
3. **Therefore Oxfordshire County Council must take all necessary steps to complete the registration of the transfer of the freehold title of the land to the governing body of Woodeaton Manor School with HM Land Registry. These steps must be completed as soon as practicable and by 31 December 2024 at the latest.**

## **The Referral**

4. Woodeaton Manor School (the school) changed status from a community school to a foundation school without a foundation on 1 April 2008 (the implementation date). Oxfordshire County Council is the local authority for the area in which the school is situated (the local authority).
5. On 18 September 2024 the Interim Executive Board which is the governing body for the school (the governing body) made an application to the adjudicator. The application concerns the failure by the local authority to complete the steps necessary to register the transfer of the land to the governing body with H.M. Land Registry following the school's change of status.

## **Jurisdiction**

6. As the school changed its status to that of a foundation school on the implementation date, the Regulations governing the transfer of land are the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 (the Regulations).
7. Schedule 6 to the Regulations applies in relation to the transfer of land where a school changes category or acquires a foundation. Paragraphs 1 and 2 of Schedule 6 to these Regulations say:
  1. Where any land is transferred to and vests in any body in accordance with this Schedule, any rights or liabilities—
    - (a) enjoyed or incurred by the transferor in connection with the land; and
    - (b) subsisting immediately before the implementation date, also transfer to, and by virtue of these Regulations, vest in, that body.

## **Rules relating to transfer**

2.—(1) This paragraph applies where any proposals that a community school should become a foundation school have been approved.

(2) In such a case, any land which, immediately before the implementation date, was held or used by a local authority for the purposes of the community school must on that date transfer to, and by virtue of this paragraph vest in—

(a) the trustees of the school, to be held by them on trust for the purposes of the school; or

(b) if the school has no trustees, the governing body, to be held by that body for the relevant purposes.

8. The adjudicator's powers are set out in paragraphs 17 and 19:

### **Resolution of disputes**

17.—(1) In the case of any matter on which agreement is required to be reached under paragraph 15 or 16, if such an agreement has not been reached within a period of 6 months from the implementation date, the adjudicator may give a direction determining that matter, and may include in the direction any provision which may have been included in an agreement under paragraph 15 or 16.

(2) Any property, rights or liabilities required by a direction under this paragraph to be transferred to the transferee must be regarded as having been transferred to, and by virtue of this Schedule vested in, the transferee on the implementation date.

(3) The adjudicator must consult the transferor, the transferee and any other interested person before giving a direction under this paragraph.

### **Proof of title by certificate**

19. The adjudicator may issue a certificate stating that any property specified in the certificate, or any interest in or right over any such property as may be so specified, or any right or liability so specified, was or was not transferred by virtue of these Regulations to any body corporate or persons so specified; and any such certificate is to be conclusive evidence for all purposes of that fact.

## **Procedures**

9. In considering this matter I have had regard to all relevant legislation and guidance. I have considered all papers put before me including:

a) the application from the governing body, submitted as an email on 18 September 2024;

- b) emails from the local authority dated 2 October, 11 October and 29 October 2024; and
- c) an email from the solicitors acting on behalf of the governing body dated 8 October 2024 and the attachments to that email, plus a further email dated 22 October 2024.

## The Application

- 10. The governing body explained in its application its understanding that the local authority did not complete the required actions to transfer to and vest in the governing body the land held or used by the local authority for the purposes of the school immediately before the implementation date.
- 11. The governing body requested that the adjudicator require that the land was transferred to them.

## Background

- 12. The school is a special school for children aged between seven and eighteen years. In November 2023 the school was judged by Ofsted to be Inadequate and to require special measures. An Interim Executive Board (IEB) was formed to replace the governing body in place at that time.
- 13. The governing body has told me that an Academy Order was issued by the Secretary of State on 5th February 2024, and the school is due to become an academy on 1 February 2025. The academy sponsor is The Propeller Academy Trust (the trust).
- 14. In respect of being asked to provide formal evidence of the school's change of status from a community school to a foundation school without a foundation, solicitors acting on behalf of the governing body stated, "The School is searching for the published proposals however due to the passage of time these have not yet been located". I am satisfied from what each of the parties has told me that the school is a foundation school without a foundation. The Department for Education (the DfE) website "Get Information About Schools" indicates that the DfE has recorded its status as a foundation special school under URN123329.

## The view of the school

- 15. When making the referral, the governing body asserted that the land should have been formally transferred to them when the school changed its status from a community school to a foundation school without a foundation, and that the terms for the transfer were agreed with the local authority shortly after the implementation date but the transfer was never completed. The governing body also stated that the local authority

had recently refused to transfer the land and was instead “demanding the return of the freehold” so that it may grant a 125-year lease to The Propeller Trust. The governing body was concerned that this matter would cause delays to the school's conversion to academy status.

16. Solicitors acting on behalf of the governing body told me that immediately before the implementation date the local authority was using an emergency control bunker (the Bunker) located within the school site; it was therefore agreed between the parties at that time that a transfer of the land to the governing body would take place, with a simultaneous lease-back of the Bunker from the governing body to the Council. They also told me that the local authority subsequently ceased using the Bunker and provided it to the school for its use. I have been provided with email correspondence between the solicitors for the governing body and those for the local authority which confirm this. The school considers that the governing body is entitled to the legal title of the Bunker as part of the land that is being considered as on the attached plan.

## The view of the council

17. In respect of the transfer not having been completed on the implementation date, the local authority stated, on 11 October 2024, “This school converted to foundation special in 2008 although the conveyancing matters were never completed. This was due to the school/trust’s solicitors not progressing a matter under discussion at the time relating to the lease-back of the emergency bunker that is on the site. Whilst the transfer of title has not been properly completed the Council accepts this does not change the legal position.” The local authority also stated that they accepted the governing body’s assertion that the beneficial title is vested in them but preferred to retain the beneficial title and lease the land to the trust.
18. Subsequently the local authority confirmed, on 29 October, that it would complete the procedures necessary to register the transfer of the land to the governing body, stating: “the local authority has agreed to progress the statutory land transfer of the freehold title of the school to the Governing Body (which in this case is the Interim Executive Board).”
19. In respect of the Bunker the local authority stated, “All the buildings are considered held for the purposes of the school. The transfer being progressed in 2008 intended that the Trust would have the transfer of the full site. OCC would have taken a lease back from the Trust for the bunker. As matters did not proceed and having recently reviewed OCC’s requirements we can confirm that the full site will be transferred.”

## Consideration

20. Paragraph 2 of Schedule 6 of the Regulations provides that where any proposals that a community school should become a foundation school have been approved any land which, immediately before the implementation date, was held or used by a local

authority for the purposes of the community school must on that date transfer to, and by virtue of this paragraph vest in the trustees of the school to be held by them on trust for the purposes of the school; or if the school has no trustees, the governing body, to be held by that body for the relevant purposes. In most instances, the transfer of land under Schedule 6 to the 2007 Regulations is confirmed by the parties entering into a transfer document which is sent to HM Land Registry. This enables the transfer of land to be registered formally so that the new owner of the land can prove title to the freehold.

21. Upon implementation of the proposal for a school to change category to a foundation school, the land formerly held or used for the purposes of the former community school on the relevant date transferred and vested in the governing body by operation of law.
22. Paragraph 18 of Schedule 6 to 2007 Regulations requires that the transferor must execute any instrument under the Land Registration Acts 1925 to 2002, deliver any certificate under those Acts, and do such other things under those Acts as he would be required to execute, deliver or do in the case of a transfer by agreement between the transferor and the transferee. The local authority has remained in breach of this obligation since the implementation date. There is no dispute between the parties that the land and buildings outlined in red on the attached plan transferred and vested in the trust on the implementation date.

## Conclusion

23. It should not have been necessary for the adjudicator to be involved in this matter. There is no dispute about the publicly provided land which was used for the purposes of the school immediately before it became a foundation school. The dispute has arisen because the local authority did not do as it was required by the Regulations when the school became a foundation school, that is register the transfer of the land to the governing body.
24. Whatever administrative failings there may have been on the part of the local authority or governing body, the Regulations are clear. I am satisfied that even though the entry in the Title Register at HM Land Registry records the local authority as the registered proprietor of land registered under Title Number ON269019, any land which, immediately before the implementation date, was held or used by the local authority for the purposes of the community school transferred to, and vested in the school's governing body on that date. The Registry entry must now be amended to reflect this fact.
25. For the avoidance of doubt, this determination serves as a certificate for the purposes of paragraph 17 of Schedule 5 to the 2013 Regulations and of paragraph 5 of Schedule 3 to the 2007 Regulations.

## Direction

26. Under the powers conferred on me by regulation 7 of, and paragraph 17 of Schedule 6 to, The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007, I hereby direct that Oxfordshire County Council must take all necessary steps to complete the registration of the transfer of the land and buildings known as Woodeaton Manor School outlined in red on the attached plan which forms part of the land **registered under HM Land Registry Title Number ON269019** to the governing body of Woodeaton Manor School with HM Land Registry as soon as practicable and by 31 December 2024 at the latest.

Dated: 15 November 2024

Signed:

Schools Adjudicator: Jennifer Gamble