

# SUNDERLAND NORTH AREA COMMITTEE

28<sup>th</sup> March 2011

## REPORT OF THE CHIEF EXECUTIVE

### COMMUNITY ACTION IN SUNDERLAND NORTH – PROGRESS REVIEW Lettings Policy for Schools

#### 1. Why has it come to Committee?

- 1.1 The report provides an update of outstanding issues from the 2009/10 work plan, **Annex 1a**.

#### 2. Background

- 2.1 An issue was raised against the Learning Priority in the 2009/10 work plan regarding the availability of specialist and generalist youth provision in all wards in the North Area. One of the actions required to resolve this issue was to review current policy of community use of school buildings.

- 2.2 The existing policy for community use of school buildings was in the form of a 'Transfer of Control Agreement' (TOCA). The TOCA transferred control of part of the premises from a Governing Body to a third party for the purposes of delivering a service or activity to the community on a short term basis. The responsibilities which were transferred to the third party included health and safety, safeguarding, fire evacuation, insurance and first aid.

- 2.3 Although the aim of this agreement was to protect the School, Council and its community it did not provide sufficient guidance to schools on the appropriateness of its use. Many schools expressed concerns that the agreement was too detailed for some community use and did not fully support existing arrangements. Headteachers also expressed concerns over their fear of having inadequate arrangements in place for lettings due to their limited experience or expertise in this area.

- 2.4 The Risk Management Team and Children's Services worked with Property Services and Legal Services to develop a Lettings Policy (**Annex 1d**) which included templates for three different lettings agreements (a Licence Agreement, TOCA and a Permanent Lease Agreement):

#### 2.5 Licence Agreement

- Appropriate for use of premises by members of the public to carry out an activity e.g. use of MUGA pitch to play football, use of a room for book reviews
- Not appropriate for commercial organisations, registered charities, groups & associations or individuals employed for purposes of activity

- A licence agreement is short but lists terms and conditions which should be signed by the hirer
- Fees are applicable for the use of the premises/ facilities
- Public liability insurance of £5 million is preferable however the Governing Body may at its discretion waive this requirement where the Licensee is an individual or small informal group of individuals (not using the school buildings for commercial or business purposes) who do not hold public liability insurance and who, because of this informal nature, may find it difficult to obtain.

## **2.6 Transfer of Control Agreement (TOCA)**

- Appropriate for service providers who deliver services or activities to children and/ or the community e.g. dance tuition, arts and craft clubs, sports coaching, Associations & Commercial Organisations
- Governing Body either shares control of the premises or transfers control over to the provider
- Activities do not require school supervision or management & administration time of school staff
- More complex agreement which requires Local Authority Consent (Property Services & Legal Services)
- Application process which helps to collect all required documentation e.g. insurance, H&S, CRB

## **2.7 Permanent Lease Agreement**

- For groups who wish to occupy parts of the premises on a permanent and exclusive basis
- The school will not have access or use of a room as the occupiers control the space
- Examples include an independent nursery occupying part of the school premises or a sports association occupying part of the premises
- The lease creates a business tenancy covered by Landlord and Tenant Legislation
- The Governing Body must contact Property Services to draft the lease agreement based on the individual requirements of the school

2.8 The above agreements provide schools with three alternatives for their hire requests which satisfy the requirements and concerns expressed by Governing Bodies, Headteachers and Bursars. The Lettings Policy explains the process for applying for each agreement and contains information, contact details and procedures for licences, event notices, cancellations, complaints and appeals.

## **3. Current Position**

3.1 The Lettings Policy was completed in December 2010. The Policy is currently being promoted to schools through various communication channels such as Safeguarding Designated Person Briefings, Governor Agenda Booklet, Council Intranet, Virtual Learning Environment, Headteacher Meetings and Bursar Awareness Sessions.

- 3.2 The feedback received so far from Schools has been positive. The presentations to Designated Persons have helped to answer queries and have provided schools with the support that they required.

**Recommendations**

- Note the contents of the Lettings Policy
- Promote the Lettings Policy to Governing Bodies
- Encourage Headteachers and Governing Bodies to review their current hire agreements and make any necessary amendments to ensure the interests of their School and the Council are protected

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