

MINOR PROPERTY TRANSACTION: STATUTORY TRANSFER OF THE CARETAKER'S HOUSE AT HOLY TRINITY CofE PRIMARY SCHOOL, NORTHWOOD

Cabinet Member & Portfolio	Cllr Jonathan Bianco – Cabinet Member for Corporate Services & Property Cllr Susan O'Brien - Cabinet Member for Children, Families and Education
Responsible Officer	Julie Kelly – Corporate Director Children Services Dan Kennedy – Corporate Director of Residents Services
Report Author & Directorate	Gary Binstead - Education & SEND and Andrew Low - Residents Services
Papers with report	Appendix 1 – Site Plan

HEADLINES

Summary	Holy Trinity CofE Primary School, a Voluntary Aided (VA) school has proposed that the Council transfers the freehold of the caretaker's house and land which is linked to the main school building. This will enable proposed works by the school to extend from the current property footprint and meet growing demand for early years places locally.
Putting our Residents First Delivering on the Council Strategy 2022-2026	This report supports our ambition for residents / the Council of: An efficient, well-run, digital-enabled council working with partners to deliver services to improve the lives of all our residents This report supports our commitments to residents of: Thriving, Healthy Households
Financial Cost	None
Select Committee	Children, Families & Education
Ward(s)	Northwood

RECOMMENDATIONS

That Cabinet approve the request from the London Diocesan Board for Schools and Holy Trinity CofE Primary School, Northwood, and agree the freehold transfer of the land together with the building as set out in the report and site plan attached to the London Diocesan Board for Schools.

Reasons for recommendation

The Council and schools are expected to plan for the future of each school, making sure they provide the best education for children and young people, and remain sustainable over time.

Furthermore, the provisions of the School Standards and Framework Act 1998 appear to support a statutory transfer. In particular, paragraph 4 of Schedule 3 requires the local authority to transfer to the governing body, foundation body, or trustees (as appropriate) any land—excluding playing fields—that is held or used for the purposes of the school, where the school falls within the scope of the legislation.

This proposal for the Holy Trinity CofE Primary School will enable proposed works by the school to extend from the current property footprint and meet growing demand for early years places locally.

Options considered / rejected

- A. To agree to the requests of the Diocese and agree to a freehold transfer of the land on which the caretaker's house sits, together with the building.
- B. To refuse the transfer on the basis that the land is Council owned.

Democratic compliance / previous authority

Cabinet is able to make such decisions, under Rules on Land and Property in the Constitution.

Select Committee comments

None at this stage.

SUPPORTING INFORMATION

Background

- Holy Trinity CofE Primary School is a Local Authority Maintained Voluntary Aided (VA) School which means that the school buildings and land are owned by the foundation or trust that established the school - commonly a religious body like a diocese or parish.
- Winckworth Sherwood have been instructed to act on behalf of the London Diocesan Board for Schools with regards to an outstanding statutory transfer of the caretaker's house on the corner of Rickmansworth Road/ Kewferry Road as shown with a red line boundary in **Appendix 1**.
- While the main school site is owned by the school / governing body, the building linked to the main school, which has been used as a caretaker's house is owned by the Council.
- The property is adjoined to the school, and the school have confirmed that after 30 years of occupancy, the Site Manager retired in the summer, which has resulted in the house becoming vacant.
- The school is 1 Form Entry (FE) with an existing nursery. A proposal is being developed to expand the nursery provision to include places for two-year-olds in line with the National School-based Nursery program. The plan involves repurposing part of the existing

caretaker's house building to deliver this extended early years offer, while the remaining space may be made available for rental use. The proposed works by the school will extend from the current property footprint, with safeguarding and access considerations incorporated into the design and planning stages.

- This will help meet growing demand for early years places, support early intervention, and align with national and local authority priorities for early years education.



- Under the School Standards and Framework Act 1998, local authorities are generally required to transfer land (excluding playing fields) used for school purposes to the appropriate body—such as the governing body, foundation body, or trustees—when a school falls within the scope of the legislation. Specifically, paragraph 4 of Schedule 3 outlines this duty, ensuring that land provided for a school is legally transferred to those responsible for its operation and oversight

Restrictions on Use and Development

If the LA retains ownership, any proposed use or development of the building must not interfere with the school's operations. This includes:

- Ensuring compliance with safeguarding and access control.
- Avoiding conflicts with the school's educational mission or charitable trust obligations.

Next Steps

If a decision is taken to progress with a statutory transfer, then the following actions would need to be taken:

- Instruct the Hillingdon Council Legal team to proceed on instructions provided by Education and Property & Estates teams.
- Statutory transfers under the *School Standards and Framework Act 1998* (SSFA 1998) typically involve transferring land from the LA to school trustees, governing bodies, or foundation bodies. If the land is publicly funded non-playing field land, the LA must notify the Secretary of State.

Financial Implications

The transfer of the freehold has no operational financial implications for the LA on how it funds the school. However, allowing the school use of the space to grow its provision will provide an opportunity for the school to become more financially stable as it grows its income.

There is no financial implication on revenue or DSG funding for the service as the building will be transferred to the school. There will be a reduction in maintenance and insurance costs for LA as property no longer under LA's control.

RESIDENT BENEFIT & CONSULTATION

The benefit or impact upon Hillingdon residents, service users and communities

Carrying out a statutory transfer of a LA owned property to a school can have several benefits and impacts on residents, service users, and communities, especially when the property is physically linked to the school and serves educational or community functions.

- Removes ambiguity around ownership and responsibility for the site, especially when schools convert to academy or grant-maintained status.
- Reduces liability for the LA in terms of maintenance, insurance, and compliance for properties no longer under its operational control.
- Enables the LA to streamline its estate portfolio, focusing resources on properties it directly manages.
- Transfers responsibility for compliance with health and safety, safeguarding, and site security to the school or trust.

If this request is not approved, the risks include:

- Statutory transfers are mandated by legislation (often via a Statutory Instrument). Failure to comply can amount to a breach of statutory duty, exposing the LA to legal challenge.
- Non-compliance with statutory duties can undermine trust with stakeholders, including schools and the community.

Consultation & Engagement carried out (or required)

No consultation has been carried out by the Council.

Conclusion

- In light of the school's proposal to expand its nursery provision to include places for 2-year-olds, it is recommended that the property be transferred to the school via a statutory transfer. This expansion aligns with both local and national priorities to increase access to early years education, particularly for disadvantaged families.
- The statutory transfer will enable the school to make long-term investments in the property, ensuring it is fit for purpose and tailored to the needs of younger children. It will also provide the school with the security and autonomy required to manage the space effectively and integrate it into their broader educational offer.

- Given the strategic importance of early years education and the school's readiness to deliver this provision, the statutory transfer represents a prudent and beneficial use of the property in support of educational outcomes.

CORPORATE CONSIDERATIONS

Corporate Finance

Corporate Finance have reviewed this report and concur with the Financial Implications set out above, noting the recommendation to review the request from the Holy Trinity CofE Primary School for a freehold transfer of the land together with the building as set out in the main body of the report. Furthermore, it is noted that there no financial impacts to the general fund or DSG resulting from the recommendation within this report. If the proposal were to be agreed, this will reduce the maintenance and insurance cost for the Council associated with the property.

Legal

Legal Services confirm that the Council is required, under paragraph 4(3) of Schedule 3 to the School Standards & Framework Act 1998, to transfer its interest in land it holds for the purposes of a voluntary-aided school to the governing body, the foundation body or the trustees of that school, to be held by them for the purposes of the school. This is known as a 'statutory transfer'. A statutory transfer must be for nil consideration.

Government guidance and accepted practice in this area highlight that a caretaker's property connected to a school (including buildings and gardens) falls within the category 'used for the purposes of the school'. Only 'playing fields' are an exception to the statutory transfer rule. Caretakers' properties do not fall within this exception.

The former caretaker's property connected to Holy Trinity Church of England Primary School has not had a change of purpose since the departure of retirement of the Site Manager in summer 2025 and the freehold is still owned by the Council, so a transfer of this freehold for nil consideration to London Diocesan Board for School is needed in order to honour the Board's entitlement under statute.

Thus, Legal Services confirm there are no legal impediments to proceeding with the recommendation. The transfer will need to be undertaken in accordance with the Council's Property Standing Orders.

Property

Property are the co-authors of this report and support the recommendations set out in the report as they are predicated on the legal advice provided by the Council's Legal Team that advised that a freehold statutory transfer should be completed.

BACKGROUND PAPERS

NIL.