

## academy conversions – searches

In order that the Academy Trust is fully aware of any issues and obligations that it might take on following conversion, we would normally advise that a full suite of property searches be undertaken.

These searches are not required by the DfE however, and some schools will choose not to obtain searches as they have been in occupation of their site for a long time and feel that they are sufficiently aware of any issues.

However, as mentioned above, we would strongly recommend that these searches be carried out in order that the Academy Trust is fully aware of any obligations/liabilities that it may be taking on following conversion. These searches should be undertaken unless the school (and the Academy Trust) is fully aware of the following (this is not exhaustive):

1. Full details relating to planning permissions and any planning obligations that may still exist. For example, on one Academy conversion, it transpired that a planning permission permitting the construction of a music block contained a condition to remove that building in 2012. Clearly, following conversion, this obligation would fall on the Academy Trust, and would be at its own cost.
2. Any possible enforcement actions that may be underway or likely in relation to any planning issues.
3. Environmental/contamination issues. For example, there have been schools seeking to convert where landfill issues have arisen that needed to be dealt with (including asbestos under the playing fields).
4. Any potential obligations relating to chancel repair liability - which could potentially mean that an Academy Trust would have to contribute to the costs of maintenance and repair of church and parish buildings in the locality where such liability exists. This has transpired to be a risk for a significant number of schools converting to academy status.
5. The availability of, and location of, all services (e.g. electricity, water, telephone etc).
6. Highways - the school will need to know whether or not access to the property is direct from a publicly adopted highway. There have been occasions where ransom strips have been located between the public highway and school boundaries, meaning that schools had no legal right to cross that land to enter their own sites.