

# TRUST SCHOOLS

This leaflet aims to provide governors, parents and educational professionals with information about schools acquiring Trust status. It also highlights a number of issues that will need to be considered if schools decide to explore this option.

## What is a Trust School?

**Most significantly, Trust schools are Foundation schools.**

Some will need to acquire this status and take on specific responsibilities which have traditionally been carried out by the LA, These include:

- Responsibility for overseeing admissions and appeals processes;
- Specific requirement for the make-up of the governing body;
- Becoming the legal employers of all staff;
- Managing school premises.

The structure can be one school with its own charitable trust or several schools working together linked by one Trust.

In most aspects a 'Trust School' is like any other Local Authority school. It:

- teaches the national curriculum
- is funded by the same formula as other schools in the same Local Authority;
- employs teachers under the nationally agreed pay and conditions agreements;
- follows the National Admissions Code and local agreements;
- is inspected by Ofsted
- and like any other school the Local Authority will intervene if it gets into difficulties.



Where Trust Schools are **different** from other maintained schools is that they are supported by a charitable trust. The Trust is made up of partners, community organisations and sometimes businesses, which share and support the strategic direction of the school or schools.

Whilst Trust or Foundation status does not bring additional funding, governors will need to weigh up and plan for how greater autonomy and additional responsibilities will impact on the workload of the governing body, the headteacher and other key staff.

## Trust Schools cannot

- be independent of the Local Authority;
- independently dispose of any assets they 'hold' such as sites and buildings;
- disregard employment law or national conditions of service for teachers or support staff;
- enter into unsuitable partnerships as safeguards are in place;
- operate admissions outside the LA's co-ordinated admissions scheme.

## Why become a Trust?

For any Trust arrangement to be successful, it needs the support and commitment of staff, parents, governors and the community underpinned by confidence in the strategic leadership of the school.

There are a number of reasons why schools might consider moving into a trust arrangement:

- To gain access to partnership working with organisations bringing specific skills and expertise to help raise standards;
- To invite new levels of challenge and support to governance and strategic leadership by bringing another dimension to the work of the school;
- To formalise ad-hoc projects and build sustainable partnerships with a range of organisations;
- To bring diversity into educational provision and broadening of opportunities for pupils;
- To secure dedicated support and mutual benefits for schools, local organisations and businesses;
- Provide a framework for a number of schools to work together to raise standards.

There is no single blueprint. Schools can choose who they want to work with and how they might use the Trust partnership to actively engage the local community and organisations to help shape a school's direction and priorities. Acquiring a Trust can bring new energy and perspective targeting expertise to support particular aspects of the school's work

## Who decides on Trust and Foundation status?

Changing to Foundation status and setting up a charitable trust are both independent and legal processes. It is strongly advised that governors thoroughly investigate the full implications of Foundation status before proceeding to a Trust. It is vital that governors seek specialist support and are well informed at every stage.

The law provides for the governing body to make all the decisions at every point for both processes. Consultation will take place with key stakeholders but the consultation process for Foundation status is more comprehensive and wider than that for acquiring a Trust and reference should be made to The School Organisation (Prescribed Alteration to Maintained Schools)(England) Regulations 2007.

The Local Authority must ensure that proper and appropriate processes are followed and that any move to Foundation status or the setting up of a Trust is fully consulted upon and supported by key stakeholders. The Local Authority has a duty to formally raise concerns if any governing body has failed to have due regard to the process.

Faith schools cannot replace an existing Foundation or Trust arrangement with another. Schools with VA or VC foundations must contact their Diocese and seek more detailed guidance before embarking on any process.

## Important considerations:

When acquiring Foundation status and setting up a charitable Trust, governors will need to give careful consideration to the following areas or issues:

### Structure

Governors and school leaders need to be very clear about the purpose and vision of the Trust as this will be tested throughout the consultation and implementation process by parents, unions, staff and others. Governors will need to decide early on in the process:

- What the Trust will focus on and how it will contribute to the work of the school to raise standards;
- Which partners will be the most appropriate;
- The structure of the Trust – one school or more? If other schools are to be considered it is essential that they are involved in discussions at an early stage.

## Process

Formal and legal processes must be followed closely if schools wish to acquire Foundation status and set up a charitable Trust with timetables published to support the process.

Governors will need to consider who is best to advise them with appropriate expertise.

## Consultation

The Foundation and Trust Status processes are different with distinct consultation requirements. Governors should consider whether these processes run together or separately. **However a formal decision about Foundation status must come first.** A copy of the school's consultation documents must be sent to the DCC School Organisation team, email: [simon.niles@devon.gov.uk](mailto:simon.niles@devon.gov.uk)

## Choosing partners

The long-term strategic vision for the school should help determine which partners are the most suitable. Schools can choose whether to work with just one or a number of different partners. Trusts provide a legal and formal framework for collaboration and partnership working. Schools can invite the Local Authority to be a Trust partner. Further and High Education providers are also popular partners. Co-operative Trust schools are clear that their focus is on mutualisation – schools working strategically together towards a shared vision for educational advancement with the strong involvement of their community, ensuring the sustainability of assets, making best use of resources and striving to achieve better outcomes for children and families.

## Governance

Regardless of the type of Trust, all schools must retain a governing body with representation from parents, staff, the LA and local community.

One key decision to be made by the existing governing body or bodies will be whether the Trust appoints the majority of governors or not. Initially this is the decision of the governing body. Where the Trust does appoint the majority of governors, **a Parent Council must be established.** Even where the Trust provides the majority of governors, parents must still be formally represented on that governing body.

The new governing body will be established using the School Governance (Constitution) (England) Regulations 2012. Where the Trust appoints a minority of governors the make-up of the governing body will be as follows:

- At least 2 parent governors (elected)
- The headteacher
- One staff governor (elected)
- One LA governor
- At least 2 foundation governors (but not more than 45% of the total)
- As many co-opted governors as the governing body deems necessary.
- Where the Trust appoints a majority of foundation governors, they must outnumber all the other governors by two.

## Assets

The Trust has the legal title to the land and assets and holds them 'on trust' for the purposes and benefits of the school. If the Trust ends then all assets revert to the ownership of the governing body or the Local Authority. The governing body retains the day-to-day control over the school's premises but will also undertake some of the management functions and responsibilities currently undertaken by the Local Authority. Trust schools remain a full and equal part of the LA planning process for capital spending, and priorities for this investment remains with the LA. There are circumstances when a Trust can dispose of surplus land (but not playing fields), but any receipts must be reinvested in educational assets in either the school itself or the maintained sector. Conversely the LA can use any surplus land for the establishment of facilities for public use.

## Relationships with other schools

If schools decide to pursue Trust status they will need to consider how this might impact on other schools in the area. There is a legal requirement to consult with other schools when seeking to acquire Foundation status. It is advisable to keep neighbouring schools well informed about the focus, purpose and structure of the Trust and how it will contribute to raising standards.

Schools can join an existing Trust, but will need to follow the same statutory processes and publish their own proposals to acquire Foundation status and subsequently join the Trust.

## Planning for additional costs

When starting to explore both Foundation and Trust status the school or schools concerned will need to factor in additional costs for the process such as legal advice, consultant support and leadership time which will include an additional workload for governors.

## Parents

Governors must consult with parents to seek their views about changing to Foundation status and subsequently acquiring a Trust. Parents will still have representation on the governing body. If it is proposed that the Trust will have a minority of representatives this must be made clear during the consultation process. Where the Trust governors are in the majority, a Parent's Council must be established to provide a forum for governors to consult with parents on key policies. Parent Councils will have a semi-formal structure and an agreed programme of meetings. However the remit of the Parent Council is determined by the governing body which also decides if the Parent Council is to be appointed or elected.

## The Local Authority

Schools should inform the Local Authority as soon as they begin to investigate Foundation / Trust status. The LA has published procedures to assist bringing forward such proposals. Further information can be obtained from the DCC School Organisation Team

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The LA must be consulted with and has a number of statutory responsibilities in relation to the process. The LA must ensure that the process is equitable and conducted fairly. DCC has agreed not to oppose Trust status as long as proposals meet certain conditions. These include:

- That they are grounded in collaboration between schools
- Local communities and particularly parents are supportive
- A clear purpose was stated which would raise standards for all the children in the locality.

The LA will need to be confident that schools wishing to pursue Trust status have sufficient capacity to do so and are supported by a strongly developed vision **about how this form of partnership can support their work to raise standards and enhance the diversity of education provision.**

Trust schools will always remain part of the LA's family of schools even though Foundation status means that the LA no longer holds responsibility for aspects of the school's work and more services will have to be purchased or commissioned by the school.

## Further Information

You have to look hard to find it as the Foundation and Trust school proposals were previous government policy.

[www.education.gov.uk/schools/leadership/typeofschools](http://www.education.gov.uk/schools/leadership/typeofschools)

**Babcock LDP** have staff and associates who are able to support you. Email contact:

[debbie.clapshaw@babcockinternational.com](mailto:debbie.clapshaw@babcockinternational.com)

Tel: 01392 287215

**Local Authority** contact:

School Organisation Team:

[Simon.niles@devon.gov.uk](mailto:Simon.niles@devon.gov.uk)

Tel: 01392 382328

**The Co-operative College**

[www.co-op.ac.uk/schools-and-young-people](http://www.co-op.ac.uk/schools-and-young-people)

Email: [schools@co-op.ac.uk](mailto:schools@co-op.ac.uk)