

Parents

Governors must consult with parents to seek their views about changing to Foundation status and subsequently acquiring a Trust. Parents will still have one-third representation on the Trust School 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 Parents' 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 Local Authority has published procedures to assist bringing forward such proposals. Further information can be obtained from Christine McNeil.

The Local Authority must be consulted with and has a number of statutory responsibilities in relation to the process. The Local Authority must ensure that the process is equitable and conducted fairly. The Executive Committee for Devon County Council has agreed not to oppose Trust status as long as the proposals meet certain conditions. These are:

- 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 a locality;
- the partnership supports the development of the 14 to 19 agenda in Devon;
- that the process of acquiring a Trust supported the development of local partnerships to help implement the Children's Act and support the most vulnerable.

The Local Authority 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 educational provision.**

Trust Schools will always remain part of the Local Authority'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

The government has established the Specialist Schools and Academies Trust to support schools in becoming more independent. They provide the latest information for anyone seeking advice about Trust Schools:

www.ssatrust.org.uk/trustschools2

Toolkit:

www.ssatrust.org.uk/trustschools2/test/trustschoolstoolkit/

FASNA (Foundation and Aided Schools National Association):

www.fasna.org.uk

Schools Adjudicator:

www.schoolsadjudicator.gov.uk

Legal and accounting support for Trusts:

www.ogcbuyingsolutions.gov.uk

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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?

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.

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 Local Authority. These will include:

- responsibility for overseeing admissions and appeals processes;
- specific requirements for the make up of the governing body;
- becoming the legal employers of all staff;
- managing school premises.

Whilst Trust or Foundation status does not bring additional funding, governors have more choice and greater responsibility for purchasing and commissioning services.

When considering Trust status or becoming a Foundation school, 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 head teacher and other key staff.



There is no one fixed Trust School model. The Department for Children, Schools and Families (DCSF) actively encourages schools and their partners to consider flexible and creative Trust structures so that the social partnership brought by the Trust closely matches the longer term needs and priorities of the school or schools.

Trust partners should be chosen to bring unique skills and expertise to actively support the school in its work to raise standards.

The Government's declared aim is that all schools will become self-managing and forge close links with universities and businesses through partnership arrangements. Trust schools are therefore key to the government strategy of promoting diversity of educational provision.

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 (pending the new national agreement);
- 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.

The DCSF highlights a number of reasons why schools might consider moving into a trust arrangement:

- to gain access to partnership working with organisations that could bring specific skills and expertise to help raise standards;

- to invite new levels of challenge 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, choice for parents 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 can 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 perspectives and target a partner's expertise to support particular aspects of the schools' work such as Every Child Matters or the 14-19 curriculum.

Who decides on Trust and Foundation status?

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 around acquiring a Trust and reference should be made to The School Organisation (Prescribed Alteration to Maintained Schools) (England) regulations 2007, DCSF guidance 'Changing School Category' and 'Trust School Proposals' as well as the DCSF Toolkit.

Changing to Foundation status and setting up a charitable trust are both independent and complex 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 Local Authority as *Champion for Children and their Families* 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 with the office of the Schools Adjudicator 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.

Important considerations: some thoughts for governors

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 for 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 might 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.

The DCSF Trust Schools' Toolkit provides comprehensive information including step-by-step process charts and Devon County Council has produced a protocol for schools but will not undertake work on behalf of schools without charging.

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 Manager.

Choosing partners

The long-term strategic focus 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 or PCT to be a Trust partner.

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.

This process of decision-making rests with the governing bodies of the schools involved and once decided the Local Authority will issue a new 'Instrument of Government'.

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.