

# Initial Information about Trusts

## West End Schools' Trust

### FAQs about a school changing category and acquiring a Trust

This document provides information on the nature of a Foundation Trust School and some of the implications of a school acquiring this status if a Trust were to be established by the West End Partnership of schools.

This document is structured into several categories:

- General questions about Trusts and Trust Schools
- The process of becoming a Trust School
- The role of the Trust – who runs the school?
- Governance
- Employment
- Land and Buildings

### General questions about Trusts and Trust Schools

#### 1. What is a Trust?

A Trust is a legally incorporated charitable company, regulated by the Charities Commission and the procedures required of all companies. The 'Directors' (or Trustees) of the company are appointed by the 'members' who form the company – in this case the Governing Bodies of each individual school (Bridgewater Primary School, Broadwood Primary School, Canning Street Primary School, Hawthorn Primary School, St John's Primary School, and Wingrove Primary School ) and St Paul's CofE Primary School, (as a Voluntary Aided Primary School, it is unable to become a full member of a trust) and Ashfield Nursery School (as nursery school it cannot become a full member) but they are keen to become Associate Members.

A Trust must by law have objectives to improve education for pupils attending its schools and promoting community cohesion.

#### 2. What is a Trust School?

A Trust School has two key attributes:

- It is a Foundation School in legal terms (see below)
- It is part of a Trust and appoints a minimum of two Governors to the Governing Body of the school. This is in line with the Governing Body regulations implemented from September 2012.

#### 3. What is a Foundation School?

All maintained schools (i.e. those schools who receive their funding from a Local Authority) have a legal status.

There are four types of status:

- **Community Schools:** until recently most schools in Newcastle were community schools where the LA owns the land, employs the staff, and has responsibility for pupil admissions. The Governing Body is responsible for pupil achievement, recruitment and retention of staff (including the head teacher), and day to day management of pupils, staff, and buildings (most of these functions are usually delegated to the head teacher to manage on behalf of the Governing Body).
- **Foundation Schools:** In addition to the responsibilities of a Community School, the Governing Body is the employer of staff, and is responsible for setting and managing the admissions criteria and processes. The land and buildings are owned by the Trust. Foundation Schools are still part of the Newcastle family of schools and would retain strong links with Newcastle City Council.
- **Voluntary Controlled Schools:** These often have a relationship with a faith-group, but the LA owns the land and employs the staff
- **Voluntary Aided Schools:** These schools usually have a relationship with a faith-group. The Governing Body is responsible for all building management, and has to contribute

10% of the costs of any building projects. The Governing Body is the employer, and is responsible for admissions to the school. The buildings are usually owned by the school or a faith-group (such as a Diocese), although the Local Authority may own the playing fields.

#### **4. Will a Trust give the schools more freedom from the local authority?**

Trust Schools are bound by the same legal responsibilities as community schools, and gain responsibilities as the employer of staff and the admissions authority for their school. The schools which make up the West End Schools' Trust want to continue to work closely in partnership with Newcastle County Council, and the Council will be invited to be a partner in the Trust.

The schools would remain part of the family of local authority maintained schools:

- They would still be funded by the local authority on the same basis as other schools
- They would still have to act in accordance with the National Code of Practice and the local Admissions Code so far as it benefits the children in the trust
- The local authority would be able to intervene in a Trust school as in any other school if it is failing or underperforming
- The local authority would still be able to publish proposals to make certain changes to the school (including closure)
- Admissions to any citywide Additional Resource Provision would continue to operate as they do now using a multi-agency panel which reviews the needs of individual learners.

#### **5. How would a Trust fit with the West End Schools' Trust?**

Schools in the West End Schools' Trust currently work collaboratively in a number of areas. Establishing a Trust would provide a structure for deepening this collaboration and opening up more opportunities e.g. through links with those external bodies who have been invited to become Trust Partners. This could include Higher Education organisations, businesses including those involved in technology.

#### **6. Can Trust schools work with schools that aren't part of the Trust?**

Trust schools can continue to work with other schools in the same way as they did previously.

#### **7. How will each school be funded?**

Trust schools are funded on the same basis as other maintained schools, according to the National / Local Authority's funding formula. Individual schools in the trust retain their own budgets, and the Governing Body of the individual school continues to have responsibility for setting the school's annual budget.

#### **8. How will a Trust make things better for learners?**

A Trust offers a range of potential benefits. Many of these relate to being able to exploit opportunities or meet challenges that individual schools can not address as successfully on their own.

Some practical examples of how a Trust could develop over time and add value to its provision include:

- Curriculum innovation and enrichment
- Extend the opportunities to offer more specialist provision in Primary Schools
- Alternative approaches to behaviour management and early intervention services
- Directly employing specialists or commissioning specialist services e.g. Education Psychology, Family Support, Education Welfare, HR
- Support for Professional Development and Leadership and Management of all staff
- Opportunities for developing experience posts across the group and making joint appointments

### **The process of becoming a Trust School**

#### **9. Are all schools in the area obliged to become Trust schools?**

No. This is a voluntary decision for the current governing body of each school. The decision to become part of a Trust would only be made after consulting with parents and other local stakeholders, publishing formal proposals and considering the response to these proposals.

## **10. What is the process for becoming a Trust School?**

Each individual Governing Body will undertake a consultation process. This will be an opportunity for staff, parents, residents and other interested individuals or organisations to put forward their views on the proposal to establish a trust.

After this consultation each Governing Body will consider the responses and decide whether to proceed further. A decision by the Governing Body of one school not to proceed does not prevent the other schools from becoming a Trust. Each Governing Body that decides to proceed then publishes a formal statutory proposal to this effect. This provides another opportunity for any interested individuals or organisations to respond to the proposals.

After the statutory consultation period is completed, individual Governing Bodies consider any responses and make the formal decision to proceed or withdraw. If they do decide to proceed the legal process to establish the Trust begins. At this point the transfer of the land and buildings, together with staffing and admissions changes, begins.

## **11. Do parents have a say about whether to become a Trust school?**

Yes. The views of all respondents, including parents and other stakeholders, will be a part of the consultation process.

## **12. Who makes the decision about whether a school becomes a Trust School?**

The Governing Body of each school will make the decision as to whether that school becomes a Trust School.

## **The role of the Trust – who runs the school?**

### **13. Who is responsible for managing the school?**

The responsibility for the leadership and management of the school remains with the governing body.

**School Standards:** like all maintained schools, Trust schools are subject to the Ofsted self-assessment and inspection arrangements. The local authority's and Secretary of State's intervention powers if the school is failing or underperforming apply to all maintained schools (including Trust schools).

**Keeping Children Safe:** the Governing Body is responsible for establishing child protection procedures and for health and safety within the school and on school trips. The governing body must ensure that child protection and health and safety requirements will be met if external partners come into school, host a trip etc – this applies whether or not the partner is involved in the school's Trust and/or has obtained a DBS check.

**Finance:** Trust schools will follow the financial reporting procedures laid down by the local authority, which will be able to suspend the right to a delegated budget if there are serious problems.

## **Governance**

### **14. What happens to the existing Governing Body?**

Each school retains its individual Governing Body, with representation from stakeholder groups e.g. parents, staff and community governors. At least two governors are appointed by the Trust.

## **Employment**

### **15. What does Trust Status mean for teaching and non-teaching staff?**

Staff at a Foundation School are employed by the Governing Body rather than the Local Authority. Terms and conditions of employment remain the same.

Teaching staff would remain in the Teachers' Pension Scheme. Non teaching staff in schools with Foundation Status in the Newcastle LA would continue to have full membership of the Local Government Pension Scheme.

Any staff who currently work within a school but are employed by another organisation that provides services to the school will continue to be employed by their current organisation.

## **Land and buildings**

### **16. Who holds the land and buildings for a Trust School?**

When a community school becomes a Trust School, the school's land and buildings will transfer to that Trust to be held on trust for the duration of its relationship with the school. The Trust does not have to pay for the land and assets.

### **17. What does 'hold on trust' mean?**

A Trust has the legal title to the land but it holds it on trust for the purposes or benefit of the school and subject to the provisions of the Trust's governing documents. If its role ends then publicly funded land will normally revert to the governing body or the local authority.

### **18. Does this mean that the Trust is responsible for day to day control of the school's land and its buildings?**

No. The Governing Body of the individual school will continue to have day-to-day control over the school premises in the same way that all governing bodies do. Governing bodies will be able to manage their buildings and services themselves, or to enter into agreements with the local authority or with commercial organisations as they see fit.

### **19. Is this going to cost our school any money?**

There will be no direct financial cost involved in establishing a trust.