

# **Implications of Trust Schools for the Local Authority**

## **Draft Scrutiny Inquiry Report**

# Introduction and Scope



## Introduction

1. At the Scrutiny Board (Children's Services) meeting in December 2006, members agreed to carry out an inquiry into the implications for Leeds City Council of the new legislation relating to Trust Schools.
2. The Education and Inspections Act 2006, which is expected to come into force in Summer 2007, will enable schools to become Trust Schools. The proposals form part of the Government's choice and diversity agenda. Schools, or groups of schools, that choose to take up the new arrangements will be backed by a charitable trust. According to the DfES, *"Trusts offer schools greater opportunity to secure the support of partners to strengthen their leadership and to develop their own ethos. In doing so, they will build diversity in the school system."*
3. The Government launched 28 "Pathfinder" Trust School projects in September 2006, selected to represent a broad range of school and trust types. A further 7 Pathfinders have been added since. The DfES is working closely with the 70 schools involved in the Pathfinder projects, providing them with support. Pathfinders are intended to explore the process of becoming a trust, help develop and spread good practice and provide practical examples of what trusts offer.
4. Members were interested to find out more about the Pathfinder projects, particularly the Leeds Pathfinder, which involves schools in Garforth, a higher education college in Horsforth and, potentially, other partners.
5. At these early stages in the development of the Trust Schools concept, the Board felt it would be timely to look at the implications of Trust Schools for Leeds as a Children's Services Authority, to make sure that the Council can be proactive in responding to any opportunities and concerns associated with this potentially significant change.
6. Board Members were keen to talk to a wide range of stakeholders to find out more detail about the Trust School proposals and their possible implications and learn about the Pathfinder project in Leeds.
7. During the inquiry, we spoke to representatives from
  - the DfES
  - Education Leeds
  - Children Leeds
  - Trade Unions
  - Leeds Schools (including the Pathfinder Secondary School)
  - the David Young Community Academy

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8. We are grateful to all those who gave their time to participate in this inquiry, to provide information and share their views.

## Scope

9. Terms of reference for the Inquiry were approved at the Board meeting on 11 January 2007.
10. Board members agreed that their inquiry would make an assessment of, and where appropriate, make recommendations on the
  - developing arrangements for Trust Schools
  - potential impact for Leeds
  - ways in which Trust Schools can help deliver the Universal and targeted elements of children's services provision
  - long term implications of the establishment of Trust Schools
11. This inquiry concentrates on the issues involved for the Local Authority, raising concerns and flagging up opportunities. The Board hopes that its report will help the Council to prepare for the introduction of Trust Schools in the summer of 2007.

# Conclusions and Recommendations



- 1 Throughout this inquiry, we have received information on the developing arrangements for Trust Schools, including the Pathfinder and Early Adopters schemes. The arrangements for Trust Schools are in the early stages, DfES draft guidance has been consulted on and final guidance is expected by the end of May 2007.
- 2 A Trust School is a state funded foundation school supported by a charitable trust. It is made up of one or more schools and partners working together for the benefit of the school(s). It manages its own assets, employs its own staff and sets its own admission arrangements. Any maintained school will be able to become a Trust School; primary, secondary and special schools.
- 3 There is no government blueprint which sets out an ideal model for a Trust School. The DfES intends this to be a school led initiative, allowing the freedom to choose a model. The most likely types are:-
  - one school and one partner trust, perhaps working on a particular specialism
  - a group of schools creating and sharing one local trust, for example, secondary schools working together on the 14-19 agenda
  - groups of schools working together on a pyramid model
- 4 The DfES tell us that, theoretically, there is nothing to prevent schools working with any partner they choose. Local Authorities, businesses, colleges, universities, PCTs and Community Groups are the most popularly occurring examples from the Pathfinders.
- 5 We feel strongly that the partners that schools agree to work with should be chosen carefully to ensure that all partners share the same aims and vision for the school(s) within the trust.
- 6 Pathfinders have cited several reasons for wishing to become Trust Schools:-
  - greater local community engagement, bringing in key local community partners to put the school at the heart of the local community

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- working with other schools to meet the 14-19 provision across a local area
  - working with other schools to deliver extended services locally and meet the requirements of the every child matters agenda
  - autonomy. Some schools want greater control over decision-making, although the DfES told us this was not the main driver in most cases, but it was seen as an added benefit
  - strengthening the governing body to give greater direction and strategic purpose
- 7 We talked to representatives of the Leeds Pathfinder to help assess the impact for Leeds. The Headteacher and Chair of Governors of Garforth Community College told us about their project which aims to make the whole of Garforth a learning zone, offering lifelong learning opportunities. The potential trust partners going to consultation are Garforth Community College, four primary schools in Garforth, Trinity and All Saints Higher Education College, Horsforth, and Leeds PCT. Two other local primary schools, faith schools which already have trusts, will be trust associates. Leeds City Council has been invited to be a partner. The Learning and Skills Council have also shown an interest in being involved.
- 8 The lifelong learning 'cradle to the grave' concept behind the Garforth Pathfinder is a model which we can see the potential in. We expect that future trust proposals, however, will have different visions and not all will have equal merit.
- 9 The range of partners in the Garforth project caused us to consider that if a large number of schools in Leeds wish to move towards Trust status, it might raise capacity issues with potential partners. For example, if the PCT has already committed to the Garforth project, it might be unwilling or unable to partner with any other Trust Schools because of limitations on the time and resources (i.e. match funding, etc) it can offer. This might result in schools who are slower to move towards trust status being unable to secure their first choice of partner(s). There is a finite number of higher and further education institutions in Leeds and we have concerns that the early trusts may cream off the most sought-after partners.
- 10 In view of our concerns about the capacity of strategic partners to contribute to a number of trusts, we would like efforts to be made to try to target their support to the schools and areas most in need. Potential partners may not realise that committing to be a trust partner now might mean they

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don't have the resources to partner another trust later, perhaps one sited in a deprived area in greater need. We would like them to be fully aware of that, so that they can plan accordingly.

If a large number of Trust Schools are created, each with their own admissions policies and criteria, there is the potential for large-scale disruption to the Leeds school admission system

11 Apart from the Pathfinder in Garforth, we understand that other Leeds schools have started to consider the possibilities that trust status might offer them. Feedback received by Education Leeds suggests that most governing bodies have decided to postpone taking things any further until more information is available, particularly an evaluation of the Pathfinder projects. We feel this is a wise approach, that governing bodies should be encouraged to reflect on the experiences of the Pathfinder projects before coming to a decision about seeking Trust School status.

14 The Association of Teachers and Lecturers, in its written submission to our inquiry, states that "many of the flexibilities on offer to trusts, under the auspices of raising standards, are already available to schools under the 2002 Education Act." This is a point that we raised during our discussions. Schools have been forming partnerships with local organisations, schools and other education providers for some time and, at first glance, it is difficult to see what can be gained by forming a trust. Now, after hearing the evidence, we accept that formalised partnerships are likely to be more enduring and reliable than informal ones, which often depend on commitments made by personalities, rather than organisations. A trust might mean a higher level of engagement and obligation.

12 We have some concerns about Trust Schools setting their own admissions arrangements, despite reassurances from the DfES.

13 Whilst we recognise that Trust Schools must have regard to the Admissions Code of Practice and they will not be able to select pupils on ability, we are concerned that there is still scope for a Trust School to set a divisive admission policy. The creation of just one Trust School could have a substantial effect on neighbouring schools in this way.

15 We heard from a Leeds secondary school which has been exploring the issues around trust status. The governing body has decided not to rush to become an "early adopter", the name for the second wave of Trust Schools after the Pathfinder projects. The Governors have agreed that, if they decide to consult on Trust

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School status further in the future, they would want the Local Authority to be a partner, along with other local schools.

- 16 We feel that there is the potential, with the right partners working together, for a trust in a deprived area to contribute positively to narrowing the gap between the most disadvantaged children and communities and the rest of the city. We would like the City Council to be one of the Local Authorities at the forefront of the Trust Schools agenda, making sure that the potential is maximised for Leeds. We think this might mean helping to instigate trusts for cluster groups of schools in disadvantaged communities.

- **issuing advice to strategic partners about how to target their partnership support to schools and areas most in need**
- **informing our proactive approach to wider planning issues (BSF, 14-19 review, etc).**

- 17 We are particularly interested in the implications of Trust Schools for Leeds as a Children's Services Authority and the ways in which Trust Schools can help deliver the universal and targeted elements of children's services provision.

- 18 We welcome the new statutory duty of governing bodies, set out within the Education and Inspections Act 2006, to promote well-being and community cohesion and to have regard to the Children and Young People's Plan. This should help the Director of Children's Services to hold to account any Trust School that fails to co-operate.

- 19 Trust Schools might make strategic planning around the Every Child Matters agenda more difficult. For example, it won't be possible for every primary school in Leeds to provide the full range of extended schools services and activities on their own sites. The

## Recommendation 1

**That the Chief Executive of Education Leeds and the Director of Children's Services take a pro-active strategic approach to maximise the potential that Trust Schools might have for improving outcomes for children in deprived communities in Leeds by**

- **exploring potential trust models for clusters of schools in deprived areas with a view to instigating trusts**



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intention will be for several schools to work together to make sure that children and families have access to the services they need. The planning and implementation of extended schools could be disrupted by a new Trust School forming a trust and causing planners to think again about siting services.

20 Leeds is one of the pilot authorities for Budget Holding Lead Professionals in localities, so locality planning is a key concept in the Leeds approach to Children's Trust arrangements. If the trend is for schools to group together in localities to form trusts, we can see possible opportunities for commissioning those trusts to manage and provide joined up activities at a local level.

21 When a school acquires trust status, its land and assets transfer to the trust. Governors can dispose of or change the use of land and buildings with the agreement of the trust, so again, there is the potential for disruption to strategic planning with pieces of the buildings 'jigsaw' being moved around by individual schools.

22 The long term implications of Trust Schools are hard to predict at this stage. The impact upon Leeds will depend on the numbers of schools opting for Trust School status, the arrangements they put in place, their trust partners and

the level of engagement with the Local Authority. Ideally, we would hope that the Authority will be invited to become a member of any trusts set up for its maintained schools.

23 We are concerned that, if the trust should fail in the long term, it might be difficult for the governing body to remove it.

24 When a Trust School is established, a new governing body is constituted. The outgoing governing body take the decision on whether the new body will have either a majority or a minority of trust Governors. It might be very difficult to remove a trust if the majority of the governors are trust appointed.

25 We understand that there is a safeguard contained in the draft regulations, whereby a vote can be carried by one third of the governing body to remove a trust if the majority of governors are trust appointed. However, the vote can only be taken once every seven years.

26 We have found it quite challenging to assess arrangements which are not fully formed. However, we can see how important it is that the Local Authority takes the opportunity to remain involved, at a strategic level and, wherever possible, as a member of the trust.



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27 If the Local Authority is not fully engaged and a number of Trust Schools emerge in Leeds, we anticipate that strategic, city wide planning for Children's Services will prove more difficult. Challenges such as managing school admissions, developing extended schools, children's services workforce reform and wrapping services around the child need a high level of clarity, commitment and participation from all parties and Trust Schools.

28 Although Trust Schools are still within the Local Authority's maintained schools, their relationship within the Children's Services Authority will move to more of an arms length basis, with challenges there for the commissioning role of the Director of Children's Services.

29 To assist the City Council to continue to engage fully with schools seeking to become and becoming Trust Schools, we would like to see a policy adopted requiring the Local Authority to request membership of every school trust in Leeds. We are aware, however, that this might pose capacity and resource issues, and would like these to be fully explored initially.

## Recommendation 2

**The Chief Executive of Education Leeds and the Director of Children's Services consider the resource and other practical implications of a policy requiring the Authority to request membership of every trust that is established in Leeds.**

30 Finally, schools proposing to become Trust Schools must consult with their Local Authority. It is at the consultation stage when we expect schools to be able to address the issues that this report raises.

## Recommendation 3

**That the Director of Children's Services has regard to this report when responding to any school consulting on becoming a Trust School.**

**In particular the points raised in this report regarding**

- **proposed partner organisations sharing the same vision for the school**
- **any proposed changes to the school's admissions policy**

## Conclusions and Recommendations



- potential for the proposals to help or hinder “narrowing the gap”
- balance of trust appointed governors on the governing body

and to consider how the individual proposals will contribute to community cohesion and delivering the Every Child Matters agenda

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# Sessional Evidence



## Monitoring arrangements

Standard arrangements for monitoring the outcome of the Board's recommendations will apply.

The decision-makers to whom the recommendations are addressed will be asked to submit a formal response to the recommendations, including an action plan and timetable, normally within two months.

Following this the Scrutiny Board will determine any further detailed monitoring, over and above the standard quarterly monitoring of all scrutiny recommendations.

## Reports and Publications Submitted

Trust Schools: a short briefing paper (compiled from information drawn from the DfES and Specialist Schools and Academies Trust websites).

Report of the Head of Scrutiny and Member Development, 8th February 2007, incorporating a briefing paper from Education Leeds

Report of the Director of Children's Services, 8 March 2007.

Report of the Head of Scrutiny and Member Development, 8 March 2007, incorporating a briefing paper on LEA experiences of working with Grant Maintained schools.

## Witnesses Heard

Keith Burton, Deputy Director, Children's Services  
Chris Edwards, Chief Executive, Education Leeds  
Paul Edwards, Headteacher, Garforth Community College  
Martin Fleetwood, Principal, Temple Moor High School  
Ian Garforth, Chair of Governors, Garforth Community College  
Dirk Gilleard, Deputy Chief Executive, Education Leeds  
Carol Gray, DfES  
Jack Jackson, NASUWT  
Ros McMullen, Principal, David Young Academy  
Patrick Murphy NUT  
Tony Sheppard, Chair of Governors, Temple Moor  
Richard Smith, Team Leader, Governor Support

# Sessional Evidence



## Dates of Scrutiny

8 February 2007 Scrutiny Board meeting

8 March 2007 Scrutiny Board meeting

## Site Visits

None undertaken.