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## Report of the Chief Executive, Education Leeds

### Outer West Area Committee

Date: 26<sup>th</sup> March 2010

### Subject: Trust School Developments

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#### Electoral Wards Affected:

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Council  
Function



Delegated Executive  
Function available  
for Call In



Delegated Executive  
Function not available for  
Call In Details set out in the  
report



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### Executive Summary

This report is intended to inform Members of the consideration being given by school governing bodies to developing sustainable partnerships in the outer West area, with specific reference to trust school status.

Members are asked to note the current position regarding developments in the Trust School programme in the Outer West area of the City.

#### 1.0 Purpose Of This Report

1.1 This report is intended to inform Members of the consideration being given by school governing bodies to developing sustainable partnerships in the outer West area, with specific reference to trust school status.

#### 2.0 Background Information

2.1 The DCSF uses the term School Diversity to describe the way in which the education system is structured to enable schools to differentiate themselves according to their individual ethos, special character and areas of specialist expertise. Trust schools are a specific strand in the diverse range of options designed to deliver real improvements in school attainment. Each option is designed to work in different circumstances. This paper is intended to provide a current update, and to briefly remind Members of the framework that delivers trust schools.

2.2 Trust arrangements are intended to open up new and different ways for schools to work in the future. Schools (or groups of schools) that choose to take up the new arrangements will be backed by a charitable trust. A key theme of the Government's 21<sup>st</sup> Century Schools programme is that every school should work in partnership, delivering a redesigned system of collaboration and integrated services. Trusts are a key element in delivering sustainable partnerships and schools are considering how such a model could support collaboration – not just collaboration between schools but also with key partners e.g. HE institutions and the PCTs. Trust schools are about drawing on the expertise and energy of partners to strengthen governance and support schools' strategic leadership. They must also work to maximise opportunities for children and young people in Leeds by contributing to the challenges of accelerated locality working, the restructuring of the 14+ learning landscape, and the National Challenge.

Schools in Leeds are actively building arrangements which secure a stronger sense of collective responsibility for the quality of provision and outcomes.

### **3.0 Main Issues**

#### **3.1 What is a Trust School?**

- A Trust school remains a local authority maintained school that is funded on the same basis as other local authority maintained schools, and funding will be delegated to the governing body, not the Trust. There will be no additional funding from the local authority for a Trust school, and there is no expectation that the Trust will provide the school with additional funding. They could, however, bring in additional resources in terms of professional expertise, knowledge and vocational opportunities.
- A Trust school will employ its own staff, and manage its own land and assets. Trust schools will also be able to set their own admission arrangements. As in other schools, these arrangements must be in line with the School Admissions Code.
- All Trust schools will have to promote good local community and race relations, and follow the Race Relations Act and the Disability Discrimination Act.
- Trust schools may not be uniform in nature. The members of the Trust might include education charities, further or higher education institutions, business foundations or community groups, for example. A Trust might work with a single school, a group of local schools or a network of schools.
- A Trust school is legally a foundation school supported by a charitable foundation that appoints some of its governors. The law has previously allowed for foundation schools to be formed, and to acquire a foundation with almost no process surrounding it (like consulting parents, allowing others to comment etc) or any safeguards on what a Trust can and cannot do. The Education and

Inspections Act 2006 puts in place some safeguards around forming and acquiring a Trust.

### 3.2 The Current Position in the Outer West Area.

There are currently no trust schools (foundation schools with a charitable trust) in the outer west area of the City. However, the governing bodies of Crawshaw School and Pudsey Grangefield School are considering Trust Status as part of the DCSF's Supported Schools Programme. There has been no indication that the governing body of Priesthorpe is considering trust status at this stage.

3.3 The local authority has yet to receive details of any firm proposals from the governing body of Crawshaw School. The governing body of Pudsey Grangefield School has given notice to the local authority that it intends to consult about proposals to change category from a community school to a foundation school with a charitable trust, although no firm implementation date has been given at this stage. The governing body of Pudsey Grangefield School has given its continued commitment to the Leeds learning community, and to the strong relationship with Education Leeds and the City Council which establishes the Council as a partner in the Trust.

3.4 The three secondary schools in Pudsey have confirmed their commitment to the Pudsey Confederation and, as trusts are developed, each would be joined by the other two, non-member, partner secondary schools. As far as Education Leeds is aware, there is no proposal for a shared trust across the three secondary schools in Pudsey.

### **4.0 Implications For Council Policy and Governance**

4.1 In support of the local authority's commissioning role trust status may be supported and encouraged where proposals demonstrate collaboration between schools and partners which strengthens and sustains relationships, and describes improved outcomes for children and young people in relation to standards achieved and the five outcomes.

4.2 As the opportunities to form trust schools became available, Leeds City Council engaged in an inquiry early in 2007 through the Children's Services Scrutiny Board. This concluded that there was the potential, with the right partners working together, for a Trust working in a deprived area to contribute positively to narrowing the gap between the most disadvantaged children and communities and the rest of the City. It also concluded that the local authority should be at the forefront of the trust schools agenda, making sure that the potential is maximised for Leeds. The Scrutiny Board inquiry recommended that Education Leeds develop guidance for governors who were considering trust status. The guidance had been available since September 2008 and has been used in development work with governors.

4.3 The City Council's Executive Board also considered the development of new governance arrangements in a report in January 2009 and decided to:

- i. Note the opportunities and implications for governance of the academies and trust schools programs.

- ii. Approve a policy position that supports and encourages moves by schools to adopt Trust Status where a proposal demonstrates;
  - a willingness to engage the City Council as a key partner in any Trust, including having a representative appointed as a trustee;
  - collaboration between schools and partners to improve outcomes for young people;
  - a willingness to engage constructively with the City Council to reach agreement on the transfer of assets and the use of capital receipt from any future land/building sale, to ensure that the Council's strategic priorities can be addressed.

## **5.0 Legal and Resource Implications**

- 5.1 The development of trust schools has implications for the capital assets of the City Council and the City Council's Asset Management Group is aware of these implications. Action has been taken to develop and apply appropriate mechanisms that minimise the risks involved.
- 5.2 Where a PFI situation exists the governing body of a school which changes status to become a foundation school with a Trust does not become a new legal entity. It is the same body corporate as the governing body of the existing school. It therefore continues to have all the contractual benefits and obligations that it has signed to. These will include, where the school is part of a PFI contract, the individual agreements that the governing body will have signed with the authority, which will include its obligation to contribute to the unitary charge for the PFI contract and the services that it will receive under the contract. Acquiring a Trust is not an opportunity for a school to withdraw from any contract unless a variation to the school's status is specifically written into the terms of the contract as an eligible reason for withdrawal.

## **6.0 Recommendations**

- 6.1 Members are asked to note the current position regarding developments in the Trust School programme in the Outer West area of the City.

### **List of Background Documents:**

Leeds Policy for School Improvement, March 2006.  
DCSF Statutory Guidance on Changing School Category and Trust Schools, May 2007.  
Education Leeds: Trust Schools – A Guide for Schools, October 2007.  
Children's Services Scrutiny Board Report – Implications of Trust Schools for the Local Authority, May 2007.  
Executive Board Report: Developing and Responding to New Governance Arrangements for Schools in Leeds, January 2009.