

## TRUST SCHOOLS

### Background

Legislatively, any school will be able to opt to become a Trust School once the relevant parts of the Education and Inspections Act 2006 come into effect in early summer 2007.

Proposals for Trust schools were introduced initially in the October 2005 White Paper Higher Standards, Better Schools for All. The proposals form part of the Government's choice and diversity agenda. The Government has stated that 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.

The White Paper also states that schools can work together in order to share best practice, pool resources and offer a wider range of opportunities to both children and staff. Trust schools, federations and other partnership arrangements provide the basis for this type of collaboration. The majority of schools involved in the pathfinder will be expected to look at how Trusts could support collaboration. The Government has stated that Trust schools are about drawing on the expertise and energy of partners to strengthen governance and support their strategic leadership

Acquiring a shared Trust can put existing collaboration between a group of schools on a more formal and sustainable footing. Unlike a hard federation, though, each school would retain its own governing body. However, where schools want to acquire a shared Trust which builds on an existing hard federation they can continue to have shared governing body arrangements..

### 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.
- The local authority has a key opportunity to become a partner in the Trust and engage strategically with a number of individual partners in order to support development through the establishment of a charitable foundation.
- 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 new Education and Inspections Act puts in place some safeguards around forming and acquiring a Trust.

### What does it mean in practice?

- A Trust school governing body is the employer of the staff much like in an aided school, but must comply with the national School Teachers' Pay and Conditions Document.
- The governing body will set the school's own admission arrangements, but they will have to act in accordance with the School Admissions Code and will not be allowed to introduce selection by ability. The Government has stated that Trust schools will be expected to play their full part in taking hard to place pupils, having fair admissions and working with other schools.
- The school will manage its own land and assets. The Trust will hold the land and assets of the school on trust for the duration of its relationship with the school. This could be an issue for existing PFI schools or schools with academy status (see below).
- The school is supported by the Trust through the appointment of governors to the school's governing body. The governing body of a Trust school, and not the Trust itself, will remain responsible for all aspects of the conduct of the school. The Trust and the governing body remain separate entities. But in the situation where an existing governing body decides that the Trust may appoint the majority of the governors it would effectively give the Trust control over all decisions which fall to the governing body, and allow it to take strategic decisions about the direction of the school.

### What is the process?

- There is potential for local authorities to strategically influence the development of trust schools in their area.
- The decision to move to trust status is made by the school's existing governing body. It also determines who the members of that Trust should be, and whether the Trust should appoint the minority or majority of the governing body. If the Trust appoints the majority of governors a Parents' Council must be formed.
- Parents and other local stakeholders must be consulted before any decision is made. The governing body must then publish formal proposals if it wishes to go ahead.
- Governing bodies will need to consult their local authority before they acquire a Trust. If the local authority considers that parents' views have not been taken into account, or has concerns about the Trust's impact on standards, it can refer the proposal to the Schools Adjudicator.

A process flowchart is attached for ease of reference.

### Other Points

- No school will be forced to have a Trust, but acquiring a Trust must be one option, as is moving to academy status or closure, for the local authority to consider when a school is failing.

- Trust schools will still have to abide by the normal parameters of the National Curriculum and will be inspected by Ofsted like all other schools.
- All Trust schools will have to promote good local community and race relations, and be subject to the requirements of the Race Relations Act and the Disability Discrimination Act.
- The governing body will be required to consult the local authority, parents and other stakeholders and to take their views into account before publishing proposals. If they fail to consult adequately or do not take due account of any consultation responses – or indeed if there are concerns about the impact of the Trust on standards – the local authority will be able to refer proposals for Trusts to the Schools Adjudicator for decision. The local authority may refer proposals either as a result of its own concerns or as a result of local stakeholders raising their concerns with the authority.

### **The relationship between trust schools and PFI**

The governing body continues to have all the contractual benefits and obligations of the school. These will include, where the school is part of a PFI contract, the individual agreement that the governing body must have signed with the authority, which will include its obligation to contribute to the unitary charge for the PFI contract and the services it will receive from the contract. Acquiring a Trust is not an opportunity for the school to withdraw from any contracts unless a variation in the school's status was specifically written into the terms of a contract as an eligible reason for withdrawal.

### **The relationship between Trust schools and BSF**

As local authority maintained schools, Trust schools will remain part of the BSF programme - which focuses on the needs of schools and their pupils rather than on type of school - and must be fully included in their authority's BSF educational vision and investment project.

### **How do Trust schools differ from Academies?**

There are two key differences:

- Academies are publicly funded independent schools (not local authority schools), whilst trust schools remain as LA maintained schools.;
- Academies take revenue funding out of the local authority system.

The Government states that Academies and Trust schools are two strands in the diverse range of options designed to deliver real improvements in school attainment. Each is designed to work in different circumstances. The first Academies programme has targeted those secondary schools with the lowest levels of attainment and in the most deprived communities. As such they represent a radical solution designed to provide a step change in education in failing schools.

Acquiring a Trust is a way for a range of schools (both primary and secondary) in different circumstances to raise standards, from those that are currently under-performing to those that are leading the way in the education sector as a whole. There are no specific criteria for which schools can become Trust schools: the decision is one for a governing body to make.

The level of involvement from business partners differs in Academies and Trust schools:

- Academy sponsors appoint the majority of governors to the governing bodies of their schools. In Trust schools, the Trust can appoint either the minority or majority of governors: the decision is made by the predecessor governing body. This enables continued input by the LA.
- In the past Academy sponsors have been expected to contribute £2 million. In the case of Trust schools, the Trust is not expected to make any financial contribution.

### **Trust school pathfinders**

The DfES has set up a small scale pathfinder programme (which includes Garforth Community College in Leeds) which they expect will help to demonstrate how the Trust school concept can be used to support schools in different ways according to their local circumstances, and to identify and resolve any issues around the practical implementation of the policy. Pathfinder schools will receive dedicated support from the DfES, including some small scale financial assistance with set up costs.

Pathfinder schools are expected to test and simplify the process for acquiring a Trust by working closely with the DfES as they:

- Identify partners and agree how the Trust will be organised
- Work with partners to develop and agree a shared vision and aims
- Engage other stakeholders, including the local authority and parents
- Agree how the Trust will help the school(s) and whether it will appoint the minority or majority of governors
- Test and refine a practical “toolkit”.

Pathfinder schools are also expected to develop and help spread good practice.

## Flow Chart Process of Acquiring a Trust

