



DERBY CITY COUNCIL

**CABINET MEMBER FOR CHILDREN AND
YOUNG PEOPLE MEETING
15 March 2010**

ITEM 5

Report of the Corporate Director for Children
and Young People

Trust School Proposals

SUMMARY

1. This report provides an update on progress made in relation to Trust proposals which form part of the 'choice and diversity' element of the Council's Building Schools for the Future (BSF) Strategy for Change. The report outlines the process for implementing the proposals, anticipated timescales and implications for schools in terms of staffing, land and assets. It also gives an update on the progress of the development of National Challenge Trusts at Bemrose School, Merrill College and Sinfin Community School.

RECOMMENDATION

- 2.1 To note progress in relation to Trust proposals and anticipated timescales for implementation.
- 2.2 To note implications for schools acquiring Trust status, including the requirement to change to foundation status (if they are not already foundation schools), employ their own staff and have responsibility for school land and buildings which are transferred from the Council to the Trust.
- 2.3 To note that the Corporate Director for Children and Young People is able to approve the transfer as a non-key decision.

SUPPORTING INFORMATION

- 3.1 Principal features of Trust Schools include:
 - Trust Schools will:
 - receive the same funding from the local authority as other maintained schools, but charitable status may help them raise more funds
 - have to follow the Admissions Code of Practice
 - have to follow the National Curriculum and will be inspected by Ofsted

- have to acquire foundation status (if they are not already foundation schools), employing their own staff and having responsibility for school land and buildings which are transferred from the Council to the foundation. A number of our schools are already foundation schools. The Local Authority (LA) in its commissioning role continues to have strategic oversight and planning responsibilities.
- at least one third of each Trust School's governing body should be made up of parents, or a parents' council must be established
- schools cannot be compelled to become Trusts, but the LA is expected to support Choice and Diversity as a condition of receiving Building Schools for the Future funding.

Trust Schools will not be 'owned' by businesses - business foundations and other partners can support the school through a Trust and take a role on the governing body, but not take it over or use the assets for non-educational purposes.

- 3.2 If a school is not already a foundation school, it is able to consult and implement foundation status in parallel to becoming a Trust. When a school acquires Trust status, 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. Day-to-day control will remain with the governing body, as will responsibility for insurance, maintenance, health and safety, etc. The governing body will also become the sole employer of all staff.
- 3.3 There is no change to the way in which a school receives capital funding. Schools with foundation status still receive the formula capital amount depending on the size and type of school, and retain access to funds for health and safety related work through the Local Authority.
- 3.4 The process to establish Trust status is led by governors, who must consult with parents and other stakeholders, including the Local Authority, on their proposal to establish a Trust. A preliminary consultation period of four-six weeks is followed by a formal consultation of 28 days. The process will generally take a school term to complete.
- 3.5 Current choice and diversity developments are as follows:

Bemrose School and Sinfin Community School

At its meetings on 30 September 2008 and 13 January 2009, Council Cabinet agreed that National Challenge Trust (NCT) status should be explored as an alternative option to academy proposals for Bemrose School and Sinfin Community School. Since those decisions were taken the Secretary of State for Children, Schools and Families has agreed to the establishment of NCTs through a school non-closure route for both schools. The Corporate Director for Children and Young People has supported the process of conversion to NCT status for both schools in line with the delegated authority approved at Cabinet.

In the case of Bemrose School, Littleover Community School agreed to undertake the role of lead partner. A new governing body with the majority of governors appointed by a newly formed trust was established in January 2010. A new staffing structure has been implemented and the National Challenge action plan and funding arrangements have been approved by the Secretary of State.

In the case Sinfon Community School, Chellaston School agreed to undertake the role of lead partner. A new governing body with the majority of governors appointed by a trust will be established in April 2010. A new staffing structure has been published for consultation and the National Challenge action plan and funding arrangements have been approved by the Secretary of State. The transfer of land and assets from the LA to the new trust will take place in April. Staffing contracts will transfer from the LA to the governing body at the same point.

3.6 Merrill College

Within the National Challenge programme the DCSF have made it clear that they expect a structural change at Merrill College in order to secure improved performance. A plan was shared with the Secretary of State in December 2009 proposing that Merrill would be converted to NCT status through a non-closure route with Derby College as the lead partner.

The approval of the plan is subject to the outcome on an external review commissioned by Vernon Coaker, Schools Minister, which took place at the end of February 2010. The outcome of the review is currently awaited.

3.7 Derby Moor, da Vinci Community College and Lees Brook Community Sports College

Following consultation, Derby Moor Community Sports College acquired Trust status on 1 January 2010. da Vinci Community College is currently consulting on becoming a Trust school from 19 April 2010 and Lees Brook Community Sports College is also working towards Trust status.

With regard to da Vinci's existing PFI contract, the Local Authority (LA) will need to ensure that once the Trust has taken control of the land and buildings, it grants the LA sufficient rights over the land to enable the LA to continue to comply with its licence obligations to the PFI contractor under the PFI contract. The Council's existing Grouped Schools PFI contract will need to be amended.

3.8 In addition, Chellaston School, Noel-Baker Community School and Language College, St Martin's and Woodlands Community School are also exploring Trust proposals.

3.9 If all of the proposals for Trust status are successfully carried through, all but one of the secondary schools in Derby (Littleover Community School) will be foundation or aided schools. All schools, whatever their status, have a strong measure of autonomy, but in Derby all of the schools work effectively together and with the LA as part of our Education Improvement Partnership. We are confident that this will continue when Trust status is adopted by the schools.

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Background papers:	None
List of appendices:	Appendix 1 – Implications

IMPLICATIONS

Financial

- 1.1 None arising from this report. When a 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.
- 1.2 The mechanisms for revenue and capital funding of foundation/trust schools are the same as for community schools.

Legal

- 2.1 The process to establish a Trust is led by each school's governing body, with the Local Authority supporting the process. When a school acquires Trust status, 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. Officers will work with schools to explain the transfer of legal responsibilities in terms of staff, land and assets and hand over title deeds and relevant documentation. The Corporate Director for Children and Young People is able to approve the transfer as a non-key decision.
- 2.2 In relation to da Vinci Community College, which is a PFI school, initial legal work is underway to establish what amendments may be required to the Council's existing Grouped Schools PFI contract, with da Vinci School changing from a community school to a foundation school.

Personnel

3. Trust school staff are employed by the governing body of the school and not the Trust. They are employed under the normal arrangements for school teachers' pay and conditions. The usual personnel procedures will be followed in relation to those schools changing from a community school to a foundation school.

Equalities Impact

4. None arising from this report. The aim of any proposals must be to raise achievement, particularly for vulnerable and under-achieving groups.

Corporate objectives and priorities for change

5. The proposals support the priority of 'supporting everyone in learning and achievement' and particularly the key outcome of 'Improving educational achievement and narrowing gaps in attainment'.