**Proposal to Change from a Community School to a Foundation School and join the West End Schools’ Trust (WEST)**

**Document 2 (26th June 2018)**

**Frequently Asked Questions (FAQs) and Information**

**Following our information gathering and our initial consultation the Governing Body of Moorside Community Primary School decided at a FGB meeting held on 21st June 2018 to proceed with the next stage of the process. A Statutory Notice will be published on the 29th June 2018. This will start a 4 week “representation period”.**

This document provides information on the nature of foundation trust school governance:

This document is structured into several categories:

1. General questions about Trusts and Trust Schools
2. The process of becoming a Trust School
3. The role of the Trust – who runs the school?
4. Governance
5. Employment
6. Land and Buildings
7. Possible future changes / issues

**1. General questions about Trusts and Trust Schools**

**1.1 What is a Trust?**

A Trust is a legally incorporated charitable company, regulated by the Charities Commission and the processes for all companies. The ‘Directors’ (or Trustees) of the company are appointed by the ‘members’ who form the company – in this case these ‘members’ considering the proposal (Bridgewater Primary, Broadwood Primary, Canning Street, Primary, Hawthorn Primary, St. John’s Primary, Wingrove Primary and St. Paul’s C of E Primary School, which is a voluntary-aided school working as a full partner in the trust).

A Trust must by law have objectives to improve education for people attending ‘Trust Schools’ and promoting community cohesion.

The West End Schools’ Trust is an established Trust.

**1.2. What is a ‘Trust School’?**

A Trust School has two attributes:

* It is a ‘Foundation School’ in legal terms
* It has a ‘Foundation’ (known as a Trust) who appoints a minimum of two Governors of each school.

**1.3. What is a Foundation School?**

All maintained schools (i.e. those schools who receive their funding from a Local Authority such as Newcastle) have a legal status. There are four types of status:

* Community Schools: This is our current status. Byker Primary is also a “Community School”. The local authority 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 owns the land and buildings (unless it’s a Foundation Trust school when the Trust owns the land and buildings), is the employer of staff, and is responsible for setting and managing their admissions criteria and process.
* Foundation schools with a Trust ….As above except the land and buildings are held by the Trust.
* Voluntary Controlled Schools: These often have a relationship with a faith-group, but the local authority 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 contributes 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.

Foundation schools are still part of the Newcastle ‘family of schools’. They would retain strong links with Newcastle City Council, especially as the council will be invited to be a member of the Trust and nominate a Trustee.

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

Yes to some extent. However 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 want to continue to work closely in partnership with Newcastle City 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; and
* 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 who review the needs of individual learners.

**1.5. Can Trust schools work with schools that aren’t part of the Trust?**

Yes.

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

Academies and Voluntary Aided schools already have a trust governance model and no school can be a member of more than one trust.

Over time the schools in this trust will aim to work alongside other Trusts across the city.

**1.6. 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.

**1.8. How will the Trust make things better for learners?**

Joining the Trust will support Moorside in focussing on identifying opportunities or challenges that individual schools and partners cannot address successfully on their own – but through a partnership can pool resources to achieve a better overall result for learners.

There are several practical examples of this where the Trust could add value:

* Staff training and development, where the Trust can work across several schools and in partnership with businesses, to ensure that we continue to invest in staff effectively and in a coordinated manner.
* By working together we can also improve the support for the children in our care, whether this is learning support or pastoral support.
* By following the National Curriculum, adhering to statutory guidelines we will adapt to the needs and strengths of the learners within our locality.
* Through savings through better procurement enable more funding for teaching and learning
* Using the greater opportunities provided through the Trust’s charitable status to bid for funds which would otherwise not be available to schools.
* Building a clear identity for our group of schools in the inner west of the city – developing a stronger voice for the area.

**2. The process of joining an Established Trust (West End School’ Trust)**

**2.1 What is the process for becoming a Trust School?**

* The Governing Body (Moorside Community Primary School) goes through a consultation process about becoming a Trust with all stakeholders (pupils, parents, staff, governors and other members of the community).
* The Governing Body receives a report about the outcomes of the consultation and then considers the consultation responses.
* The Governing Body draws up revised proposals if needed, and hold another consultation on revised proposals if needed.
* If they decide to proceed the Governing Body of Moorside Community Primary School will then issue a Statutory Notice about proposals to become a Foundation School and if applicable join the West End Schools’ trust.
* The Governing Body of Moorside Community Primary School would then consider any response to the Statutory Notices and make a final decision about whether to proceed or not.
* If applicable, Moorside would proceed to work through employment and land and buildings legalities.

**2.2 Do the schools have to become Trust schools?**

No. This is a voluntary decision for the current governing body. This will be taken after consulting with parents and other local stakeholders and publishing formal proposals.

**2.3 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 formal consultation process.

**2.4 Who makes the decision about whether a school becomes a Trust School?**

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

The governing bodies will be required to inform the City Council and the DfE of their decision.

**3. The role of the Trust – who runs the school?**

**3.1 What is the membership of the Trust Board?**

The West End Schools’ Trust – WEST was incorporated in January 2015. West is a company limited by guarantee, company number 09404360. It is an exempt charity regulated by the Secretary for State for Education, it is controlled by its governing document and Memorandum and Articles of Association which define its objects and powers.

The West End Schools’ Trust (WEST) is a Foundation Trust of seven primary schools located in the inner west of the city of Newcastle upon Tyne. They are currently responsible for the education of over two thousand six hundred pupils between 0 and 11. If Moorside joined the Trust they would add between 460 – 490 pupils to the Trust. WEST currently has a Board of trustees with up to 19 Directors. The directors are related parties to the company by virtue of their relationship with the School Members and Partner Organisations. The board is responsible for the strategic management of WEST’s work and is supported by an Executive committee and working groups who work at an operational level.

The School Members are: Bridgewater Primary School, Canning Street Primary School, Hawthorn Primary School, St. John’s Primary School, St. Paul’s Church of England Primary School, Wingrove Primary School, Newcastle City Council are the local Authority Member. Liz Todd from Newcastle University and Chris Drinkwater from Well Newcastle Gateshead are Partners.

The WEST Board is made up of representatives from the School Members and the local Authority. Other places on the Board are offered to our partners. The board of Trustees are also Directors for the purpose of company law. None of the Trustees have any beneficial interest in WEST.

**3.2 Role of a Director**

Directors serve on the Trust Board; they are registered as directors with Companies House. They can be known as board members, trustees or Directors. Directors have and must accept ultimate responsibility for directing the affairs of the Trust and ensuring that it is solvent, well-run and delivering the charitable outcome for the benefit of the public for which it has been set up. Directors must ensure compliance with the law and the charitable aims of the trust and act with integrity. They have a duty of prudence to ensure the Trust remains solvent, uses its funds reasonably and only to further the objects of the charity, and not to undertake any activities that may place the trust or its assets at undue risk. A Director must use reasonable care and take professional advice on all matters where there is a material risk to the trust.

Essential responsibilities:

* Ensure compliance with the Trust’s governing document, charity law, company law and any other relevant legislation or regulations
* Ensure the trust pursues its charitable objects as defined in its governing document
* Approve annual accounts prior to legal filing
* Approve the annual Directors statement prior to legal filing
* Ensure the trust uses its resources only in pursuance of its charitable objectives
* Contribute actively to the board’s role on giving strategic direction to the organisation, setting overall policy, defining goals, setting targets and evaluating performance against agreed targets
* Safeguarding the good name and values of the Trust
* Ensure effective and efficient administration of the Trust
* Ensure the financial stability of the Trust

Current Directors of the West End Schools’ Trust are:

Sam Robson and Lynn Stephenson (Chair) (Bridgewater), David McLeod and Meg Fisher (Broadwood), Kathryn Herron and Peter Thomson (Canning Street), Jane Dube and David Drewe (Hawthorn), Tracey Caffrey (Vice Chair) and John Anderson (St. John’s), Judith Sword and George Curry (St. Paul’s), Jane Mullarkey and Diva Nair (Wingrove), Alison Priestley (Newcastle CC), Liz Todd (Newcastle University), Chris Drinkwater (Well Newcastle Gateshead) and David Jones (Centre for Life).

Role of Trust Governors

A Trust Governor has the same role as other Governors within the School Governing Body, with the added responsibility of upholding the distinctive ethos of the trust. In essence this means being the voice of conscience when matters are discussed to ensure the governing body remains committed to delivering Trust objectives alongside the other responsibilities of the governing body. Each school member will nominate two trust governors, one of which may sit on the WEST Board as a Director. The essential responsibility of a Trust Governor is to uphold the ethos of the Trust within the School Governing Body.

Current Trust Governors for the West End Schools@ Trust are:

Nitin Shukla and Robert Towers (Bridgewater), Meg Fisher\* and vacant (Broadwood), Steve Brent and Peter Thomson\* (Canning Street, David Drewe\* and vacant (Hawthorn), Hannah Morrow and vacant (St. John’s), George Curry\* and vacant (St. Paul’s), Sarah Fearon and Diva Nair\* (Wingrove). Any Trust Governors marked with a \* are also Director.

**3.3 Memorandum and Articles of Association**

The Objects of WEST are specifically restricted to those laid out in the Memorandum and Articles of Association:

To advance, for the public benefit, education, health, advancement of welfare and training within England and Wales for all the children, young people, their parents and School employees and communities nationally including, but without prejudice to the generality of the foregoing, the education of the pupils at any School which is a Qualifying School or at any other school in respect of which company acts or has acted as a foundation it being acknowledged that in carrying out the Objects of the company must, so far as it consistent with this purpose, have regard to its obligation to promote community cohesion under the Education Acts.

**3.4 What will the Trust do?**

The Trust Board would meet a minimum of 3 times a year. Sub-groups may be established either as standing committees or working groups to take forward particular pieces of work of benefit to the schools. These are likely to have a wider membership than Board members.

The school will continue to have their own individual Governing body

**3.5 Is there any accountability relationship between the Trust and the Governing Body?**

No. The Trust isn’t accountable for the schools and the schools aren’t accountable for or to the Trust.

**3.6 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.

**4. Governance**

**4.1 What happens to the existing Governing Body?**

The Governing Body will go through reconstitution to become a Foundation School. A new Instrument of Governance will be required. In practice this should mean very little change unless the Governing Body wishes to use this opportunity to change its size. Support for the change is available through the Clerk to the Governing Body/ Governor Services.

**5. Employment**

**5.1. 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.

Teaching staff will remain in the Teachers’ Pension Scheme. Currently non-teaching staff in schools with foundation status in the Local Authority have full membership of the Local Government Pension Scheme. We have written to the Local Authority to confirm that this will be the case for West End Schools’ Trust. Any staff currently receiving Childcare vouchers will continue to do so as long as the scheme continues.

**6. Land and buildings**

**6.1 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.

**6.2 What does ‘hold on trust’ mean?**

A Trust has the legal title to the land but it holds it in 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.

**6.3 Is the Trust 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 still manage their buildings and services themselves, or to enter into agreements with the Local Authority or with commercial organisations for the facilities management of their premises, if they wish.

**6.4 Is this going to cost our school any more time or money?**

There will be a nominal charge to cover the cost of the Trust.

**7. Possible future changes / issues**

**7.1 Can new partners join the Trust in the future?**

Moorside will be joining an established Trust. In the future other schools may join the Trust. The existing members would have to be satisfied that the proposed new member was interested in promoting the objectives of the Trust and would therefore improve the ability of the Trust to support schools and young people. This process of approving new members would enable us to continue to ensure that the Trust has the right partners involved to achieve our objectives. Membership of the Trust would not be transferable, so it is not possible to become a member and then pass that membership to a different organisation or individual.

**7.2 Can a school be removed from a shared Trust by the other schools in that Trust?**

No.

**7.3 Can schools leave the Trust?**

Yes. They would still however be Foundation schools without a Trust and would not revert to Community Status