

BRISTOL CITY COUNCIL

CABINET

25th March 2010

Report of: Director of Children and Young People's Services

Title: Proposed adoption of Trust school status – Ashton Park, Southville, Ashton Vale, Compass Point and Luckwell Schools

Ward: City Wide

Officer presenting report: Service Director: Education Strategy and Targeted Support

Contact telephone number: 0117 903 7950

RECOMMENDATION

That

- (a) Approval is given for the transfer of relevant land and building assets to the South West Bristol Cooperative Learning Trust held specifically for Ashton Park; Southville; Ashton Vale; Compass Point; and Luckwell schools, by the City Council, when each school achieves Trust school status;
- (b) That approval is given, with the consent of the governing body for each school achieving Trust school status, for all present or future non-teaching staff at the Trust school to be eligible to join or remain members of the Local Government Pension Scheme (LGPS) when the school achieves Trust school status.

The significant issues in the report are:

- There is a duty to secure diversity in the provision of schools and increase parental choice (paragraph 1, refers);
- Schools are being encouraged by central Government to consider Trust school status (paragraph 2, refers);
- Five schools have notified the City Council of their intention to seek Trust school status (paragraph 3, refers);
- Statute requires local authorities to transfer ownership of assets to Trust schools (paragraph 4, refers);
- Trust schools will continue to receive Devolved Formula Capital Grant and delegated budget (paragraph 17, refers);
- A Trust school becomes a separate admissions authority (paragraph 7, refers).

Policy

Council Corporate Plan 2008 – 2011

Our City: Ambitious Together-

- o **Our city: together** – Trust School status will contribute to the building of strong and positive relationships, bringing together people from different backgrounds and circumstances in schools and within local neighbourhoods;

Our City: Making a Difference –

- o **For efficient, responsive services** – The move to Trust School status will deliver quality learning environments (accessible to local people) and provide value for money educational provision;
- o **For children and young people** – The move to Trust School status will ensure that through our partners we will deliver the best possible outcomes for Bristol's children, young people and families, including:
 - Raising attainment at all key stages
 - Improving attendance and reducing exclusions.

Consultation

Internal:

- Legal Services;

External:

- Consultation with all the schools affected by the proposal;
- Trade Unions;
- Parents.

Context

INTRODUCTION

1. The Education and Inspection Act 2006 has placed a duty on all local authorities to exercise their powers to secure diversity in the provision of schools and increase the opportunities for parental choice. The Act has included the provision for a foundation school to set up a charitable foundation (or trust) to support the school. This type of foundation school is known as a trust school.

2. Schools are being encouraged, by central government, to consider adopting a Trust where this can be seen to bring benefits of long term partnership to the school. Cabinet have previously considered and approved maintained schools moving to Trust status (e.g. Monks Park National Challenge Trust, CAB 04.6/09).
3. The City Council has received notification from five schools that they are pursuing the opportunity to establish Trust status in 2010. The schools that have expressed an interest are detailed in table one.

Name of School	Proposed Trust Implementation date
Ashton Park School	1 st April 2010
Southville Primary School	1 st September 2010
Ashton Vale Primary School	1 st April 2010
Compass Point	1 st April 2010
Luckwell Primary School	1 st April 2010

Table One: School Seeking Trust Status

4. It is a requirement of the Education and Inspection Act 2006 that on the implementation date for the school becoming a Trust all land and buildings held and used by the school for the purposes of the school will transfer by relevant statute to the Trust.
5. All major building and land asset transfers within the City Council require Cabinet approval, under the City Council's Constitution. This report seeks approval from Cabinet for the transfer of land associated with each of the maintained school detailed in table one, if the school is successful in achieving Trust status.
6. The report also identifies the mechanisms for the achievement of Trust Status and the implications for the City Council in terms of assets, TUPE, and the discharge of statutory duties and obligations (see Appendix B).

BACKGROUND INFORMATION

WHAT IS A TRUST SCHOOL?

7. A Trust school is a maintained foundation school supported by a charitable Trust. The Trust school is maintained by the Local Authority, but owns its own buildings and grounds. It employs its own staff and determines its own admissions¹.

¹ <http://www.teachingexpertise.com/articles/foundation-schools-588>

8. A Trust school receives extra support (not necessarily financial) from a charitable trust that is made up of partners such as a local university, a business, or a voluntary/community organisation which all work together for the benefit of the school.
9. Achieving Trust status is a way in which a maintained school can formalise its relationship with a partner. Trust status can help schools ensure that their partners are committed to the success of the school for the long term, helping to shape its strategic vision and ethos.
10. Any maintained school (primary, secondary or special school) can become a Trust school. A Trust school remains Local Authority maintained.

WHAT ARE THE BENEFITS OF TRUST STATUS?

11. Trust status can help schools to²:
 - Raise standards (see appendix C) through strengthening new and existing long-term partnerships between schools and external partners;
 - Broaden opportunities and increase aspirations for pupils, support children's all-round development, and tackle issues of deprivation and social inclusion;
 - Strengthen overall leadership and governance;
 - Give business foundations and other organisations the opportunity to be more involved in their local community;
 - Engage with parents;
 - Bring renewed energy and enthusiasm to the way they work by learning from other schools and external partners;
 - Create a distinctive, individual or shared ethos
 - Manage the overall educational estate more efficiently by exploiting economies of scale to procure facilities management services at favourable rates on behalf of all the schools.

² http://www.trustandfoundationschools.org.uk/schools/trust_schools/benefits_of_becoming_a_trust.

12. Trust schools, through their Trust, will be able to benefit from active management of their assets. This could include the disposal of surplus non-playing field land. This would be subject to consultation with the governing body of the school concerned and also subject to obtaining any necessary consent /support from the Local Authority. Where there is a dispute, it would be decided by the School's Adjudicator.

WHO ARE THE TRUST MEMBERS?

13. The schools detailed in Table One propose to form a partnership by acquiring the South West Bristol Co-operative Learning Trust.
14. The proposed members of the Trust are:
- The Co-operative Group;
 - The University of the West of England;
 - Futurelab;
 - Bristol City Football Club;
 - City of Bristol (Children and Young People's Services)
 - Additionally, learners, parents, staff and members of the local community will be able to become members of the Trust.

WHAT IS THE PROCESS FOR ESTABLISHING A TRUST SCHOOL?

15. To set up a Trust school the Governing Body must undertake a formal statutory process. A summary of this process is outlined in Appendix A.
16. If the Governing Body decides to become a Trust, the school's land and buildings are transferred from the Local Authority to the Trust, to be held on the school's behalf by the Trust.
17. Trust schools are:
- funded by the Local Authority on the same basis as other schools;
 - have to act in accordance with the Schools' Admissions Code;
 - can be represented on the local admissions forum;
 - Take part in co-ordinated admissions arrangements.

WHAT SAFEGUARDS AND INTERVENTION POWERS DOES THE LOCAL AUTHORITY HAVE?

- 18.** The Local Authority may refer to the School's Adjudicator where it is opposed to the proposal for the acquisition of a Trust; or to give a Trust the power to appoint a majority of governors. The Local Authority can also refer to the School's Adjudicator where it feels there has been inadequate consultation; if the governing body has failed to have regard to responses to the consultation; or if there are concerns that the Trust will have a negative impact on standards at the school.
- 19.** Additionally, once a Trust is established, the Local Authority is able to intervene if a Trust school is failing or underperforming. The Local Authority still retains powers to be able to publish proposals to close the school and to make certain changes to the school.

PROPOSALS

- 20.** It is a statutory requirement that when a maintained school achieves Trust status the relevant land and building assets transfer to the Trust. Within the City Council's Constitution, the transfer of assets requires the approval of Cabinet.
- 21.** It is proposed that where one or more of the maintained schools identified in table one achieves Trust school status the land and building assets, held specifically for that school by the City Council, are transferred to the Trust in order that the City Council complies with its statutory duty.

Recommendation

22. That:

- (a) Approval is given for the transfer of relevant land and building assets to the South West Bristol Cooperative Learning Trust held specifically for Ashton Park; Southville; Ashton Vale; Compass Point; and Luckwell schools by the City Council when each school achieves Trust school status; and,
- (b) That approval is given, with the consent of the governing body for each school achieving Trust school status, for all present or future non-teaching staff at the Trust school to be eligible to join or remain members of the Local Government Pension Scheme (LGPS) when the school achieves Trust school status.

Other Options Considered

Refusal to transfer assets to the Trust school

NEGATIVE IMPACTS

- The Council would be in breach of its statutory obligation to transfer building and land assets to Trust schools.

POSITIVE IMPACTS

- None

Challenge each application for Trust Status

NEGATIVE IMPACTS

- The matter would be referred to the adjudicator and may not be found in the Council's favour;

POSITIVE IMPACTS

- None

Legal and Resource Implications

Legal

A wide range of legal issues associated with establishing Trust schools have been considered in this report. Legal Services are satisfied the Local Authority has correctly identified the relevant legal implications of Local Authority maintained schools establishing Trust status, including the process of the transferring of land from Local Authority ownership to a new Trust when a maintained school becomes a Trust.

Penny Wilford, Senior Solicitor, Legal - Community Services

Financial

Revenue

Funding for the school comes to the Local Authority as part of the Dedicated Schools Grant, based on the numbers on roll at the time of the January pupil count. The school's budget allocation is calculated by the Local Authority using its agreed funding formula. It is entitled to access centrally funded peripatetic services.

The school must abide by the Local Authority's "Scheme for Financing Schools" which sets out the roles and responsibilities of the school and the Local Authority, and the Local Authority's Schools Finance Regulations.

The Local Authority retains the power to challenge and intervene if the school causes financial concern. This includes the power to issue a 'Notice of Concern' and ultimately to withdraw financial delegation.

A school acquiring a Trust is deemed to be a 'continuing school' and as such retains any surplus or deficit balance.

Geraldine Mead, Finance Business Partner - CYPS, Resources

Capital

Trust schools remain Local Authority maintained schools. They remain part of the Local Authority's asset management planning process and will need to be treated equally in terms of government support for capital investment.

Trust schools will continue to receive Devolved Formula Capital Grant via the Local Authority. The Local Authority will still have a duty to collect and hold information on suitability, sufficiency and condition.

Land

When a maintained school becomes a Trust, land and buildings transfer from the Local Authority to the Trust. The Trust has the legal title to the land and assets and will hold these 'on trust' for the purposes and benefits of the school for the duration of its relationship with the school. If the Trust ends, then all the assets revert to the ownership of the governing body or the Local Authority. The Trust does not have to pay for the land (including buildings). Special arrangements will need to be put in place where facilities are shared with another school or provider.

The governing body retains the day-to-day control over the school's premises but will also undertake some of the management functions and responsibilities currently undertaken by the Local Authority.

Personnel

The change of contractual employer from the Local Authority to each Governing Body is deemed to be a relevant transfer in accordance with the Transfer of Undertaking (Protection of

Employment) Regulations (TUPE). This position is based upon Counsel advice and is contrary to the position identified in the DCSF Trust Schools Guidance.

There is a duty to consult with employees and Trade Unions in accordance with the TUPE Regulations.

*Bob Phillips,
HR Business Partner - Children and Young People's Services*

Risk Assessment

A Risk Assessment has been completed and is included as Appendix D.

Equalities Impact Assessment

The general equality duties set out below apply to everything the council does. All decision-takers must give due weight to the need to promote disability / gender / race equality in proportion to their relevance to the matter being decided.

S. 71(1) Race Relations Act 1976, S.49A Disability Discrimination Act 1995 and S.76 (1)A Sex Discrimination Act 1975 require that the council, in carrying out all of its functions, has due regard to the need to:

- eliminate unlawful racial discrimination;
- promote equality of opportunity and good relations between persons of different racial groups;
- eliminate unlawful disability discrimination;
- eliminate disability related harassment of disabled persons;
- promote equality of opportunity for disabled people;
- take steps to take account of disabled persons disabilities, even where that involves treating them more favourably;
- promote positive attitudes towards disabled people;
- encourage participation by disabled people in public life;
- eliminate unlawful gender-based discrimination and harassment; and

- Promote equality of opportunity between men and women.

One of the ways the council meets the general equality duties is to undertake equality impact assessments.

Appendix E contains Part One Equalities Impact Assessments in respect of the proposal to

Environmental Impact Assessment

The Environmental Impact Assessment is detailed in Appendix F

- **The significant impacts of this proposal are**
There will be no change in environmental impacts.

The proposals include the following measures to mitigate the impacts:

- Not applicable

The net effects of the proposals are:

The long term effect of the strategy will be no net increase in Carbon Dioxide emissions from school and associated travel.

The proposals include the following measures to mitigate the impacts:

Not applicable

Appendices:

Appendix A	Summary of statutory process for establishing a Trust school;
Appendix B	Key Issues For Consideration That Arise From Trust Status
Appendix C	South West Bristol Cooperative Learning Trust Outline Strategy for Improving Standards
Appendix D	Risk Assessment
Appendix E	Equalities Impact Assessment
Appendix F	Environmental Impact Assessment

ACCESS TO INFORMATION Background Papers

SUMMARY OF PROCESS – ESTABLISHING A TRUST SCHOOL

The statutory process for establishing a trust school must follow the process:

1. The school will decide who to work with. This could include other schools or external partners. The school will have to determine how the Trust would operate.
2. The Governing Body is required to consult with all those who could be affected by the school's change of status. This would include: parents, staff, trade unions, local community and the Education Authority.
3. The consultation period should be for a minimum of six weeks during term time. The Governing Body is required to publish formal proposals. This must include specific details of the Trust.
4. There is a four week representation period for objections or comments to be sent to the Governing Body.
5. The Governing Body is required to consider the representations and decide whether to acquire the Trust. This decision must be made within six months of publishing the proposals.
6. It is possible for the Education Authority to refer the proposal to the School's Adjudicator during the representation period. This would happen when the Education Authority:
 - a. Has concerns that the Governing Body has failed to consult adequately or has not taken account of the consultation, or
 - b. Have concerns that the Trust will have a negative impact on standards at the school.
7. If a referral is made, the Schools Adjudicator will decide the proposal in place of the Governing Body.
8. If the Governing Body decides to become a Trust school, the school's land and buildings are transferred to the Trust to be held on the school's behalf. The Governing Body is reconstituted.

KEY ISSUES FOR CONSIDERATION THAT ARISE FROM TRUST STATUS

TRANSFER OF UNDERTAKINGS (PROTECTION OF EMPLOYMENT) REGULATIONS (TUPE)

1. When a school acquires Trust status, the employer becomes the governing body. The change of contractual employer from the Local Authority to each governing body is a relevant transfer in accordance with the Transfer of Undertakings (Protection of Employment) Regulations (TUPE). This means that the governing body is under a legal obligation to comply with the requirements of the TUPE Regulations in relation to the transfer of staff.
2. Having taken Counsel Advice, it is recommended that the City Council treats the transfer of staff from the Local Authority to each governing body as a TUPE transfer.

LIABILITIES AFFECTING EACH GOVERNING BODY IN RESPECT OF EMPLOYMENT MATTERS

3. The position in respect of the Local Authority indemnifying a governing body's decision regarding an employment matter is not effected by the change to Trust status. In essence, this means that a governing body will be indemnified if the school has followed advice from the Local Authority or can demonstrate that they have made a lawful decision.

RESPONSIBILITY FOR PREMATURE RETIREMENT COSTS AND COMPENSATION COSTS FOR REDUNDANCY

4. The Local Authority will not meet any premature retirement costs that arise from a governing body's decision to make an employee redundant. In exceptional circumstances, the Local Authority may agree to a request from a governing body to meet early pension release costs that are not due to redundancy. These arrangements already apply to all schools in the city. The Council will meet the cost of a redundancy payment as long as the governing body decides that the payment will be made in accordance with the Local Authority's severance policy.

MEMBERS OF THE LOCAL GOVERNMENT PENSION SCHEME (LGPS)

5. The Local Authority will make a resolution and notify the Avon Pension Fund that existing scheme member and new joiners can be members of the LGPS. However, the Council will continue to be deemed the "Scheme Employer" by the pension fund. This means

that if there is any failure to comply with pension scheme, the Council is liable. Currently, each school procures payroll services from the Council, which means that the scheme administration is managed in accordance with the requirements of the Avon Pension Fund. If at a later date, any school decided to move to an alternative payroll provider, the Council as scheme employer would require affirmation that the requirement of the scheme will be satisfied by the new payroll provider. If for any reason, the new provider failed to meet the requirements of the scheme, any additional costs incurred by the Council as scheme employer would be charged to the relevant school's budget.

ADMISSIONS

6. Admissions to Trust school are regulated by the DCSF School Admissions Code in the same way as admissions to community, controlled and aided schools. The code sets out Government guidance and regulation on how admissions should be managed to ensure fair access to school for all children.
7. A Trust school is a separate admissions authority, with responsibilities to set and implement admission arrangements. The school will decide which pupils to admit by implementing its published admission arrangements.
8. Admission arrangements for Trust schools are set by the governing body, in a similar way to Aided schools and must be compliant with the code. The Trust school must give the same priorities to Children in Care and those with statements of SEN as is the case for other maintained school.
9. Parents have the right of appeal against a decision not to offer a place at a Trust school as they do for other school and pupils must be admitted if the appeal is upheld. Trust schools will not be allowed to introduce selection by ability. Existing admissions arrangements, and any acceptances under the current admissions round, must be honoured by the Governing Body.
10. With effect from September 2010 all admissions, including mid-year, to all schools will be co-ordinated through local authorities. Allocation of places will still be made by the individual admission authority but the application and offer will be through the Local Authority in which the child is resident.

GOVERNANCE

11. The constitution of the governing body takes the form of a Foundation School. The governing body decides on its composition, size and make-up. There are two sorts of Trust: a “Majority Trust” and a “Minority Trust”. In both cases there is a direct relationship between the Trust and the governing body because the Trust will appoint a number of governors, these are called Foundation Governors. The number of governors the Trust can appoint depends on the sort of Trust. In a “Majority Trust” the majority of the governing body will be appointed by the Trust as Foundation Governors. In a “Minority Trust” the Trust can appoint a minimum of 2 governors and a maximum of 45% of the governing body. It is up to the existing governing body to decide whether a Majority or Minority Trust model is best for the school and to consult and publish statutory proposals on that basis.
12. A governing body may comprise between 9 and 20 governors.
13. The Local Authority can appoint Local Authority governors to the governing body, according to the number of Local Authority governor seats defined in the composition, which must be at least one, but no more than on fifth of the total number of governor seats.
14. Where there are Local Authority governors already in post, they are entitled to serve out their current terms of office if the number of seats proposed in the new Foundation governing body is unchanged. Should the number of seats be fewer, it is for the Local Authority to decide who continues in post and who is removed. The views of the governing body are considered when that decision is made.

SPECIAL EDUCATION NEEDS (SEN)

15. Trust schools, as maintained schools, have a statutory duty in relation to the education of children with SEN. The governing body must have regard to the SEN Code of Practice. Any maintained school is under a statutory duty to admit children whose statements name the school [S324(5)(b) Education Act 1996].

IMPACT ON SCHOOL CONTRACTS

16. When a school acquires Trust status, the governing body of the original school is a body corporate and retains the same legal entity when the school changes category. The governing body of the Trust school inherits the contractual benefits and obligations of the predecessor school. This means that the governing body is the same legal body that signed the original contract. This applies to all contracts

HEALTH AND SAFETY

- 17.** Health and Safety responsibility under the Health and Safety legislation will fall on the employer. Employees at Trust schools are employed by the governing body and not the Trust. It is the governing body of a Trust school (and not the Trust) which is responsible for all aspects of the conduct of the school. The Trust and the governing body remain separate entities.
- 18.** Trust schools are maintained schools and have a delegated budget. Section 29(5) Education Act 2002 says that the governing body and head teacher shall comply with any direction given to them by the Local Authority concerning the health and safety of persons on the school's premises or taking part in any school activities elsewhere.
- 19.** The Health and Safety provision in the local authorities scheme for financing schools states that:
- “11.5 Health and Safety
- (1) In expending schools' delegated budgets, governing bodies shall have due regard to duties placed on the education authority in relation to health and safety.
- (2) Governing bodies are required to adopt the Local Authority's policy on Health and Safety, as set out in the Local Authority's Health and Safety Manual for schools, and where that policy does not cover all circumstances fully, governing bodies shall establish their own policies.
- (3) Governing bodies are required to ensure that their statements of safety policy adequately cover the responsibilities of governors.”

LAND, BUILDING AND CAPITAL FUNDING

- 20.** The DCSF have confirmed that proper insurance will need to be taken out by the school. The Local Authority will delegate funding for this purpose to the Trust school equal to the amount it would spend if it insured the school. The governing body will only be responsible for those things for which they have received funding delegated from the Local Authority.
- 21.** Where there is an emergency, the Local Authority will be required to ensure the school receives the support that would be available as for any other maintained school.

- 22.** Trust schools remain a full and equal part of the Local Authority's planning process for capital spending. Priorities for investment remain with the Local Authority.
- 23.** There are circumstances when a Trust can dispose of surplus land. This can arise where the land is no longer required for the delivery of education and the disposal will not impact on suitability and sufficiency to deliver the curriculum. Such a circumstance might arise where:
- facilities are shared between partner schools;
 - rationalisation of buildings or land generate surplus assets;
 - Changed arrangements for caretaker services results in the housing accommodation of a caretaker being surplus to requirements.
- 24.** Any receipts must be reinvested in education assets in either the school itself or the maintained sector (according to the Trust's Memorandum and Articles). The Trust will not be able to profit from any disposal (There is no change to the procedures for the disposal of school playing fields. The Secretary of States consent will still be required).
- 25.** The Local Authority can object to proposals if it is felt that they are not in the long term interest of the school, or would disadvantage the wider community. The Local Authority can also object to the reinvestment proposal and claim a share of the proceeds attributable to public investment in the land.
- 26.** If local agreement cannot be reached the matter would be referred to the Adjudicator for resolution. The Local Authority can use any surplus land for the establishment of facilities for public use.
- 27.** If the Governing Body wish to do anything that would count as a disposal (including selling, leasing, or substantially changing the use of the land), the school would need to agree this with the Trust and the Trust would be required to notify the Education Authority (or in the case of playing field notify the Secretary of State).
- 28.** The Local Authority will be able to publish statutory proposals at any time to close a Trust school (to enable it to re-organise or cope with falling rolls or other priorities). The Local Authority will also be able to propose the placing of a new or re-sited school on surplus Trust land, and for the other educational purposes and the provision

of children's services where it cannot otherwise reasonably meet local need and which are suitable to be next to a school.

ASSETS

- 29.** In strict legal terms the Local Authority owns any assets (including books, equipment etc) purchased with delegated grant or capital funds. When spending the delegated budget, school do so as agents of the Local Authority. The Local Authority therefore owns the asset. In practical terms it will be the governing body of the school that actually controls and uses the assets.
- 30.** The disposal of furniture and equipment (which is deemed to be in the ownership of the Local Authority) is a matter for the school to decide in accordance with the Local Authority's financial scheme under section 48 of the School Standards and Framework Act 1998.

CAPITAL FINANCIAL MATTERS

- 31.** Because the Trust school remains a full part of the local asset management planning process the Local Authority remains responsible for funding the maintenance of a Trust school's buildings and Trust schools will continue to receive devolved capital funding according to their individual priorities.
- 32.** With the agreement of its other schools a Trust can pool devolved formula capital for investment where there is greatest need.
- 33.** Bristol City Council will continue to receive formulaic funding based on the needs of all the schools including foundation, voluntary controlled and Trust schools. The City Council will be expected to continue to prioritise capital funding fairly through rigorous, transparent and consultative asset management planning based on a survey of the needs of the schools. Trust will be able to discuss the needs of their schools with the Local Authority.
- 34.** A Trust is not able to bid for Targeted Capital. Most proposals for funding under the Standards and Diversity Capital Fund should come to the DCSF via the Local Authority.

DEVOLVED REVENUE BUDGET

- 35.** A trust school is funded by the Local Authority in exactly the same way as other local schools. Like voluntary aided or Foundation schools, it remains part of the capital spending planning process, including initiatives such as Building Schools for the Future.

- 36.** A trust is also not expected or required to contribute financially to the schools it works with.

TRUST SCHOOL AND PFI

- 37.** An existing PFI school can acquire Trust status. The governing body of a school which changes status to become a Foundation school, with or without a Trust, will not become a new legal entity. It is the same body corporate and entitled to have all the contractual benefits and obligations that it has signed to, including PFI contracts and the obligation to contribute to the unitary charge for the PFI contract and the services it receives under that contract.

REMOVAL OF THE TRUST

- 38.** Where a Trust school is discontinued, the governing body or trustees of the school will have to apply to the Adjudicator to determine what happens to any land that has been provided or enhanced at public expense. If the school was provided by the Local Authority, then the Adjudicator may order that the land is returned to the authority or the governing body of a new school. If the Trust wants to retain the land for other purposes, the Adjudicator may agree to this subject to the Trust paying compensation to the education authority as he determines.
- 39.** Where a governing body of a Trust school decides to remove its Trust, the school would become a foundation school without a foundation. The Trust would be entitled to compensation from the governing body for any capital expenditure the Trust may have incurred.
- 40.** If the Trust becomes insolvent, the Secretary of State will make an order directing that any publicly provided land held by the Trust for the purposes of the Trust school are transferred to the governing body.

South West Bristol Cooperative Learning Trust
Outline Strategy for Improving Standards

There are a number of ways in which becoming a Trust will, in time, improve standards across all our schools.

- As a Trust we will set ourselves ambitious targets for improvement year on year (a draft set of targets were produced as a starting point ...);
- We will join the Cooperative network of 200+ schools nationwide who will share the same values and beliefs. We intend to work alongside these schools on curriculum projects and activities to enliven our children's learning and support our staff development programme;
- As a cluster of schools we intend to put together CDP staff training programmes to encourage cross school liaison so, for instance, Y1 teachers in each school plan together and exchange resources to enrich the materials and activities they use with their children;
- We intend to focus upon transit arrangements at various key stages so learning activities between schools are coordinated and staff work together to ease, still further, the transition of students across key stages of learning;
- We intend to share expertise on our staff within our cluster of schools so all schools can benefit from their knowledge and skills which will see our pupils' learning improve;
- Our Trust partners have a wealth of experience to bring to our children's learning activities. Over time we intend to harness their staff's expertise working alongside our teachers to enrich our curriculum. A good example of this would be the work already undertaken with Futurelab at Ashton Park with their 'Enquiring Minds' project which got nationwide recognition and Luckwell's 'Fountain' project which was written up in a booklet and circulated to primary schools nationwide. In recent months all the Trust schools have begun a project on the 'Google Earth' resources with children in every school involved and staff in each school and from Futurelab designing learning resources for students to create their own individual projects around the facilities in our local community. The independent learning skills and use of digital technology are just some of the skills students are acquiring;

- In time we intend to explore the ways in which we can help students develop their own self reliance and aspire to brighter futures by developing their self confidence through leadership activities and in doing so improve their attainment;
- In the next 12 months we intend to set up a Cooperative Forum made up of students, staff, parents, community representatives and local organisations to raise the profile of learning in our community. One of its tasks will be to devise a ' Community Charter' or Pledge for all children in our Trust schools that entitles them to quality experiences that they will design with the schools to ensure we raise aspirations and in doing so raise attainment.

It is early days in our development but the commitment to ensure our work succeeds is total amongst all the schools. We will have many other ideas and activities over time as we work together and share ideas for further progress.

South West Bristol Cooperative Learning Trust
23rd February 2010

Risk Assessment TRUST STATUS

No	RISK Threat to achievement of key objectives of the report	RISK CONTROL MEASURES			ASSESSMENT OF RESIDUAL RISK	
		Impact	Probability	Mitigation (ie controls) and Evaluation (ie effectiveness of mitigation)	Impact	Probability
1	Assets previously owned by the City Council could be sold off by the Trust. This could deprive the City Council of capital receipts that might otherwise have been used to contribute to other priorities within the City.	High	High	There is a requirement within the framework for the development of Trust Status that the Trust will have to inform the Local Authority of their plans to dispose of any non-playing field land. Local Authorities can object to the proposals if they feel they are not in the interest of the school in the long term, or would disadvantage the wider community. The City Council will also be able to object to the reinvestment proposals and to claim a share of the proceeds attributable to public investment in the land. Where agreement cannot be reached, the matter will be referred to the Adjudicator for resolution.	Medium	Low
2	The development of Trust schools in Bristol reduces the City Council's influence on admissions and could potentially mean the authority having to place more challenging pupils in the few remaining community schools	High	High	The City Council will need to act as a monitor and co-ordinator to ensure that all admission authorities comply with the DCSF School Admissions Code and work together with the admission authorities to ensure appropriate school placement.	Medium	Medium

	RISK	Impact	Probability	Mitigation	Impact	Probability
3	The Governing Body acts as the employer of staff and therefore can set their own terms and conditions for support staff. There is a potential for pay to be fragmented. Additionally, terms and conditions of employment may be detrimental to staff.	High	High	Counsel advice is that the change of contractual employer from the Local Authority to each governing body is a relevant transfer in accordance with the Transfer of Undertakings (Protection of Employment) Regulations (TUPE). This means that the governing body is under a legal obligation to comply with the requirements of the TUPE Regulations in relation to the transfer of staff.	High	Medium
4	There is a risk that the Trust may divert centrally allocated budgets to fund the activities of the Trust.	High	Medium	There will be a need to ensure that the school budget is monitored and audited.	High	Low
6	The Trust borrows money secured on assets that they own.	High	Low	A Trust cannot secure a loan on assets that they hold in Trust.	Low	Low
7	The Trust diverts devolved Capital from one school to another within the partnership to the detriment of the repairs and maintenance of buildings from the host school.	High	High	The Local Authority is still responsible for Suitability, Sufficiency and Condition audits. These will need to be undertaken and the quality of repairs and maintenance monitored. Where there is a shortfall a charge made to the school for remedy.	High	Medium
8	The Trust refuses to take responsibility for certain assets leaving the liability for maintenance with the City Council.	High	High	There is a requirement that the land and building issues need to have been resolved prior to transfer to Trust status. Where there is a loggerhead, the Schools Adjudicator will make the final decision.	High	Medium

APPENDIX E

BRISTOL CITY COUNCIL

Equality Impact Assessment – Part One - Screening

Part one of an EqIA – the screening – should be carried out at the planning and development stage of a policy, project, service, contract or strategy. This form should be used in conjunction with the guidance and as the first part of a full EqIA.

Name of policy, project, service, contract or strategy being assessed	The move by community schools to Trust school status
Directorate and Service	Children and Young People's Services Inclusive and Learning Communities
Names and roles of officers completing the assessment	Michael Branaghan: Service Manager - Capital, Assets and Access Liz Peddle: Asset Manager
Main contact telephone number	0117 922 3384
Date	10 th February 2010

1. Identify the aims of the policy, project, service, contract or strategy and how it is implemented

	Key Questions	Notes / Answers	Any actions needed? By whom?
1.1	Is this a new policy, project, service, contract or strategy or a review of an existing one?	This strategy is to deliver a statutory requirement under the Education and Inspection Act 2009.	Final decision fro a school to move to Trust status is external to the City Council. Cabinet approval only required for transfer of buildings and land. Failure to transfer the assets would be breach of statute.
1.2	What is the main purpose of the policy, project, service, contract or strategy?	The Government strategy is to secure diversity of provision.	Schools detailed in the report have applied to the Secretary of State to become Trust schools. No decision required by the City Council.
1.3	What are the main activities of the policy, project, service, contract or strategy?	To increase diversity and choice of education provision.	None
1.4	Who are the main beneficiaries? Whose needs are it designed to meet?	Children in the age range of 0 to 19.	None
1.5	Which staff carries out the policy, project, service, contract or strategy?	School staff and governing bodies will carry out the policy.	None
1.6	Are there areas of the policy or function that could be governed by an officer's judgement? eg. home visits "where appropriate". If so, is there guidance on how to exercise this to prevent any possible bias/prejudice creeping in?	No	None
1.7	Is the Council working in Partnership with other organisations to implement this policy or function? Should this be taken into consideration? eg. Agree equalities monitoring categories Should the partnership arrangements have an EqIA?	The City Council is working the school applying to the Secretary of State for Trust status. The schools will be required to undertake EQIA	None

	Key Questions	Notes / Answers	Any actions needed? By whom?
1.8	<p>Taking the six strands of equalities, Do you have any initial thoughts that any of the six equalities strands have particular needs relevant to the policy or function?</p> <p>Or is there anything in the policy, project, service, contract or strategy that you can think of at this stage that could discriminate or disadvantage any groups of people? ie.</p> <p>Gender (include Transgender) Disability Age Race Sexual Orientation Faith/Belief</p> <p>Do any other specific groups have particular needs relevant to the policy, project, service, contract or strategy?</p>	<p>Gender (include Transgender): None</p> <ul style="list-style-type: none"> • Disability: None • Age: None • Race: None • Sexual Orientation: None • Faith/Belief: None 	
1.9	<p>Did you use any data to inform your initial thoughts above? What data do you already have?</p>	<p>Equalities Admissions Data for each school</p>	<p>None</p>
1.10	<p>Are there gaps in the data that require you to do further work? What are these gaps?</p>	<p>None</p>	<p>None</p>

If the result of the screening process is that there is the potential for a significant impact on any equality group or if any equality group has significantly different needs, then a full equality impact assessment must be carried out. If you are unsure please seek advice from a directorate or corporate equalities officer.

Signed

Service Manager: Capital, Assets and Access

Date 16th February 2010

Signed

Directorate Equalities Adviser/Officer or Equalities Contact

Date

Appendix F

Environment Impact Checklist

Title of report: Trust School Status			
Report author: Mick Branaghan			
Anticipated date of key decision: 25 th March 2010			
Summary of proposals:			
That approval is where a maintained school achieves Trust school status the land and building assets, held specifically for that school by the City Council, are transferred to the Trust.			
Will the proposal impact on.....		+ive or -ive	If yes.....
			Briefly describe impact
Emission of Climate Changing Gases?	No		No change
Bristol's vulnerability to the effects of climate change?	No		No change
Consumption of non-renewable resources?	No		No change.
Production, recycling or disposal of waste	No		No change
The appearance of the city?	No		No change
Pollution to land, water or air?	No		No change

Wildlife and habitats?	No	No change
Consulted with:		
Summary of impacts and mitigation – to go into the Cabinet/Council Report		
The changes proposed in the report relate to the transfer of assets to Trust. They do not impact on building design or management.		
Checklist completed by:		
Name:	Mick Branaghan	
Dept.:	Children and Young People Services	
Extension:	0117 922 3384	
Date:	16 th February 2010	
Verified by Environment and Sustainability Unit		