

Converting from trust school to academy status

What are trust schools?

A trust school is a maintained foundation school with a charitable company (the trust) attached. The governing body of the school invites individuals and organisations to form the charitable company, which then focus on a particular aim chosen by the school. Some popular aims have included raising achievement, smoothing transition from primary to secondary and promoting the Every Child Matters programme.

Unlike in the case of academies, the trust does not get involved in the running of the school. The governing body of the school continues to run the school on a day-to-day basis as usual but the governing body is reconstituted upon the implementation date with either a minority or a majority of the governing body being appointed by the trust.

This model allows schools to formalise links and partnerships with both existing and new individuals and organisations whilst still allowing the school to remain within the local authority family of maintained schools. The model has been highly successful, with hundreds of schools converting since the implementation of the enabling legislation, the Education and Inspections Act 2006.

A barrier to conversion to academy?

For those schools who embraced the trust school model but who have found that its freedoms perhaps do not go far enough, conversion to academy status under the provisions of the Academies Act 2010 may now appeal as a logical next step. Being a trust school is not a barrier to becoming an academy. However, existing trust schools do need to take into account some additional issues in progressing a conversion to academy status, which we set out below.

Consultation

The Academies Act 2010 requires trust schools to obtain the consent of the trust as the owner of the schools land and assets before the school can apply to the Department for Education (DfE) to become an academy. If the trust refuses to give its consent, the school would have to consider whether to go through a consultation process to withdraw from the trust, revert to being a foundation school and then begin the process to become an academy. It should, in most cases, be possible to run both the consultation on withdrawing from the trust and converting to academy status simultaneously.

Conversion process

Although trust schools already have a charitable company associated with them, very similar to an academy trust, it is not possible to convert this trust into the academy trust. In the case of trusts which support just one school, the school can go through the conversion process to become an academy with their trust attached.

However, once the school becomes an academy, the trust would no longer be able to support the school. This is because trusts set up under the trust school legislation can only support maintained schools and not academies.

Having no further purpose, the trustees of the trust would then be expected to wind-up the trust, leaving the school as an academy.

In the case of shared trusts which serve several schools, the above would still apply with the exception that the trust would not be wound up but would continue to support any remaining maintained schools. It could not however continue to support the new academy.

Future role of partners

Trust schools will also need to consider how to deal with their existing trust partners, those individuals and organisations who are currently involved in the trust. One or more of these trust partners might like to become involved in the new academy (perhaps as members or governors), whilst others may not be interested in such new roles. Careful management may therefore be needed to prevent these key relationships being lost.

Land

On the conversion from trust school to academy status, the secretary of state makes an order transferring the land and buildings of the school held on trust by the trust to the academy trust. For those schools which have not yet had their land transferred to the trust, negotiating with the local authority may cause an extra delay but will not prevent the conversion.

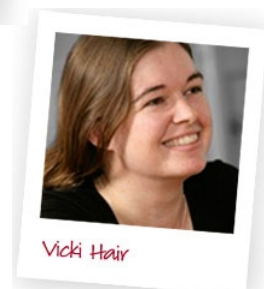
Conclusion

Many trust schools have expressed an interest in becoming academies and their current status is not a barrier. However, governing bodies should start talking to their trusts as soon as possible in order to find out their trust's opinion on the above issues, identify any potential problems early on and agree an appropriate project plan.

talk to us...

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