

Trust schools

Background and the Government

"I want every secondary school to be a specialist school, a Trust school or an academy, and every one of them should have a university or a business partner." Ed Balls speaking on 14 December 2007 about the announcement that 300 schools have or are working towards Trust status.

Trust schools were born out of Foundation schools, whereby the governing body employs the school's staff and has primary responsibility for admission arrangements. The school's land and buildings are owned by the governing body or by a charitable foundation. Many of these schools were formerly grant-maintained schools. A Trust school is a state-funded Foundation school, in which formal links between partners have been formed.

The Government believes that the formalised involvement in schools of external partners is the way to drive up standards, improve community cohesion and raise aspirations in deprived and isolated areas. The Government believes that Trust schools are better able to tackle social deprivation and engage with parents to broaden participation.


ATL's position

ATL believes that the driving up of standards, improving community cohesion and raising aspirations, are the important educational roles of government centrally and, at local level, through locally elected and accountable authorities. Government should take the lead in driving forward these improvements rather than distancing itself from responsibility.

The Government claims that Trust schools know and serve their communities but ATL is concerned that the opposite may prove to be true. With the competing demands of the Trust partners, who may have appointed a majority of governors, parents and government initiatives, whose priorities will win out? ATL does not want to see education standards take second place to the priorities of business partners or other external stakeholders; ATL is already concerned by the focus of the curriculum on exam pressures. Although Trust schools are required to follow the national curriculum in English, maths and science, ATL would not want the priorities of any particular institution influencing the wider education of pupils.

ATL has received a clear steer from its members that the ultimate leadership of schools should remain in the hands of a qualified headteacher. Individuals with experience in various fields may take responsibility for non-educational aspects of schools; however, the decision-making and ultimate leadership must remain, as at present, with a qualified headteacher. Schools with more than one individual or organisation running them have experienced issues with the agreement of timescales and priorities to the detriment of education. It is vital that a headteacher can make decisions based on the all-round knowledge needed to be effective in a particular school.

ATL firmly believes that Trust schools should be returned to the local authority family and that new schools should not be created as Trust schools. ATL will campaign vigorously for this, in collaboration with other TUC-affiliated education unions, parents and other educational organisations. Since 2005, ATL has called for measures to ensure that local authorities are empowered to ensure high standards



of education in their area. The creation of Trust schools is just another government initiative that removes power from local authorities and threatens the accountability of those in charge of delivering education to the country's future generations. Under legislation, Trust schools have the 'power to innovate', potentially leading to a further departure from existing educational protocols and employment practices.

Admissions in Trust schools are of concern to ATL. Although the guidelines state that Trust schools should adhere to the admissions code, ATL wants to see a commitment from government to tighten up admissions to promote fairer education for all, rather than increasing the opportunities for schools to deviate from guidelines. We have heard much about parent choice regarding admissions, but are concerned that some categories of pupils and their families will effectively end up with little or no choice in determining the best educational establishment for their needs. Admissions policies effectively have the power to improve social cohesion or to further polarise society along educational lines; ATL does not believe such an important decision should be left to individual institutions. Ultimately, not all parents will have the same level of choice when applying for the most suitable school for their children, if any choice is afforded to them at all.

Governing bodies are set to change under Trust arrangements, potentially resulting in a majority of Trust-appointed governors. This causes ATL great concern as the input of the full range of stakeholders is put at risk. Trusts with a majority of Trust-appointed governors must create a Parents' Council, but given the problems many schools have in encouraging satisfactory levels of parent involvement, is it right to leave the decision-making down to the governing body? Surely, the local authority is better placed to make decisions on behalf of its community.

Supporting members through the change in status

While ATL's policy and strategy is to actively oppose the creation of Trust schools, ATL will forthrightly act to protect members involved in any transition arrangement to Trust status or members who are in Trust schools.

Governing bodies might consider that Trust school status would be beneficial for a number of reasons. Some schools have chosen universities as partners to strengthen their links with higher education or because they believe that Trust status would improve their performance. Other schools have felt that it would be a way of creating a stronger governing body with more community cohesion through a range of partners. Each school will have its own reasons for and vision of what Trust status might achieve but, in reality, almost all of the advantages of Trust school status promoted by the Government are already available to schools should they wish to adopt them.

Any period of change, or proposed change, can be stressful and is likely to strain relations even where relations are open and frank. Once a school and its proposed partners have agreed to work together, the staff and local stakeholders, including trade unions and parents, must be consulted. The process should normally run for between four and six weeks during term time to allow for meaningful consultation.

Once the consultation period is underway, ATL's involvement is crucial to ensure that good communication is set up between staff and the school, and that the staff's concerns are properly voiced and queries answered. Cooperation with other unions in the school, teaching and non-teaching, is important as a shared approach can often alleviate worries by preventing misunderstanding and rumours. It can also be more effective when raising issues with the headteacher or governing body. Regular meetings between parties to update one other on matters arising can be helpful in maintaining meaningful discussion and keeping the consultation process on track.

ATL's involvement locally

In examining the Trust's proposals, ATL local representatives can help to ensure that the employment rights and benefits of staff are maintained and do not suffer detriment. We want to see existing and new staff treated fairly; the maintenance of trade union recognition is crucial in this.

The School Teachers' Pay and Conditions Document (STPCD)

For teaching staff in maintained schools, the preservation of the STPCD is fundamental in order to retain nationally agreed and underpinned conditions, pay and pensions arrangements. Any attempt to convince staff to change their contracts in a move away from the STPCD should be resisted. The adoption of the *Burgundy Book*, which is an agreement between teachers' unions and the local authorities, will not be automatic, as the employer of teaching staff will no longer be the local authority. Unions and staff will have to negotiate its adoption with the new Trust. The Government's message is that teachers will continue to be paid on the STPCD but it is also promoting schools' freedoms under the 'power to innovate', which could include applying to be relieved of the duty to adhere to the STPCD.

Existing staff in schools that acquire Trust status will have their pay and conditions transferred to their new employer, where a change of employer takes place, under TUPE arrangements. Where some authorities have agreed better arrangements for staff, for example in the case of adoption leave, existing staff will have these rights transferred.

Pension provision

Pension provision is another concern. Once schools become familiar and comfortable with the 'power to innovate' and if school teachers' rights under the STPCD are eroded, what will guarantee the school's participation in the Teachers' Pension Scheme?

Staff not employed on STPCD terms

For other staff, not currently employed on STPCD terms, including support staff and teaching assistants, their employer will change from the local authority to the governing body of the new Trust school. Again, ATL must work to ensure their terms and conditions, pay and access to the Local Government Pension Scheme (LGPS), or other schemes where appropriate, are protected. For those staff currently in the LGPS, recognition of the institution by the local authority will have to be sought by the school in order for support staff to continue to participate in that scheme.

The nationally-agreed pay and conditions of service for teachers have, for a long time, been the bedrock of the job security that attracts good teachers into the profession, despite the various lures from industry. Teaching must remain an attractive vocation in order to attract and retain quality individuals into the profession.

Supporting members working in Trust schools

Although ATL's position is that Trust school status is undesirable, ATL is committed to supporting its members that work in Trust schools. ATL continues to assist and represent members in these establishments when they face individual issues and personal problems. ATL's recognition in existing schools is transferred when the status of the school changes, which means that ATL can negotiate with the Trust to improve conditions. Where a new Trust is created and a new school is formed, rather than an existing school changing its status, union recognition will be sought in order to maintain ATL's bargaining power and representation across its membership.

ATL's position: a summary

- ATL is opposed to the Government's Trust schools programme, as the involvement of private organisations in education is not the way to drive up standards.
- ATL will campaign to keep schools under local authority control and wants to see an end to the Trust schools programme.
- ATL believes that the leadership of schools must remain in the hands of a qualified headteacher.
- ATL is concerned that the impact of Trust school status on the conditions of employment of its members may be negative.
- ATL is concerned by the 'power to innovate', which may result in a host of undesirable changes in education and employment practices.

Appendix I Different types of schools acquiring Trust status

A Community school has the biggest changes ahead if considering Trust status, as the local authority is the employer and owner of the land and assets. The new governing body would assume these roles. For this reason, staff in this type of school are likely to be those most concerned with a change to Trust status but only if they appreciate how the differences between a Community school and, say, a Foundation school affect this process. Staff at all types of school will have concerns about a change to Trust school status.

In a voluntary aided (VA) school, the governing body is already the legal employer of staff and holds the land and assets on trust but, on the change of status, capital funding will come from the local authority. A VA faith school will remain a faith school but not with all the freedoms that go alongside VA status. This may be something that parents and staff are concerned about and school leadership should be encouraged to explain fully what the changes will be in relation to the religious character of the school.

A voluntary controlled school acquiring Trust status would have a change of employer and admissions authority from the local authority to the governing body, although, as with a VA school, there is already a Foundation in place holding the land and assets on trust.

Schools in Hard Federations can also acquire Trust status and continue to have one governing body between them. Schools within a Trust can also form a Hard Federation at the same time or shortly after acquiring Trust status.

Schools already in a Foundation cannot form another Foundation as they cannot have more than one Foundation appointing governors to its governing body or holding its land and assets on trust.

There is nothing to stop schools from different areas and authorities from forming Trust arrangements.

All Trusts must be set up as charities and have charitable objectives. This means that they cannot make a profit and any profit must be used to help fulfil their objectives.

Appendix II Summary of school type and employment provisions for teaching staff

	Community	Foundation	Voluntary aided	Voluntary controlled	Trust	Academy
Pay	As per STPCD.	As per STPCD.	As per STPCD.	As per STPCD.	As per STPCD.	Will have own salary structure. ¹
Working hours	As per STPCD. 1265 hours on 195 days for classroom teachers (190 days contact with pupils).	As per STPCD. 1265 hours on 195 days for classroom teachers (190 days contact with pupils).	As per STPCD. 1265 hours on 195 days for classroom teachers (190 days contact with pupils).	As per STPCD. 1265 hours on 195 days for classroom teachers (190 days contact with pupils).	As per STPCD. 1265 hours on 195 days for classroom teachers (190 days contact with pupils).	Will have own agreements as stipulated in contract. ¹
Sickness	Burgundy Book provisions: <ul style="list-style-type: none"> 0-3 months Full pay 25 days 4 months-1 year Full pay 25 days Half pay 50 days 1-2 years Full pay 50 days Half pay 50 days 2-3 years Full pay 75 days Half pay 75 days 3+ years Full pay 100 days Half pay 100 days Days quoted above are working days (i.e. days when the school is open). The sick leave year runs from 1 April to 31 March each	In general the conditions of service will be broadly in line with the Burgundy Book, however, check individual contract.	In general the conditions of service will be broadly in line with the Burgundy Book, however, check individual contract.	In general the conditions of service will be broadly in line with the Burgundy Book, however, check individual contract.	In general the conditions of service will be broadly in line with the Burgundy Book, however, check individual contract.	As per contract. ¹

	Community	Foundation	Voluntary aided	Voluntary controlled	Trust	Academy
	<p>year. A teacher refreshes their entitlement to sick leave on 1 April each year or if sick on 1 April on the first day of return to work.</p> <p>Some employers offer better provisions than described above.</p>					
Maternity	<p>Minimum of statutory provision:</p> <ul style="list-style-type: none"> • 6 weeks at 90% pay • 33 weeks at statutory minimum pay (SMP) • 52 weeks leave <p>Burgundy Book provisions. For those with one year and 11 weeks' service at expected week of childbirth:</p> <ul style="list-style-type: none"> • 4 weeks at full pay • 2 weeks at 90% pay • 2 weeks at 90% pay • 12 weeks at 50% pay plus SMP • 21 weeks at 50% pay plus SMP • 21 weeks' SMP 	<p>Minimum of statutory provision:</p> <ul style="list-style-type: none"> • 6 weeks at 90% pay • 33 weeks at SMP • 52 weeks' leave <p>Burgundy Book provisions. For those with one year and 11 weeks' service at expected week of childbirth:</p> <ul style="list-style-type: none"> • 4 weeks at full pay • 2 weeks at 90% pay • 12 weeks at 50% pay plus SMP • 21 weeks' SMP 	<p>Minimum of statutory provision:</p> <ul style="list-style-type: none"> • 6 weeks at 90% pay • 33 weeks at SMP • 52 weeks' leave <p>Burgundy Book provisions. For those with one year and 11 weeks' service at expected week of childbirth:</p> <ul style="list-style-type: none"> • 4 weeks at full pay • 2 weeks at 90% pay • 12 weeks at 50% pay plus SMP • 21 weeks' SMP 	<p>Minimum of statutory provision:</p> <ul style="list-style-type: none"> • 6 weeks at 90% pay • 33 weeks at SMP • 52 weeks' leave <p>Burgundy Book provisions. For those with one year and 11 weeks' service at expected week of childbirth:</p> <ul style="list-style-type: none"> • 4 weeks at full pay • 2 weeks at 90% pay • 12 weeks at 50% pay plus SMP • 21 weeks' SMP 	<p>Minimum of statutory provision:</p> <ul style="list-style-type: none"> • 6 weeks at 90% pay • 33 weeks at SMP • 52 weeks' leave 	<p>Minimum of statutory provision:</p> <ul style="list-style-type: none"> • 6 weeks at 90% pay • 33 weeks at SMP • 52 weeks' leave

Employer Governance	Community	Foundation	Voluntary aided	Voluntary controlled	Trust	Academy
	<p>Local authority</p> <p>Minimum of nine governors, maximum of 20. Must include:</p> <ul style="list-style-type: none"> • headteacher • at least one staff governor¹ (but not more than $\frac{1}{3}$rd of governing body) • local authority appointment (at least $\frac{1}{5}$th of governing body) • parent (at least $\frac{1}{3}$rd of governing body) • community (at least $\frac{1}{5}$th of governing body) 	<p>Governing body</p> <p>Minimum of nine governors, maximum of 20. Must include:</p> <ul style="list-style-type: none"> • Foundation or partnership governor (at least two but no more than $\frac{1}{4}$ of governing body) • headteacher • at least one staff governor² (but not more than $\frac{1}{3}$rd of governing body) • local authority appointment (at least one but no more than $\frac{1}{5}$th of governing body) • parent (at least $\frac{1}{3}$rd of governing body) • community (at least $\frac{1}{10}$th of governing body) 	<p>Governing body</p> <p>Minimum of 10 governors, maximum of 20. Must include:</p> <ul style="list-style-type: none"> • Foundation or partnership governor (must outnumber the other governors by two and at least $\frac{1}{5}$th must be eligible for election/ appointment as parent governor) • headteacher • at least one staff governor¹ (but not more than $\frac{1}{3}$rd of governing body) • local authority appointment (at least one but no more than $\frac{1}{5}$th of governing body) • local authority appointment (at least one but no more than $\frac{1}{5}$th of governing body) • parent (at least $\frac{1}{3}$rd of governing body) • least one but no more than $\frac{1}{10}$th of governing body) • parent (at least $\frac{1}{3}$rd of governing body when counted with Foundation governors) 	<p>Local authority</p> <p>Minimum of nine governors, maximum of 20. Must include:</p> <ul style="list-style-type: none"> • Foundation or partnership governor (at least two but no more than $\frac{1}{4}$ of governing body) • headteacher • at least one staff governor¹ (but not more than $\frac{1}{3}$rd of governing body) • local authority appointment (at least one but no more than $\frac{1}{5}$th of governing body) • parent (at least $\frac{1}{3}$rd of governing body) • community (at least $\frac{1}{10}$th of governing body) 	<p>Governing body</p> <p>As determined by the Trust. Must include:</p> <ul style="list-style-type: none"> • at least two Trust governors. The school can choose to allow its Trust to appoint a minority or majority of governors. • at least one local authority governor and no more than $\frac{1}{6}$th of governing body • at least two staff governors and no more than $\frac{1}{3}$rd of governing body • community (at least $\frac{1}{10}$th of governing body) • parent (at least $\frac{1}{3}$rd of governing body) <p>Parents will continue to make up one third of the governing body. This is the case in all maintained</p>	<p>Governing body</p> <p>The DCSF does not prescribe the numbers of governors on an Academy governing body, though it is usual for an Academy to have in the region of 13 governors. The Sponsor is able to appoint the majority of trustees (governors), typically seven of the thirteen governors. This must be agreed with the DCSF. Each Academy governing body is also made up of the principal, in an ex-officio capacity, a local authority representative, and at least one elected parent representative. Most Academies also have a teacher governor (either elected or appointed), a staff governor (either</p>

	Community	Foundation	Voluntary aided	Voluntary controlled	Trust	Academy
	Admissions Code.	Admissions Code.	Admissions Code.	Admissions Code.	Admissions Code.	Admissions Code. Secretary of State must agree admissions arrangements before funding is approved.

Further information

For further information on the school admission code visit: www.dcsf.gov.uk/sacode

For further information on Trust schools visit: http://findoutmore.dfes.gov.uk/files/trust_schools_faqs_for_las1.doc

For further information on Academies visit: <http://www.standards.dcsf.gov.uk/academies/>

Footnotes

- Existing staff at an establishment which becomes a Trust school or an Academy will have their employment conditions, as set out in their existing contracts, protected under TUPE rules. New staff employed by a Trust School or Academy may have different terms and conditions.
- If there is only one staff governor, this must be a teacher. Where there are three or more staff governors, one should be a member of support staff.

If you would like further information or to comment on this briefing paper please do so by contacting ATL on policybriefings@atl.org.uk

© Association of Teachers and Lecturers 2008. All rights reserved. Information in this book may be reproduced or quoted with proper acknowledgement to the Association.