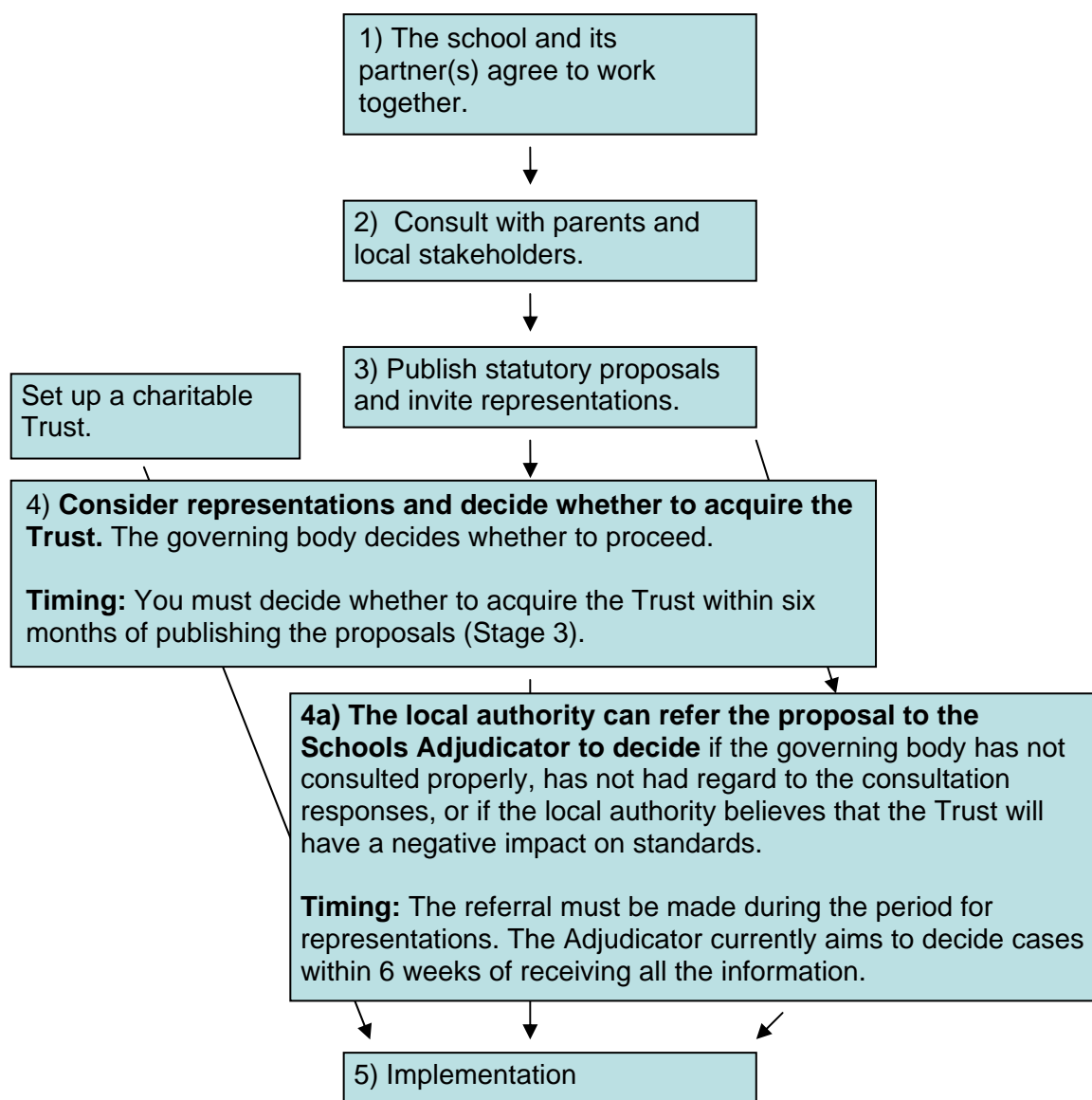


## Stage 4: Decide whether to acquire the Trust



### You need to:

- 1 Review representations on the proposals.
- 2 Decide (at a governing body meeting) whether to acquire the Trust.

**More information about the Schools Adjudicator** is available online at [www.schoolsadjudicator.gov.uk](http://www.schoolsadjudicator.gov.uk). If the information you need is not there, enquiries can be sent to: [OSA.TEAM@dcsf.gsi.gov.uk](mailto:OSA.TEAM@dcsf.gsi.gov.uk) or telephone 0870 0012468.

## Local authority referral criteria

1. The Schools White Paper sets out a strong, clear role for local authorities in relation to education in their area. Local authorities will act as commissioners of school provision and as the champions of parents and pupils in their area, responding appropriately to their needs. They will have new powers to ensure high standards in all schools
2. In keeping with their new role as champions of parents and pupils, local authorities have the power to refer proposals to the Schools Adjudicator in certain circumstances. Grounds for referral are (NB The local authority may act in response to representations from parents or other stakeholders on the following):
  - a. Inadequate consultation – i.e. the governing body has failed to meet the requirements set out in The Education and Inspections Act 2006 and the associated regulations;
  - b. The governing body has failed to have regard to responses to the consultation;
  - c. Concern that the Trust will have a negative impact on standards.
3. *Trust School Proposals, A Guide for Local Authorities and Governing Bodies* contains statutory guidance to authorities on their power to refer proposals:  
<http://www.dcsf.gov.uk/schoolorg/guidance.cfm?id=25>

## Deciding Proposals

4. The 'decision maker' will normally be the governing body, but could be the Schools Adjudicator if your local authority has serious concerns about the proposals and refers the decision. Whether the proposals are decided by the governing body or the Schools Adjudicator, the Decision Maker must have regard to the statutory guidance to Decision Maker's within the documents (website link above):
  1. *Changing School Category to Foundation – A Guide for Governing Bodies*
  2. *Trust School Proposals, A Guide for Local Authorities and Governing Bodies*
5. Whoever is the Decision Maker, the proposal must be determined on its merits. Criteria for approval will be:
  - a. That the Trust meets legal requirements;
  - b. That consultation was adequate – the governing body met the requirements set out in regulations and had regard to consultation responses (see also stage 3 above). If the governing body has failed to meet the statutory requirements for

consultation, the proposals may be deemed invalid and therefore should not be decided;

- c. Evidence that the Trust:
  - i. Is likely to contribute to raising standards at the school;
  - ii. Is likely to promote community cohesion.
- d. Trust members and proposed trustees (where the trustees are specified in the proposals) are not involved in activities that may be considered inappropriate for children and young people – e.g. tobacco, gambling, adult entertainment, alcohol;
- e. The reputation of Trust members and proposed trustees (where the trustees are specified in the proposals) is in keeping with the charitable objects of a Trust.
- f. Trust members and proposed trustees (where the trustees are specified in the proposals) are not involved in illegal activities and/or activities which could bring the school into disrepute, but would not otherwise be disqualified under regulations.

The statutory guidance provides more detail on the above issues.

#### **Checklist: Stage 4 – Decide whether to acquire the Trust**

Action	Date completed
Review any representations received on the published proposals.	
As decision maker, the governing body must work through the statutory guidance for decisions makers on the acquisition of Trusts before making a decision.	
Decide at a governing body meeting whether to acquire the Trust, unless the local authority has referred the decision to the Schools Adjudicator.	