

Guidance for Trustees of Church School Sites

Background

The sites of most church schools are held in trust. A trust is a mechanism by which land, property or money is held by a group of people or sometimes a single person. The asset is to be used in accordance with the charitable purposes set out by the original donor. This information is set out in a document called a Trust Deed which also identifies the trustees. Trustees of church school sites are known in law as 'trustees of the school' and are often 'vicar and churchwarden' trusts, although many are also held by the Diocesan Board of Education (DBE) and named individuals are also quite common.

The trustees however do not actually run the school. Church schools are led and managed by a headteacher and governing body or by an academy trust with no day-to-day reference to the trustees. However, trustees do have some key responsibilities to fulfil.

Key Responsibilities

Trustee responsibilities are derived from various pieces of legislation and include:

Approval of capital work: Trustees should be contacted when a school plans to undertake any significant capital work. There is guidance on the DBE website about this and the DBE staff team can advise trustees as needed.

Approval of conversion to academy status: Trustees will need to provide consent when a maintained school converts to academy status and when an existing academy transfers to another trust. Trustees will usually enter into an agreement called a Church Supplemental Agreement. This is a document which sets out that the trustees agree to make available the land and buildings of the school to the academy trust for the purposes of operating a church school. It also states the responsibilities of the academy trust, the Secretary of State, and the DBE.

Proper use of any funds: Trustees must ensure that any income generated by the use of the trust's property is applied in accordance with the trust. This means that income should usually be used for certain purposes for the benefit of the school and is not available for general use either by the school or by the Parochial Church Council (PCC).

Proper use of the school property: Trustees should be assured that the school building is used in accordance with the Trust Deed. Most, but not all, trust deeds include a statement about the establishment of the school along the following lines,

"the establishment of a school for children and adults or children alone of the labouring, manufacturing and other poorer classes in the parish of " and "shall always be in union with and conducted upon the core principles and in furtherance and designs of the Incorporated National Society for promoting the education of the poor in the principles of the established Church".

This means that the school should serve its local community and have a distinctive Church of England Christian character. Trustees should be assured that this is the case by reading the school's most recent church inspection report. This is called the 'Statutory Inspection for Anglican and Methodist Schools' or SIAMS.

In addition to this, trustees should be assured that any lettings (formal or informal) agreed by the governing body are also in accordance with the trust deed. If in any doubt, the DBE staff team can

advise further. This is especially important for academies as they have more limited powers than voluntary schools.

School Closures/Selling Unused School Buildings

When statutory processes determine that a school is to be closed, trustees would be informed and advised throughout by the DBE. Depending on the trust deed, trustees may be required to sell the building. There are statutory requirements for the use of any proceeds of sale and the DBE will advise trustees accordingly. It is worth noting that it is highly unlikely that proceeds will be able to be used by the local church/PCC, other than through 'Sunday School' or 'RE' funds made by order of the Secretary of State. Such a fund would again, be separate from the PCC and held on an educational trust basis.

Summary

From this brief guidance document, it is clear that all those involved with the leadership and management of a church school should be aware of the role of the trustees of the school and seek to engage them in its life and work. It is important to know who the trustees are and to try and locate a copy of the trust deed. The DBE staff team can advise further.