

## Guidance for Trustees of Church School Sites

### Purpose of this Guidance

Many Church of England school sites are held on charitable trusts established to support Christian education within local communities. The trustees of these sites have an important role in ensuring that land, buildings and associated assets continue to be used in accordance with the purposes set out by the original donor and any applicable trust deed.

This guidance explains the role and responsibilities of trustees of church school sites and provides practical advice on how trustees can fulfil their duties effectively.

### Background

The sites of most church schools are held in trust. A trust is a legal arrangement whereby land, property or funds are held by trustees for charitable purposes.

Trustees of church school sites are commonly known in law as "*trustees of the school*" and may include:

- The Diocesan Board of Education (DBE)
- The Diocesan Board of Finance (DBF)
- Incumbents and churchwardens
- Individual named trustees
- Other corporate or charitable trustees

The charitable purposes are normally set out within a trust deed or other governing document. Whilst trustees own or hold responsibility for the site, they do not manage the day-to-day operation of the school. Schools are led and managed by:

- The governing body in maintained schools; or
- The academy trust in academies.

Trustees nevertheless have important legal and strategic responsibilities relating to the stewardship of church educational assets.

### Stewardship of Church School Land and Buildings

Trustees are custodians of assets that have been provided for the advancement of Church of England education. Their role is not to manage the daily operation of schools but to:

- Safeguard church educational assets for future generations.
- Ensure that land and buildings continue to be used for the charitable purposes for which they were given.
- Support the flourishing of Church of England education.
- Protect the Christian foundation of the school.
- Work constructively with schools, academy trusts and the DBE.

Trustees should approach decisions with a long-term perspective, considering sustainability, community benefit and the continuing mission of the Church's educational work.

## **Key Responsibilities**

Trustee responsibilities are derived from trust law, charity law, education legislation and Church of England governance arrangements.

### *Approval of Capital Works*

Trustees should be consulted whenever significant building work, alterations, land transactions or capital schemes are proposed. This includes:

- New buildings
- Extensions
- Demolition projects
- Disposal of land
- Changes to building use
- Major maintenance schemes

The DBE should be contacted at an early stage to determine whether trustee consent is required and whether any statutory or diocesan approvals are needed.

### *Academy Conversion and Academy Trust Transfers*

Trustees play an important role when:

- A maintained school converts to academy status.
- An academy joins a Multi Academy Trust (MAT).
- An academy transfers between MATs.
- Land arrangements are altered.

Trustees may be required to:

- Give formal consent.
- Enter into a Church Supplemental Agreement (CSA).
- Approve land arrangements.
- Work alongside the DBE, academy trust and Department for Education.

Trustees should seek advice from the DBE before agreeing to any academy-related proposals affecting church school land or buildings.

### *Proper Use of Trust Funds*

Trustees must ensure that any income generated from trust property is applied in accordance with the purposes of the trust.

This may include:

- Educational purposes.
- Religious education purposes.
- School benefit funds.
- Other purposes specified within the trust deed.

Trust income is generally not available for unrestricted use by the school, academy trust, parish church or PCC unless expressly permitted by the relevant trust arrangements.

### *Proper Use of School Property*

Trustees should be satisfied that school land and buildings are being used in accordance with the Trust Deed. Many historic trust deeds include wording relating to:

"The establishment of a school for the education of children within the parish in accordance with the principles of the Church of England."

In modern terms, this means ensuring that the school:

- Serves its local community.
- Maintains its Church of England foundation.
- Demonstrates a distinctive Christian character.
- Operates consistently with its charitable purposes.

### *Supporting the Christian Foundation*

Trustees have an interest in ensuring that the school's Christian foundation remains strong and effective.

Trustees are encouraged to review:

- The school's Christian vision.
- SIAMS inspection outcomes.
- SIAMS action plans.
- Evidence of how the vision influences school life.
- The school's contribution to pupil and adult flourishing.

Trustees should not become involved in operational matters but should seek reasonable assurance that the school's Church of England foundation is being maintained.

### *Lettings and Community Use*

Many church school sites are used extensively by community groups outside normal school hours.

Trustees should be assured that lettings and community use:

- Are compatible with the trust deed.
- Do not compromise the Christian foundation of the school.
- Comply with safeguarding requirements.
- Do not expose the trust to unnecessary legal or reputational risk.

Academies may have more limited powers regarding the use of trust land than is sometimes assumed. Advice should be sought from the DBE where there is uncertainty.

### *Safeguarding*

Although trustees are not responsible for managing the school's safeguarding arrangements, they should be assured that:

- School premises are used safely.
- Appropriate safeguarding controls exist for external users.
- Community lettings operate within safeguarding expectations.
- Building projects appropriately consider safeguarding implications.

### *Estates Sustainability and Long-Term Stewardship*

Trustees are encouraged to consider the long-term sustainability of church educational assets.

This may include:

- Environmental sustainability.
- Estate condition and maintenance.
- Accessibility improvements.
- Energy efficiency initiatives.
- Future educational need.
- Viability of small schools.
- Opportunities for collaborative working between schools and trusts.

Trustees should work alongside the DBE to ensure that church educational assets continue to serve local communities effectively.

### **School Closures and Disposals**

Where statutory processes determine that a school should close, the DBE will provide advice and support to trustees throughout the process.

Depending on the trust arrangements, trustees may be required to:

- Approve closure-related actions.
- Participate in disposal decisions.
- Transfer land or buildings.
- Establish educational trusts for retained proceeds.

The use of proceeds from the disposal of church school sites is governed by legislation and trust law and is usually restricted to educational purposes.  
Trustees should seek advice from the DBE before taking any action relating to closed school sites.

### **Annual Trustee Checklist**

Trustees are encouraged to undertake the following actions annually:

- ✓ Confirm who the legal trustees are.
- ✓ Ensure a copy of the trust deed is available.
- ✓ Review the school's latest SIAMS report and action plan.
- ✓ Review the school's Christian vision.
- ✓ Consider significant lettings or changes of use.
- ✓ Review any major building or capital projects.
- ✓ Review academy proposals affecting the school.
- ✓ Seek updates on estate condition and sustainability matters.
- ✓ Contact the DBE regarding any concerns relating to land, buildings or governance.

### **Working with Derby DBE**

The DBE exists to support trustees, schools, governors and academy trusts in safeguarding and developing Church of England education.

Trustees are encouraged to contact the DBE whenever matters arise involving:

- Land ownership
- Trust deeds
- Building projects
- Academy conversion
- Academy transfer
- Site disposals
- School closures
- Church school governance
- Christian distinctiveness and SIAMS

Early engagement can often prevent delays and protect the interests of both the trust and the school.

### **Summary**

Trustees play a vital role in safeguarding the legacy of Church of England education. Their responsibility is not the day-to-day management of schools, but the stewardship of land, buildings and charitable assets entrusted to them for the advancement of Christian education.

By working collaboratively with schools, academy trusts and the DBE, trustees help ensure that church schools remain distinctively Christian, legally compliant, sustainable and able to serve their communities for generations to come.