

Frequently Asked Questions – Land & Assets

Who owns the land?

When a community school becomes a Trust school, the school's land and buildings will transfer to that Trust to be held on trust for the duration of its relationship with the school. This establishes the long term relationship between the school and the Trust providing the basis for the Trust to support the school in developing provision for its pupils. A Trust has the legal title to the land, but it holds it 'on trust' for the purpose or benefit of the school and subject to the provisions of the Trust's governing documents. The Trust does not have to pay for the land and assets. This means that Trust schools will be in the same situation as existing foundation schools with foundations whose foundations (or Trusts) already hold the land, and also similar to existing voluntary schools. If its role ends then publicly funded land will normally revert to the governing body or the local authority.

Can the land be sold off?

Yes – if the Trust wants to dispose of land they should consult the governing body of the school. If the governing body thinks that land should be disposed of they should refer this to the Trust – in practice as the governing body includes Trust appointed governors the Trust's agreement should be a fairly automatic process. The Trust must then inform the LA of their plans to dispose of any non-playing field land. LAs can object to proposals if they feel that they are not in the interest of the school in the long term, or would disadvantage the wider community. **There is no change to the rigorous procedure for any disposal of school playing fields, which will continue to require the consent of the Secretary of State.**

What are the changes to the management, maintenance and liability of the land & assets?

The governing bodies of all categories of school have day-to-day control over the use of their premises and have responsibility for the day-to-day management of the property, both during and outside school hours. If the governors wanted to do anything which would count as a disposal of land they would need to agree this with the Trust and ask the Trust to notify the LA. As a general rule governing bodies are only responsible for those things for which they have received funding delegated from the LA – but the Trust must ensure that the governing body has taken out proper insurance.

How can being responsible for assets bring about more freedom to meet learning needs?

This provides the schools with opportunities to generate income by maximising the use of the sites and to make savings through exploiting economies of scale across the schools in the trust. Any extra money can be used directly on front line educational provision to meet learning needs.