

Meeting of the Council – 28th November, 2011

Report of the Halesowen Area Committee

Earls High School Foundation Trust

Purpose of Report

1. To consider a request from the Earls High School in relation to changing the trustees of The Earls High School Foundation from Dudley Council to the Academy Trust.

Background

2. The Earls High School Foundation Trust is a registered charity number 527585, set up under a scheme dated 1st April 1928 and amended by a scheme dated 23rd August 1989. The Trustee of the charity is the Borough Council of Dudley, which has given delegated powers to the Halesowen Area Committee to administer the charity on its behalf.
3. The Earls High School are currently undergoing the process to convert to an Academy and the School have decided that the best way forward for them would be to appoint the new Academy Trust as sole corporate trustee of the Charity in place of the Council. The letter from the Earls High School is attached as an Appendix.
4. The Charity Commission do not want the Borough Council of Dudley to resign as Trustee before the conversion due to possible conflict of interest. The School are satisfied with this arrangement and are asking their Solicitor to arrange for the Academy Trust to be a Corporate Trustee after the conversion, which at the earliest would be 1st December, 2011 but more likely to be 1st January, 2012. It is then intended that the School will set up a separate Governor Committee to protect the interests of the Foundation.
5. The Halesowen Area Committee considered this matter at its meeting on 9th November, 2011 and recommended the Council to approve the proposal set out in paragraph 9 below.

Finance

6. There are no direct financial implications arising from the report.

Law

- 7. The power in Section 82 of the School Standards and Frameworks Act 1995 and Section 74D of the Charities Act 1993 allows this course of action to take place.

Equality Impact

- 8. There are no special considerations to be made with regard to equality and diversity in receiving this report. Children and young people have not been directly involved in the preparation of this report.

Recommendation

- 9. That the new Academy Trust be appointed as the sole corporate trustee of the Earls High School Foundation Trust Charity in place of the Council.



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Chairman of the Halesowen Area Committee