

# Joining a school trust

In association with

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Confederation  
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## About this guidance

This guidance sets out the strategic and operational considerations for head teachers and governors of maintained schools considering joining a school trust through a voluntary conversion process. This is how more than 70% of academies were formed.

School trusts are groups of schools that come together to form a single organisation. They are sometimes called multi-academy trusts, but CST prefers 'school trusts' because the word 'school' is universally understood and best describes what academies are.

Whilst the context of each school and each trust is unique, this guidance includes many of the questions and considerations that your governing board will need to ask when you are considering joining a trust, as well as during the due diligence process.

The guidance also sets out a high-level overview of the legal considerations and processes to be followed during the conversion process. The purpose of the guidance is to develop understanding of what is involved in joining a trust. It should not be used in place of relevant professional advice and guidance.

Throughout this document the guidance that has been produced on aspects of the trust growth process by Department for Education (DfE), Education and Skills Funding Agency (ESFA) and Confederation of School Trusts (CST) is signposted for further reference.

This document should be read alongside the DfE's guidance on [multi-academy trusts](#), its [Commissioning high-quality trusts and Trust quality descriptions](#) and CST's [Building strong trusts](#) paper and [Building strong trusts: assurance framework](#).

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# Introduction

*"CST has never argued for the blunt instrument of legislative compulsion which would force all schools to join a trust. It is essential that those who lead and govern our schools believe they are making good educational decisions, based on what is best for children, young people and communities, our staff, and our schools. So, we need to make the case that a group of schools working together in a single legal entity is our best bet for building a system that is the best system at getting better."*

*Starting with Why: Why join a trust – why a trust-based system? (CST, January 2023)*

Joining a school trust is an important moment for your school community. Working as part of a group of schools to improve and maintain high educational standards can be very rewarding, and brings benefits including formal collaboration to improve teaching, sharing of best practice to enhance the experience of children, and increased efficiencies to focus attention on frontline delivery.

But joining a trust can also seem daunting, and it can be difficult to know where to begin.

This guidance outlines the strategic and operational considerations your school should explore as it embarks on its trust journey. The guidance also provides an overview of the legal processes you will encounter as you join a trust, but is not a replacement for legal advice.

Alongside reading this guidance, we recommend you identify some of the immediate practical steps your school will need to take. These might include the following:

- **Strategic options:** Think strategically about the medium- and long-term plan for your context and draw up some options to take to your governing body. Do some research and find out if there are strong trusts in your local area that might be looking to grow. If not, find out where the strong trusts are that you think could be a good fit for your school. You may have a clear preference if, for example, you are already collaborating with a trust, but do keep an open mind and consider alternatives.
- **Reach out:** The decision to join a trust must be approved by your [DfE regional director](#), so it is a good idea to speak to their team at an early stage.. They will be able to provide additional context about existing trusts and should know if they have capacity for growth. If you are located in an [Education investment area](#), familiarise yourselves with the DfE's [Trust Development Statement](#) to understand its vision, strategy and approach to commissioning in your area. Think about speaking to the trust to get a sense of how they operate and their own growth plans. Any conversation at this stage would be informal and free of commitment, but may provide clarity and an opportunity to learn more. You might also benefit from speaking to the leaders of a school within the trust, who can share their experiences of joining. You should also let your local authority know you are thinking about converting to an academy.



- **Due diligence:** Later in the process, you will undertake due diligence (as will the trust you are joining) and carry out a consultation. At this stage, look at publicly available documents such as audited accounts, performance tables and Ofsted reports to get a sense of the trust, and explore culture by looking online by looking at, for example, values and mission statements. You should be able to find these on the trust's website.
- **Present your options:** Take your research and a shortlist to your governing board for a decision which will allow you to begin the process. If your school has a religious character or has a foundation trust, make sure you are aware of which body or religious authority needs to make the decision and their policy on joining a trust.



# Step one: Exploring your options

## What are academies and trusts?

Like any other state school, an academy is free to attend, inspected in the same way, and children take the same assessments. They are state-funded schools, but independent of local authority oversight and are instead operated by a school trust. The trust is a charity, a single legal entity which is accountable for all the schools it operates.

Some trusts have been established to operate one academy (known as a single academy trust), whilst other trusts operate a group of schools (a school trust, or multi-academy trust). The trust landscape has changed and it is now usual for schools to convert to join an existing trust, rather than setting up their own single academy trust. New single academy trusts are only established in very limited circumstances.

Since 2010, a [conversion grant](#) of £25,000 has been available to any school converting to an academy. As of 1 September 2024, conversion grants are only be available to groups of three or more schools joining a trust.

School trusts are charitable companies limited by guarantee. This means that they must be registered as a company with Companies House. Unlike most charities they have the Department for Education as principal regulator instead of the Charity Commission and so do not have a registered charity number and are known as “exempt charities”. Trusts are still required to comply with most aspects of charity law. Fundamentally, trusts are charities that exist purely to run and improve schools, to advance education for public benefit.

As is the case for other companies limited by guarantee, a school trust has articles of association which set out the constitution governing the trust. These are usually based on a model set of articles managed by the Department for Education. The governance structure of the trust is set out in the articles and describes the structure of the membership and the board of trustees of the trust.

The board of trustees of a trust can establish committees. In many trusts, each academy has its own ‘local governing body’ or advisory body which deals with local issues and may have some delegated responsibilities; legally, this body is a committee of the trust board.

In order to operate, a school trust enters into funding agreements with the Secretary of State for Education. These agreements set out how the trust is funded, with accompanying obligations. A school trust will have a Master Funding Agreement relating to general funding obligations and governance matters, as well as Supplemental Funding Agreements in relation to each individual school within the trust.

Trusts receive their funding directly from the Education and Skills Funding Agency (ESFA), a Department for Education agency specifically tasked with funding and compliance. Funding is calculated in the same way as a maintained school on a per-pupil basis, with the funding relating to an individual school allocated via the trust.



The funding agreements require the trust to comply with the requirements of the [Academy Trust Handbook](#) which sets out an overarching framework for implementation of effective financial management and governance as well as other guidance published by ESFA/DfE.

## Academy orders

The law requires schools which have received an 'Inadequate' rating from Ofsted to become academies. Schools which have received two or more consecutive ratings below 'Good' may also be converted into academies.

For schools in this position, the Secretary of State for Education will issue an 'academy order', which will start the process for the school to become an academy. In this case the Department for Education will direct which trust the school will join.

This guidance assumes that the school is not subject to a directed academy order and you are able to make the choice as a governing board. The final decision will always be subject to the agreement of the Department for Education.

## Considering your options

It is important to think about your school's vision and ethos. This will be key in helping you to decide which trust you aim to join, and identify which opportunities and benefits are most beneficial for your pupils.

Some other things to consider include:

- **Direction of travel:** Due to the inherent protective and collaborative structure of trusts and the added resilience that this brings, the DfE has previously made a strong case for being part of a school trust ([Opportunity for all: Strong schools with great teachers for your child](#), March 2022). As of April 2024, more than half of all schools in England are in a school trust.
- **School improvement:** The decision of which trust to join should be focused on what is in the best interests of pupils, a key aspect of which will be school improvement support. A school trust is the most formalised family of schools which offers the opportunity for collaborative working. As well as getting support, it is an opportunity for you to share your strengths and experience to support a school in need, either now or at a future point.
- **Staffing and development:** All existing staff are transferred to the trust as the new employer, and new staff are appointed by the trust. Staff are employed by the trust and may have increased opportunities to take up promotion or work in other settings, which is useful for talent retention or to share skills and experience. There may also be enhanced opportunities for staff to observe 'outstanding' practice or take a trust-wide role.
- **Shared services and support:** The trust is the single legal entity and is responsible and accountable for the finances of the whole organisation. Different trusts will take different approaches, which may include General Annual Grant (GAG) pooling in which all income is pooled and managed centrally. Trusts will usually run shared services – finance, HR,



communications and marketing, school improvement – to support their schools and the cost is recouped from constituent schools for their delivery. Larger school trusts are able to access capital funding direct from the DfE.

## Choosing which trust to join

There are many different school trusts which adopt very different approaches. The choice will depend on several factors including:

- **Vision and values:** Once your school joins a trust, the trust is the legal entity responsible for running the school. The vision and values of the trust apply across all its academies. Thinking of your vision and values, identify what is important to you, then engage with your stakeholders and make sure you find a trust that has good alignment with your school. If your school has a religious character and/or is established by a foundation, you will also need to secure the consent of the relevant body or religious authority (for example, a Church of England school will need to understand its diocesan policy).
- **Geography:** Do you want your school to join a locally-focused trust where all the schools are geographically linked? Would you prefer a bigger cross-regional or national trust, which may be able to provide a broader outlook and other opportunities for pupils and staff? When considering these questions, keep revisiting what will bring most benefit to your pupils.
- **Size:** Would you prefer to join a smaller trust with potential to influence its further development, or a bigger trust which might provide a wider range of opportunities more quickly for pupils and staff?
- **Governance:** What is your current governance structure? If your school has a religious character and/or is established by a foundation, there may be limitations on the types of trusts that you can join.
- **Phase/type of school:** Would you prefer a trust that is limited to a specific phase or type of school for example, primary or special schools only, or would you prefer a mix of phases? Would your pupils benefit from accessing specialist SEND or alternative provision facilities within the trust?
- **Appointment of headteacher:** Find out the arrangements for appointing a future headteacher and what the trust's policy is regarding the appointment of headteachers for individual schools.
- **Local governance:** Will there be a dedicated local committee for your school, or will it be a hub or cluster committee overseeing a group of schools in an area?
- **Centralisation of finances:** Look at the scheme of delegation in detail. Does the trust centralise finances? If so, your headteacher may be able to step back from financial management and other operational aspects to focus on teaching and learning. The trust has responsibility for the financial performance of the entire trust (including all the schools within it) and can decide how reserves are used. This may allow your school to access additional reserves for projects.



- **Collaborative working:** Look to see what the arrangements are for collaborative working in the trust. Are there other schools within the trust locally that you could work with, or are there collaborative arrangements for working with schools in another trust?

It is worth remembering the scheme of delegation or other internal arrangements may change as the trust naturally develops and matures. You might want to explore potential growth with the trust to identify how else your school is set to benefit (for example, a mainstream trust growing to include specialist provision, or primary provision expanding to include nursery provision).

### **Schools with a religious character and those established by a foundation**

Any school with a religious character and those established by a foundation wishing to join a trust will need to obtain prior consent of the foundation and/or the religious authority with which it is connected (this principally relates to Church of England and Catholic schools, but also to schools with other faith designations). The school will only be able to join a trust which meets the policy of its religious authority.

For a Roman Catholic school this means that generally it will only be able to join a trust consisting of other Catholic schools. Church of England schools may be permitted to join trusts with non-Church of England schools, although there are governance requirements to consider, which would need to be reflected in the articles of the trust.

Memorandums of understanding between the DfE and the Catholic Church, and the DfE and the Church of England, set out the principles for trust formation with schools with a religious character.





## Step two: Making a decision

### Decisions and conflicts

At the outset, your governing board must agree to proceed in principle. It is important that this approval is clearly recorded in meeting minutes; often, separate confidential minutes will be kept as joining a trust can be a sensitive issue and communication with stakeholders needs to be handled carefully.

The trust board will also have to pass a resolution to proceed with the arrangement. Typically, the trust you are joining can provide support as you go through the process; it is worth contacting the trust's governance professional early on but you should rely on your own professional advice.

Both the [Maintained schools governance guide](#) and [Academy trust governance guide](#) require all boards to have effective approaches to either avoiding or managing conflicts of interest to prevent those interests from affecting their decisions. Consequently, any potential or actual conflicts of interest arising from joining the trust must be identified and managed.

The Charity Commission has [guidance on managing conflicts](#). It defines a conflict of interest as 'any situation in which a trustee's personal interests or loyalties could, or could be seen to, prevent them from making a decision only in the best interests of the charity'. A conflict could potentially arise where, for example, a member of your governing board is an employee of the trust or on the trust board. Make sure that any such conflicts are 'managed' during decision making so that the individual is not involved and not in attendance at the meeting, and that this is clearly noted in your minutes.

### Working together

It may be appropriate to collaborate with your proposed trust prior to joining. It is possible to set up informal arrangements for staff to work together with the trust or for the leadership team of your school to receive support from the trust.

You may wish to consider agreeing to some key terms, including:

- **Memorandum of Understanding (MoU):** While a MoU is not a legally binding document, it may help to save time and costs at a later stage if the parties (you and the trust) have an 'agreement in principle' on key issues from the outset. The MoU is a way of establishing and documenting key points and agreed timelines before the detail of the legal process gets underway. A MoU may also include other parties that have an interest in the process, such as a diocese.
- **Non-disclosure agreement (NDA):** A non-disclosure agreement (also known as a confidentiality agreement) should be considered at the start of negotiations. This is because sensitive information can be disclosed through the due diligence process. Entering into a formal agreement would protect any sensitive or confidential information disclosed as part of the due diligence process. It is not mandatory to do so, but it often serves a



useful purpose as it allows you and the trust to exchange relevant information without the fear of such information being disclosed.

- **Stakeholder engagement:** You know your stakeholders best. It is important to involve stakeholders at the earliest possible stage and manage the process of communicating the governing body's decisions so that the news can be disseminated in an appropriate and timely way without causing concern.

## Trust partnerships

A trust partnership is an opportunity for your school to try working with a trust to find out what the trust has to offer through first-hand experience. A trust partnership is a time-limited arrangement, typically 12-18 months, which allows a school and trust to 'come together in mutually beneficial partnerships'.

DfE [guidance on trust partnerships](#) sets out what you should consider before entering into a partnership:

- Be clear from the outset on the objectives of the relationship.
- Take time to consider and engage the right trust.
- Take time to consider the "hidden costs" of any arrangement – particularly in the amount of time and resource required from the leadership team.
- Be aware that it is time limited.

Schools with a religious character and those established by a foundation should obtain consent from their foundation, diocese or other religious authority prior to entering into a partnership.

## First steps

Refer to DfE guidance [Convert to an academy](#) which will give some outline of the key steps that you and the trust will have to go through. You should also liaise with the trust governance professional who will be able to provide support, and you might want to reach out to your local authority/DfE regional director for additional insight and guidance.



## Step three: Due diligence

Due diligence is a two-stage process: an initial high-level review, conducted as a desk exercise using information in the public domain, to judge whether the trust will be a good fit for your school, followed by a wide-ranging analysis.

The DfE's [best practice guidance on due diligence](#) states that due diligence can be defined as 'the process of ensuring that all stakeholders understand the relevant information including costs, risks, benefits, assets and liabilities enabling them to make fully informed decisions about transferring a school into a new academy trust'. There are numerous due diligence tools available including the DfE's guidance which includes a suggested stage one due diligence template and a land and buildings checklist.

One of the best things that you can do early on is to contact staff or those involved in governance in other schools in the trust to find out what to expect.

You will also be asked to provide due diligence information concerning your school to the trust. The process may be supported by lawyers and auditors, and be informed by other professionals such as surveyors and actuaries.

Some of your key considerations might include the list below – note this is not exhaustive. We encourage you to use CST's [Building Strong Trust's framework](#) to evaluate the trust's strength in each area.

### Vision, values and ethos

As noted previously, a key element to ensuring that successful joining is making sure the trust's vision and ethos aligns with your own.

For schools with a religious character and those established by a foundation, it is important to find out how the trust will support and protect your distinctive character and ethos. The legal documentation that sets up trusts, such as the articles, include provisions to protect it but you should find out what this means in practice.

### Governance

In the [Trust quality descriptions](#) and CST's [Building Strong Trusts framework](#), strategic governance is identified as one of the defining characteristics of strong trusts. Spend time analysing the governance of the trust and how your school will fit into it.

### Educational support

Understand what difference joining the trust will make to the children in your school by identifying what school improvement support you will receive. Analyse the quality and standards of educational support and provision across the trust, so that you are confident that your school will get the help it needs. Identify any areas where your school could add value to the trust or particular staff specialisms that can be better utilised in the wider context of a trust.



## Finances

Find out how the trust arranges its finances – does it delegate funding directly to schools or pool the GAG? If the former, is there a top-slice to support centralised services and if so, what proportion of the budget will be top-sliced? Find out what insurance arrangements are in place. Most trusts use the DfE's scheme known as RPA (Risk Protection Arrangement), which is an alternative to commercial insurance.

## Other information

Consider whether there is any other information that may be required to make a decision or whether there are questions that relate to the circumstances or context of the trust that need further exploration.

## Evaluation

Once you have obtained and considered all the due diligence information, your governing board can make a final decision to proceed. The key thing about due diligence is not simply gathering all the information, but how you use it to evaluate the risks and benefits and making a decision that is in the best interests of your pupils.

Take time to consider the information obtained during the process thoroughly and objectively. This information should then be presented to the governing board in a report, so that they can finalise the decision to proceed.

## School trust due diligence

The trust will also undertake extensive due diligence in relation to your school. In addition to the above, they will consider aspects such as:

- Pupil performance data, progress and achievement
- Pupil numbers and forecast numbers
- Contracts and guarantees in place
- Staffing: numbers, pensions, etc.
- Staffing structures – UPS, TLRs, etc.
- Support staff roles and responsibilities
- Land and estates, including leaseholds of land that is not owned by the local authority
- Safeguarding



## Step four: Legal documents and processes

The legal documents needed to enable a school to join a trust will typically be produced by the solicitors engaged to act for the trust, as the legal documentation is largely entered into by the trust.

The extent of the documentation and the details will depend on the characteristics and land arrangements of your school.

The governing board of the joining school is only a party to a limited number of legal documents, as it is the trust that is largely responsible for entering legal documentation.

### Articles of association

As noted above, the articles of association set out the governance structure of the trust including details about:

- Its charitable purpose - what it exists to do
- Appointing and removing trust members and trustees
- Committees, including local governing bodies

You should look at the specific articles for the trust that you are looking to join to see the framework within which it is operating.

In some circumstances it may be necessary for the trust to update its articles, particularly if it has not updated them for some time. It may be necessary for the trust to amend its articles if your school is a Church of England school and the trust only currently operates non-faith schools. The changes required will depend on the circumstances of the case.

### Master funding agreement

The master funding agreement sets out the general rules that apply to the funding provided to the trust, including governance requirements, how schools are to be run, and general termination events. Depending on its age, the trust's master funding agreement may need to be updated. If so, a deed of variation with the new master funding agreement based on the latest DfE model will be required. This will be a matter for the trust, and the governing board of the joining school is not a party to this document.

### Supplemental funding agreement

A supplemental funding agreement will be necessary. It sets out the specific details for your school and the funding terms and termination provisions relating to it. The DfE will expect the latest model version to be used. Again, this is a document which the trust will enter, and the governing board of the joining school is not a party to this document.



## Commercial transfer agreement (CTA)

The CTA is a contract between the governing board of your school, the local authority and the trust. Its purpose is to transfer to the trust all the assets of your school; this will include any bank balances that do not derive from the school's delegated budget such as a school fund account. It also transfers any contracts such as catering or grounds maintenance. Liabilities will be apportioned between the local authority and the trust so that there is clarity as to who is responsible for any claims or costs arising before and after the conversion date. As the governing board of your school will dissolve on conversion, any remaining rights and liabilities that have not been transferred will generally vest in the local authority. The DfE has published a model commercial transfer agreement. In practice, most local authorities have their own preferred form of agreement.

## Property arrangements and land questionnaire

A land questionnaire must be submitted to the DfE approximately two months before your school formally converts to an academy. The questionnaire will be completed by the solicitors acting on the process using information provided by your school to the trust. The questionnaire provides a summary of how the school land is currently held and occupied, and highlights any relevant land issues such as shared use arrangements and future construction works.

The basis of the land transfer on conversion will depend on how your school currently occupies the land. If your school is a community school, a 125-year lease of the site will typically be granted by the relevant local authority to the trust. If your school is a foundation school, the trust will typically receive a freehold interest in the school site. Different land interests may be in place where your school is voluntary aided, voluntary controlled, or a foundation school with a separate foundation.

For Church of England and Roman Catholic schools, a Church Supplemental Agreement will be required which gives permission for the trust to occupy church land. Your diocese may have its own approval process for the transfer which will also need to be taken into account.

Care should be taken to identify any shared use agreements or areas of your site that are used by other parties, such as leisure facilities, nurseries, caretakers' houses, so that the trust can put in place appropriate arrangements. You should collate relevant information so that the trust understands relevant issues which may arise.

Any past, current or planned building works should be identified, and appropriate arrangements put in place so that any warranties or rights against contractors or professional consultants, as well as the benefit of any guarantees, are transferred to the trust. As a converting school, you should ensure that information on past construction works is collated and provided to the trust.

The local authority has a duty to hand over buildings in a fit state. Talk to the trust property lead about what this might mean for your school.



## TUPE and employment

An academy conversion is a transfer under The Transfer of Undertakings (Protection of Employment) Regulations 2006 (as amended), commonly known as TUPE. This means that your staff will transfer under TUPE to become employees of the trust. TUPE provides significant protection for transferring employees from changes to their contractual terms and conditions of employment, so they retain the same rights and benefits that they had before the transfer.

Under TUPE, the existing employer (either the local authority or your governing body depending on the type of school) has an obligation to inform and consult employee representatives of its staff. Consultation with recognised trade unions will seek agreement upon any 'measures' which the incoming trust is proposing to take. The trust also has an obligation to notify you, as the current employer, of any measures it proposes to take in relation to the employees transferring. Relevant measures are not defined by TUPE but could include changes to pay, job descriptions, hours of work, or even the day of the month that salaries are paid.

The relevant existing employer must also provide specific information known as 'employee liability information' (ELI) to the trust which will be the new employer at least 28 days before the date of transfer/conversion.

You will need to work closely with the trust to ensure that the TUPE consultation is completed, and that relevant information is provided. It is important to have appropriate professional support to make sure the processes are undertaken correctly.

## Stakeholder management and consultation

Communication with stakeholders should form a central element in the content and delivery of your change communication strategy. Joining a trust is a significant and permanent change for your school, and you need to explain to your stakeholders why you have decided to do so: what are the benefits for stakeholders such as parents, pupils, the local authority, staff and the wider community. It is an opportunity to be open and honest about your vision and values and how these align with the trust you have chosen.

As a voluntary conversion, your governing board is required by law to carry out stakeholder consultation; CST has produced [Deciding to Join a trust: Guidance for Maintained Schools](#) on Engagement with Stakeholders. This offers a chance to open a two-way conversation as well as to address concerns and allay fears.

## School name and identity

You should discuss with the trust whether the name, or identity of your school will be updated as a result of converting and joining them. Local communities can be very protective of a school's identity, and changes to uniform can have cost implications for families. These should be carefully considered and explained sensitively.



## Step five: Final considerations

### Final approval

Your governing board should meet to give final approval, and the board of the trust you are joining will do the same. In theory, you could decide not to go ahead at this stage and pull out of the conversion; in practice, everyone will have spent a lot of time and money in getting to this point and it very rarely happens.

The application will be considered by the DfE regional director, usually in consultation with their advisory board.

Once the relevant documentation for the conversion has been executed, completion arrangements will be led by the DfE in co-ordination with the relevant legal advisors.

### After joining

You and the trust should agree and prepare communications in advance, with a particular focus on internal communications to help forge a united school trust.

Joining the trust is a significant event in the life of your school. Changing culture and practices will take time to embed and bring with it a new set of relationships. These may present a raft of opportunities and benefits for your school community.

The journey can also be enriching; it will allow you the space to step back and really think about the future of your school and its role in the local community.







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