

| Local Members' Interest | |
|--------------------------------|---------|
| Alan Dudson | Rugeley |
| Mike Sutherland | Rugeley |

Charities and Trusts Committee 12 June 2018

Rugeley Endowment Registered Charity 528603

Proposal

1. That the Committee approves the decision to apply to the Charity Commission for a scheme for the Rugeley Endowment ("the Charity") to alter the existing Scheme dated 31 March 1994 ("the Scheme") which will amend the definition of "Eligible School" (which currently means any voluntary, grant maintained or county secondary school in the area of benefit or by which the area of benefit is substantially served the area of benefit being the Urban District of Rugeley) to include an Academy to allow the Charity to support the new Academy in the Urban District of Rugeley.
2. That the Committee notes the allocation of charitable income from the Charity is not permanent endowment and the income only can be applied in furthering the objects of the Charity and must not be used to relieve public funds.
3. That the Director of Strategy, Governance and Change be authorised to prepare, negotiate, execute, seal and complete all necessary documentation to give effect to the above decision.

Report of the Director of Strategy, Governance and Change

Staffordshire County Council's role as a Charity Trustee

1. Trustees have and must accept ultimate responsibility for directing the affairs of a charity, ensuring that it is solvent, well-run and delivers the charitable outcomes for the public benefit for which it has been set up.
2. Local Authorities are well suited to being a charity trustee as they are:-
 - rooted in the local community;
 - open and transparent in their dealings;
 - highly accountable for their actions, and
 - have the high standards of public conduct embedded in the way they work.
3. Charity trustees have a duty to act solely in the best interests of the charity and its beneficiaries with a view to furthering its charitable purposes and for

no other purpose whatsoever. They must also ensure that any charitable assets are managed independently and prudently in accordance with their charitable purpose and any restrictions in the charity's governing document.

Background of the Rugeley Endowment

4. The Rugeley Endowment is a very long established charity, which was formerly called "The Rugeley Grammar School Foundation". The Staffordshire County Council ("County Council") became the trustee of the Charity in 1930. The current main asset of the Charity is Chancel Infants School ("the School") which was formerly known as the Rugeley Grammar School and is held on trust together with various investments, which yield an income, this income is to be spent in furthering the objects of the Charity.
5. The County Council is the sole administrative trustee of the Charity and is responsible for its general control, management and administration.
6. The County Council as trustee must apply the income, expendable endowment and permanent endowment of the Charity in meeting the proper costs of administering the Charity and of managing its assets (including the repair and insurance of the School). After payment of these costs, the County Council must apply the remaining income in furthering the objects of the Charity.
7. Currently the County Council in its corporate capacity as Local Education Authority maintains and insures the School.
8. The objects of the Charity
 - (1) The Charity is regulated by a scheme made in 1972 and was subsequently amended on 24 January 1983 and 31 March 1994. The schemes are to provide any Eligible School with school equipment and other items, services and facilities and to promote the education either generally or individually for the benefit of "persons of either sex who have not attained the age of 25 years who are attending, or who have for not less than two years at any time attended, any comprehensive school situated within the Urban District of Rugeley and who, in the opinion of the County Council, are in need of financial assistance" in the following ways:-
 - (a) "in awarding the beneficiaries scholarships, grants or maintenance allowances tenable at any school, university or other place of learning approved by the County Council;
 - (b) in providing financial assistance, outfits, tools, instruments or books to help beneficiaries on leaving school, university or any other educational establishment to prepare for, or, to enter, a profession, trade, or calling;

- (c) in awarding bursaries or maintenance allowances to enable beneficiaries to travel whether in this county or abroad to pursue their education;
 - (d) in providing financial assistance to enable beneficiaries to study music or other arts;
 - (e) in otherwise promoting the education (including social and physical training) of beneficiaries; and
 - (f) in providing for any comprehensive school situated within the former Urban District of Rugeley such special benefits of any kind not normally provided by the local education authority as may from time to time be agreed between the school governors and the County Council”;
- (2) That the School shall be held upon Trust for the provision and conduct therein of a county school for boys and girls.
9. The current annual income up to the 31 March 2017 from the investment of part of the permanent endowment is £79,152. The Eligible Schools that benefited in respect of the investment income under the Scheme were Fair Oak and Hagley Park Schools which were both comprehensive schools in the Urban District of Rugeley.
10. In 2011 both Fair Oak and Hagley Park applied separately to the Secretary of State to become an Academy, and subsequently an academy order was granted on the 5 October 2011 and two 125 year Academy Leases were granted to the Creative Education Trust, in respect of both Fair Oak and Hagley Park. Both the freehold land and school buildings of Fair Oak and Hagley Park are owned by the County Council as part of their corporate estate.
11. Fair Oak and Hagley Park Academies merged and became the Hart School in September 2016 and are still sponsored by the Creative Education Trust.
12. Accordingly the approval of the Charity Commission has been obtained for the definition of Eligible School to be amended to include an Academy and the Charity Commission has provided a draft scheme.

Implications of approving the draft scheme

13. Amending the objects of the Charity by way of the scheme means that the Charity can support the Hart School.
14. The Charity Commission will also amend reference to Fair Oak Comprehensive School (in clause 14) of the Scheme which relates to prize funds. Fair Oak school is now part of the Hart School.

15. The existing scheme dated 31 March 1994 is attached at Appendix 1, the new draft scheme is attached at Appendix 2 and a copy of the latest accounts are at Appendix 3.

Equalities Implications

None identified.

Legal Implications

The Committee (in its capacity as Trustee of the Charity) is legally obliged to ensure that the Charity is managed in accordance with its objectives and to prevent any conflicts of interest between the administration of the Charity and of the County Council.

Resource and value for Money Implications

The Committee may apply the income and capital of the Charity in meeting the proper costs incurred when administering the Charity and managing its assets.

Risk Implications

Decisions made by the Committee must be made in the capacity as Trustee only and must ensure that any decisions are made in accordance with the Charities Act 2011 and Charity Commission guidance.

Report Author: Legal Services Unit, Staffordshire County Council

Appendix 1 – Scheme dated 31 March 1994

Sealed 31st March 1994

N58(S)

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County - Staffordshire
Place - Rugeley
Charities administered in connection with
The Rugeley Endowment



Legal(Liv)
528,603 A/1

Adjudged not chargeable
with stamp duty

Scheme including appointment of
Trustee and vesting

CHARITY COMMISSION

In the matter of the following Charities administered in connection with the Charity called The Rugeley Endowment, at Rugeley, in the County of Staffordshire, comprised in a Scheme made by the Secretary of State for Education and Science on the 16 February 1972 and a Scheme of the Charity Commissioners of the 24th January 1983:-

1. The Charity called the Rugeley Grammar School, comprised in a Scheme made by the Board of Education on the 26th November 1930 and a Scheme made by the said Secretary of State on the 12th December 1966;
2. The Charity called the Alex Payne Conversation French Prize, comprised in a trust deed dated the 5th June 1956 and in the said Scheme of the 12th December 1966;
3. The Charity called Mrs. Lucy Cottrell's Prize, founded by will and comprised in the said Scheme of the 12th December 1966;
4. The Charity known as the Reverend J.Thomas Walters' Prize Fund; and

In the matter of the Charities Act 1993.

THE CHARITY COMMISSIONERS FOR ENGLAND AND WALES HEREBY ORDER that the following Scheme be approved and established as the Scheme for the regulation of the above-mentioned Charities:-

S C H E M E

1. Administration of Charities. (1) The above-mentioned Charities and the property thereof shall be administered and managed subject to and in conformity with the provisions of this Scheme.

(2) The Charities numbered 2 to 4 above shall be administered and managed together as one Charity under the title of the Rugeley Schools Prize Fund (hereinafter referred to as "the Prize Charity").

(3) The Charity numbered 1 above shall be administered and managed under the title of the Rugeley Educational Foundation (hereinafter referred to as "the Foundation").

(4) The Foundation and the Prize Charity shall be administered and managed by the Trustee hereinafter appointed and are hereinafter referred to together as "the Charities".

2. Investment of cash. All sums of cash now or at any time belonging to the Charities, other than income needed for immediate working purposes, shall be invested in trust for the Charities respectively.

3. Meaning of expressions. In this Scheme the following expressions shall have the following meanings -

"area of benefit" shall mean the area of the former Urban District of Rugeley as constituted on the 31st March 1974.

"eligible school" shall mean any voluntary, grant-maintained or county secondary school in the area of benefit or by which the area of benefit is substantially served.

"beneficiaries" shall mean persons under 25 years of age who are or who have been pupils of an eligible school.

4. Trustee. The Staffordshire County Council shall be the Trustee of the Charities.

5. Vesting. Any land belonging to the Foundation not already vested in the Trustee is hereby vested in it for all the estate and interest therein belonging to or held in trust for the Foundation.

6. Minutes. The Trustee shall keep, in books maintained for the purpose, minutes of the proceedings of their meetings.

7. Accounts and annual report. (1) Until such time as Part VI of the Charities Act 1993 comes into force, statements of account in relation to the Charities shall be prepared and transmitted to the Commissioners in accordance with the Charities Act 1960, except if and in so far as the Charities are excepted by Order or regulations.

(2) Upon Part VI of the Charities Act 1993 coming into force, the Trustee shall comply with its obligations under that Act with regard to:

- (a) the keeping of accounting records for the Charities;
- (b) the preparation of annual accounts for the Charities;
- (c) the auditing or independent examination of the statements of account of the Charities;
- (d) the transmission of the statements of account of the Charities to the Commissioners; and
- (e) the preparation of annual reports and their submission to the Commissioners.

8. Annual return. The Trustee shall comply with its obligations under the Charities Act 1993 with regard to the preparation of annual returns and their transmission to the Commissioners.

THE FOUNDATION

9. Sale or letting. The Trustee shall sell or let all the land belonging to the Foundation subject nevertheless to such consents and requirements as are stipulated by law.

10. Leases. The Trustee shall provide that on the grant by it of any lease the lessee shall execute a counterpart thereof. Every lease shall contain covenants on the part of the lessee for the payment of rent, and all other usual and proper covenants applicable to the property comprised therein and a proviso for re-entry on non-payment of the rent or non-performance of the covenants.

11. Repair and insurance. The Trustee shall keep in repair and insure to the full value thereof against fire and other usual risks all the buildings of the Foundation not required to be kept in repair and insured by the lessees or tenants thereof and shall suitably insure in respect of public liability.

12. Proceeds of sale. The Trustee shall invest the clear proceeds of any such sale in trust for the Foundation.

13. Application of income. (1) The Trustee shall apply the clear income of the Foundation in one or more of the following ways:-

- (a) in providing for any eligible school equipment and other items, services and facilities for such school and thereby advance education thereat;

- (b) in otherwise promoting the education (including social and physical training), either generally or individually, of beneficiaries.

PRIZE CHARITY

14. Prize Charity. (1) The Trustee shall apply the clear income of the Prize Charity in awarding prizes to pupils of Fair Oak Comprehensive School, in Rugeley, in recognition of their academic, artistic, moral or physical achievements, thereby furthering their education.

(2) If and in so far as income of the Prize Charity is not required for application as aforesaid, the Trustee shall apply the same in the same manner but for pupils of an eligible school.

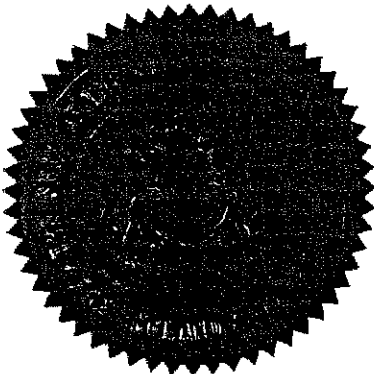
(3) The award of prizes under this clause shall be in accordance with rules made from time to time by the Trustee which may provide for the value and method of ascertainment and selection of prize-winners and, where appropriate, for any prize to bear the name of the donor or other person commemorated in the original title of any endowment contributed to the Prize Charity.

GENERAL PROVISIONS

15. Charity not to relieve public funds. The Trustee shall not apply income of the Charity directly in relief of rates, taxes or other public funds.

16. Questions under Scheme. Any question as to the construction of this Scheme or as to the regularity or the validity of any acts done or about to be done under this Scheme shall be determined by the Commissioners upon such application made to them for the purpose as they think sufficient.

Sealed by Order of the Commissioners this 31st day of March 1994.



Neil M. Mackenzie

ASSISTANT COMMISSIONER

- (b) in otherwise promoting the education (including social and physical training), either generally or individually, of beneficiaries.

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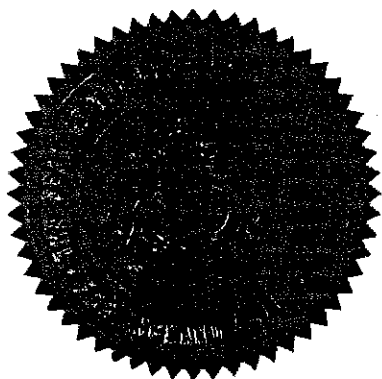
(3) The award of prizes under this clause shall be in accordance with rules made from time to time by the Trustee which may provide for the value and method of ascertainment and selection of prize-winners and, where appropriate, for any prize to bear the name of the donor or other person commemorated in the original title of any endowment contributed to the Prize Charity.

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Sealed by Order of the Commissioners this 31st day of March 1994.



ASSISTANT COMMISSIONER

Appendix 2 – Draft Scheme

THE CHARITY COMMISSION FOR ENGLAND AND WALES

Under the power given in the Charities Act 2011

Orders that from today, the

this

SCHEME

will alter or affect the existing trusts of] the charity

known as

THE RUGELEY EDUCATIONAL ENDOWMENT (528603)

at

Staffordshire

DRAFT

**A member of staff of the Charity Commission authorised to act on behalf of the
Charity Commission**

1. Definitions

In this scheme:

“the charity” means the charity identified at the beginning of this scheme.

“the Commission” means the Charity Commission for England and Wales

“existing trusts” means the scheme dated 31 March 1994.

“the trustee” means Staffordshire County Council.

2. Administration

The charity is to be administered in accordance with its existing trusts as altered or affected by this scheme.

3. Alteration of the existing trusts

The existing trusts will take effect with:

- (a) the definition of “eligible school” changed to any within the meaning of the Education Acts as defined in section 578 of the Education Act 1996 as amended from time to time and any regulations made under the Education Acts (including an Academy) in the area of benefit or by which the area of benefit is substantially served.

- (b) the following clause inserted immediately before clause 9:

The school premises of the foundation shall be held by the trustees on trust for the purposes of a school within the meaning of the Education Acts as defined in section 578 of the Education Act 1996 as amended from time to time and any regulations made under the Education Acts (including an Academy).

4. Questions relating to the Scheme

The Commission may decide any question put to it concerning:

- (1) the interpretation of this scheme; or
- (2) the propriety or validity of anything done or intended to be done under it.

Appendix 3 – Copy of Latest Accounts

Trustee's Annual Report for the period: 1 April 2016 until 31 March 2017

Administration details:

| | |
|-----------------------------|--|
| Charity name: | Rugeley Educational Endowment |
| Charity registration number | 528603 |
| Charity principal address: | 2 Staffordshire Place, Tipping Street, Stafford, ST16 2LP |

Objective:

| | |
|--------------------------|---|
| Governing document: | Title Deed registered with Charity Commission on 16 February 1972 and 31 March 1994 |
| Objective of the Charity | To provide for any eligible school equipment and other items, services and facilities for such school and thereby advance education thereat. In otherwise promoting the education either generally or individually of beneficiaries. The Trustee shall apply income in awarding prizes to pupils in recognition of their academic, artistic, moral or physical achievements, thereby furthering their education. Area of Benefit shall mean the area of Rugeley. Eligible school shall mean any secondary school in the Area of Benefit. Beneficiaries shall mean persons under 25 years of age who are or who have been pupils of an eligible school. |

Structure, governance and management:

| | |
|--------------------|---|
| Registered Trustee | Staffordshire County Council |
| Managing Trustees | Managing Trustees are Teachers, Governors or representatives of the eligible schools appointed by each school. Required checks were carried out prior to commencement of employment. |

Schools represented were:

The Hart School Academy

Financial details and summary of the allocation of funds

The Managing Trustees met regularly to consider requests and to allocate awards and grants to individual pupils and to each school to support various projects including the purchase of digital learning services and the award of student prizes and rewards.

The financial statements were supplied and analysed by the Managing Trustees minimum twice a year.

During the 2016/17 financial year, total income received from permanent and temporary investments was £79,152.49 and total expenditure was £66,369.30.

The details of the expenditure from the endowment was as follows:

| Area of expenditure | Amount £ |
|--------------------------------------|------------------|
| Financial Assistance/ Grants/ Awards | 37,902.19 |
| Educational Equipment | 5,451.45 |
| Cultural Activities | 16,470.66 |
| Educational Visits | 6,545.00 |
| Total | 66,369.30 |

Investments

| Name of Investment | Number of Units | Value at 31 March 2017 £ |
|----------------------|-----------------|-----------------------------|
| COIF Investment Fund | 159,215.19 | 2,212,135.85 |

Additional information

During the 2016/17 financial year, the Registered Trustee agreed to reinvest proceeds from the sale of all the holdings in the COIF Fixed Interest Fund, to buy further shares in the COIF Investment Fund.

Managing Trustees also committed expenditure to the value of £39,990.95 towards individual schools projects, which was unspent at the year end.

Independent Examination

The financial accounts of the charity for the financial year 2016/17 were checked and approved by an independent examiner from the Staffordshire Audit Service.



Signed on behalf of the Charity Trustees

Full name: Melanie A. Stokes

Position: Strategic Investment Manager

Date: 28/7/2017

RUGELEY EDUCATIONAL ENDOWMENT - TA0010

Statement of Income & Expenditure for the period 1 April 2016 - 31 March 2017

| | £ | £ |
|---|-------------------|------------------|
| Balance on temporary investment b/fwd 1 April 2016 | | 45,510.47 |
| <u>Income</u> | | |
| Interest on permanent investments | 79,040.86 | |
| Interest on temporary investments | <u>111.63</u> | 79,152.49 |
| <u>Expenditure</u> | | |
| Financial Assistance | (37,902.19) | |
| Educational Equipment | (5,451.45) | |
| Sporting/Cultural Activities | (16,470.66) | |
| Education Visits | <u>(6,545.00)</u> | (66,369.30) |
| Surplus income on temporary investment with: Staffordshire County Council at 31 March 2017 | | <u>58,293.66</u> |
| <u>Committed Expenditure</u> | | |
| (Please see attached breakdown for full details) | | (39,990.95) |
| Total available for expenditure at 31 March 2017 | | <u>18,302.71</u> |

Summary of Investments

| <u>Permanent Investment Type</u> | <u>Purchase Price</u> | <u>Nominal Value</u> | <u>Market Value as at 31 March 2017</u> | <u>Approx. Annual Income</u> | <u>Due</u> |
|--|-----------------------|----------------------|---|------------------------------|-----------------|
| | £ | | £ | £ | |
| COIF Fixed Interest Fund Shares* | 0.00 | 0.00 units | 0.00 | 15,768.00 | jun/sep/dec/mar |
| COIF Investment Fund Shares | 1,504,736.04 | 159,215.19 units | 2,212,135.85 | 61,703.00 | jun/sep/dec/mar |
| Total Market Value as at 31 March 2017 | | | <u>2,212,135.85</u> | <u>77,471.00</u> | |

*23 November 2016 - Charities & Trust Committee decision made to transfer COIF investments
295,649.59 units of COIF Fixed Interest Fund shares sold @ 137.60p per unit on 19.01.17
£393,053.94 proceeds reinvested to buy 28,377.7 units of COIF Investment Fund Shares @ 1386.08p per unit

RUSELEY EDUCATIONAL ENDOWMENT FUND
TAC0016

Breakdown of Expenditure
1 April 2016 to 31 March 2017

| Expenditure | The Hart School £ |
|--|----------------------|
| 1. Financial Assistance and Discretionary Grants | 27,668.24 |
| Total Financial Assistance and Discretionary Grants | 27,668.24 |
| 2. Bursaries | |
| Total Bursaries | 0.00 |
| 3. Educational Equipment | 5,451.46 |
| Total Educational Equipment | 5,451.46 |
| 4. Project Activities | 0.00 |
| Total Project Activities | 0.00 |
| 5. Music, Sporting and Cultural Activities | 26,714.61 |
| Total Music, Sporting and Cultural Activities | 26,714.61 |
| 6. Educational visits | 6,546.00 |
| Total Educational Visits | 6,546.00 |
| Total expenditure to 31 March 2017 | 68,388.30 |

RUSELEY EDUCATIONAL ENDOWMENT FUND

Breakdown of Committed Expenditure
as at 31 March 2017

| Committed expenditure | The Hart School £ |
|---|----------------------|
| Green Car (min 910-5, Nov 2013) | 1,832.62 |
| Geography, Lego, Kerboodle, OS Dictionaries (min 919-5, Nov 2013) | 0.00 |
| Art-Frames and Warhammer Club (min 919-11, Nov 2013) | 121.25 |
| Cerera Event in RAF Cosford (min 928 b, Feb 2014) | 0.00 |
| Provision of 8 lecterns and 6 pop-up displays (min 928d, Feb 2014) | 131.62 |
| Grant for Dean Priest to attend an event in Kenya (min 928e(8), Feb 2014) | 0.00 |
| Art-Art Gallery (min 937, June 2014) | 0.00 |
| Humanities-O.S.Dictionaries (min 937, June 2014) | 0.00 |
| Art- Improvements to Art Garden (min 937, June 2014) | 131.24 |
| Art- Artists in Residence across the academy (min 937, June 2014) | 386.60 |
| Media Studies- HD Camcorder, Microphone (min 937, June 2014) | 0.00 |
| Educational Visits (min 950 (1), Feb 2015) | 0.00 |
| Reward and Prizes (min 950(2), Feb 2015) | 0.00 |
| Reward and Prizes (min 962- Oct15) | 1,023.50 |
| Head's Discretionary Fund (min 992 - Feb 16) | 0.00 |
| School trip to Cambodia/Sier City £50 each for 20 pupils (min 994b - Feb 16, min 1028-3 - Feb 17) | 900.00 |
| Purchase of Ias for Hart Academy (min 994dii - Feb 16) | 0.00 |
| Kerboodle, digital learning service (min 1004i - June 16) | 148.03 |
| P.E. kit provision (min 1004ii - June 16) | 0.00 |
| Leisure Centre Autumn Term Twilight hours (min 1016(1)- Oct 16) | 0.00 |
| Discretionary fund Autumn term (min 1016(1)- Oct 16) | 1,910.26 |
| Prizes and Rewards Autumn Term (min 1016(1)- Oct 16) | 3,000.00 |
| Educational visits Autumn Term (min 1016(1)- Oct 16) | 750.00 |
| University Bursaries (min 1016(2)- Oct 16) | 300.00 |
| PE Kit provision (min 1016(3)- Oct 16) | 0.00 |
| Curriculum days (min 1016(4)- Oct 16) | 408.00 |
| Period 8 Curriculum (min 1016(5)- Oct 16) | 0.00 |
| Young enterprise (min 1016(6)- Oct 16) | 0.00 |
| Coaches (min 1016(7)- Oct 16) | 100.00 |
| Data logging solution science (min 1016(8)- Oct 16) | 1,806.53 |
| Leisure seating (min 1016(9)- Oct 16) | 4,820.00 |
| Discretionary fund Spring term (min 1026(1)- Feb 17) | 2,000.00 |
| Prizes and Rewards Spring Term (min 1026(1)- Feb 17) | 3,000.00 |
| Educational Visits Spring Term (min 1026(1)- Feb 17) | 2,000.00 |
| University Bursaries (min 1026(2)- Feb 17) | 85.00 |
| Curriculum days (min 1026(4)- Feb 17) | 2,700.00 |
| Coaches (min 1026(5)- Feb 17) | 2,000.00 |
| WestKey Dance (min 1026(6)- Feb 17) | 3,425.00 |
| Tactical Online learning science (min 1026(7)- Feb 17) | 3,217.00 |
| Steel Pans tuition (min 1026(8) - Feb 17) | 3,942.50 |
| Total committed expenditure | 39,990.95 |

Independent Examiner's Report to the Trustees of The Rugeley Educational Endowment - 528603

I report on the accounts of the Trust for the year ended 31 March 2017

Basis of independent examiner's report

My examination was carried out in accordance with the general Directions given by the Charity Commission. An examination includes a review of the accounting records kept by the charity and a comparison of the accounts presented with those records. It also includes consideration of any unusual items or disclosures in the accounts, and seeking explanations from trustees concerning any such matters. The procedures undertaken do not provide all the evidence that would be required in an audit and consequently no opinion is given as to whether the accounts present a 'true and fair view' and the report is limited to those matters set out in the statement below.

Independent examiner's statement

In connection with my examination, no matter has come to my attention:

- 1) which gives me reasonable cause to believe that in any material respect the requirements
 - to keep accounting records in accordance with section 130 of the 2011 Act; and
 - to prepare accounts which accord with the accounting records and to comply with the accounting requirements of the 2011 Act have not been met; or
- 2) to which, in my opinion, attention should be drawn in order to enable a proper understanding of the accounts to be reached.



Susan Bachelor
Audit Assistant
Staffordshire County Council
Finance
Staffordshire Place No 2
Floor 2
Stafford
ST16 2LP

Date: 12th June 2017