

<b>Local Members' Interest</b>	
Phil Hewitt	Cannock Chase – Etchinghill and Heath

### Charities and Trusts Committee

#### **The Rugeley Educational Endowment (Charity Number 528603) ('the Charity')**

#### **Proposal**

1. The Hart School, Penkridge Bank Road, Rugeley, WS15 2UE ('the School') converted to an Academy in 2011 and is part of Creative Education Trust (the Trust').
2. The Hart was judged as "good" by OFSTED in 2018 and increased popularity has seen pupil numbers grow in recent years. Numbers are beyond the current capacity of the School's buildings and there is further pressure on facilities from the county council's recent request for additional Year 7 places to avoid local children having to travel to schools outside Rugeley.
3. The Trust requires additional investment to provide improved facilities for pupils because the School is heavily impacted by aged buildings, insufficient learning spaces and a shortfall of useful social spaces that support student circulation, dining and recreation.
4. The School is proposing to commission detailed feasibility project work to carry out the following works:
  - (a) the creation of additional learning spaces by adding a sustainable modular building to the former caretaker's bungalow, further details of which are set out in Annex A hereto;
  - (b) the creation of additional social space by undertaking landscaping works, further details of which are set out in Annex B hereto; and
  - (c) the repurposing of the redundant swimming pool block that is currently derelict, further details of which are set out in Annex C hereto.
5. At this stage, it is estimated that the funds required for these works will be:

<b>Item</b>	<b>Estimated Cost</b>
(a) Modular building to provide additional learning space	£1,200,000
(b) Creation of additional social space	£520,000

(c) Repurposing of the redundant swimming pool block	£780,000
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6. The School therefore requests approximately £2.5 million from the Charity in support of these works, which it would like to commence as soon as it is able.
7. To date, no formal quotes for these works have been provided and these figures are estimates of the likely costs subject to further feasibility works. The School has not yet obtained quotes or further feasibility because it does not wish to invest significant amounts of funding in undertaking the further feasibility works without knowing that there would be funding available to complete the works.
8. The School considers that it is otherwise unable to fund this investment for the reasons set out in Annex D.
9. In recent years the School has received a grant from the Charity of around £85,000 annually. Of this amount the vast majority is applied by the School to purposes that generally enhance the life of pupils at the School. Such purposes include rewards to pupils, educational visits, Principal's discretionary payments, leisure centre twilight usage, provision of Chromebooks to pupils, Curriculum days, end of year theatre productions and dance and performance trips. Only around £3,000 is paid out per annum directly to pupils, permitting the School to enable them to buy books and other equipment to further their education.
10. The School recognises that it will need to continue to meet the amounts previously paid out for the benefit of pupils at the School out of School funds and that proper provision needs to be made to cover the cost of maintaining grants for educational purposes to pupils leaving the School should the maximum amount of funding requested be made available to the School by the Charity. For this reason, it is proposed that around £350,000 of the Charity's capital remains subject to the restrictions on expenditure. This will mean that this sum can remain invested to produce an income to continue to further the purposes of the Charity in future.
11. As the majority of Rugeley parents choose The Hart for their children, the proposed capital investment would benefit the maximum number of pupils. Even with the planned opening of a new free school in the town, a vibrant and viable School is essential to ensuring sufficient high-quality places are available to meet the growing needs of local families,

### **Report of the Director for Corporate Services**

#### **The Staffordshire County Council's role as a Charity Trustee**

12. Staffordshire County Council ('SCC') is the sole trustee of the Charity.
13. 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.
14. 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.
15. 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.
16. SCC delegates the day to day management and administration of the Charity to the Charities and Trusts Committee, which includes consideration of applications for funding made to the Charity.

### Summary

17. The School has made a formal request for investment of up to £2,500,000 to modernise the facilities available at the School because it considers that it is otherwise unable to fund the investment required to modernise the facilities at the School.

### Recommendations

18. It is recommended that the committee consider the request received and the available options.

### Background of the Charity

19. The Charity is governed by a scheme dated 31<sup>st</sup> March 1994 ('the 1994 scheme') as amended by a scheme dated 6<sup>th</sup> July 2018, copies of which are annexed hereto at Annex E ('the 2018 scheme').
20. The objectives of the Charity require the Trustee to apply the clear income of the Charity 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 advancing education thereat"; and
  - (b) "in otherwise promoting the education (including social and physical training) either, generally or individually, of **beneficiaries**".

21. The scheme defines "beneficiaries" as "persons under 25 years of age who are or who have been pupils of an eligible school".
22. Under the 1994 scheme "eligible school" was defined as "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" is defined as the former urban district of Rugeley as constituted on the 31st March 1974.
23. The definition of eligible school was amended by the 2018 scheme. Therefore for the purposes of the Charity's charitable objectives "eligible school" includes any school which is a "school" for the purposes of the Education Acts provided that school is situated in the area of benefit (as defined above) or by which the area of benefit is substantially served.
24. The rationale for updating the definition of "eligible school" at the time of SSC agreeing the 2018 scheme with the Charity Commission was to allow the Charity to support the School as an academy, which would not have been possible applying the definition of eligible school in the 1994 scheme. Since the 2018 Scheme was authorised, the Charity has supported the School and no other schools have benefited from funding from the Charity.
25. The amendment means that the Charity is no longer for the benefit of just secondary schools within Rugeley but for any school within Rugeley that satisfied the definition in the Education Act. The following schools are therefore also believed to be entitled to benefit from this Charity: Chancel Primary School; Chase View Community Primary School; Churchfield CE Primary Academy; Etching Hill CE Primary Academy; Forest Hills Primary School; Hob Hill CE/Meth(VC) Primary School; Redbrook Hayes Community Primary School; St Joseph's Catholic Primary School, The John Bamford Primary School; The St. Mary's CofE Primary School.
26. The scheme requires the Charity to invest in trust all sums of cash now or at any time belonging to the Charity other than income needed for immediate working purposes.
27. The Statement of Income & Expenditure for the Charity for the period from 1<sup>st</sup> April 2020 to and including 31<sup>st</sup> March 2021 is set out in Annex F.

### **Background of the School**

28. The School converted to an Academy in 2011, when it was known as Fair Oak Academy. It merged with the neighbouring Hagley Park School in 2016. The combined school has been located solely on the Fair Oak site from September 2018 and has been part of the Trust since academisation.
29. The buildings where the School is now located were constructed in the late 1950s, designed for 950 pupils and are generally in a very poor state of repair.

This is in spite of the substantial capital investment to improve facilities that has been made in the School by the Trust since academisation in 2011; further details of this are set out in Appendix D.

30. The Trust/School have advised of the challenges to the School estate at The Hart. There is a swimming pool at the School which has lain unused for several years and will never be capable of use in the future. Changing rooms are of an unacceptable standard. The gym is outdated and dilapidated. The School is now oversubscribed with a forecast of 1,253 pupils in September 2021 and there is insufficient space for catering, for sixth form study or for recreation. Science labs are of poor quality and of insufficient capacity. There is insufficient classroom space to house the increased number of pupils, which will be exacerbated by the School/Trust's agreement with the county council to admit a further 60 Year 7 pupils.
31. A point has been reached where the Trust and the School consider that the current accommodation is unacceptable to provide an environment for children in Rugeley to learn and to thrive. The situation is exacerbated by the increase in the number of disadvantaged children both in total and as a percentage of all pupils. These pupils could be further disadvantaged if they were required to travel to undersubscribed schools in Cannock or Lichfield to receive their education (these being the closest realistic alternatives): longer days; more difficult to access after school clubs, activities and catch up; less likely to be able to participate in events to raise cultural capital.
32. The Trust / School considers that the position of the School as a viable place to educate the children of Rugeley will be negatively affected further by the free school that has been announced on the site of the former power station close to the town (it is anticipated that it would open to Year 7 secondary students in September 2024). It is inevitable that the School will be unable to compete in terms of the quality of the buildings and facilities and so will lose substantial numbers of pupils, which in turn will lead to a further decline in its financial condition, meaning that it will have no funds to improve the condition of the School beyond the relatively modest amounts available from school condition allocation. Thus, a further spiral of decline would be very hard to avoid.

## **Options**

33. In the circumstances, there are the following immediately apparent options available to the Charities and Trusts Committee:
  - (1) refuse the request for investment;
  - (2) refuse the request for investment but provide funding to enable feasibility studies to be undertaken before considering the request again;

- (3) release the restrictions on spending the Charity's capital and agree in principle to funding of £2,500,000 subject to the concurrence of the Charity Commission and subject to the grant agreement being entered into between the parties. If this option is selected the trustees would be required to pass the draft resolution annexed hereto at annex G with such amendments as the trustees shall require;
- (4) as option 3 above but with a different funding sum.

### **Equalities Implications**

- 34. The statutory functions discharged by the Charity Trustee are subject to a separate and distinct statutory regime underpinned (principally) by the Charities Act 2011, the Trustee Acts 1925 and 2000 and relevant Charity Commission guidance. These are non-executive functions and are therefore not subject to the Equalities Act 2010 provisions.

### **Legal Implications**

- 35. Management and governance arrangements for charitable trusts are set out in the constitution under which they were established. Charity trustees in making decisions must also comply with the Charities Act 2011, the Trustee Acts 1925 and 2000, other relevant legislation and guidance issued by the Charity Commission.
- 36. Charity trustees have a duty to ensure that the charity's assets are applied in advancement of the charitable purposes for the public benefit. Trustees also have a duty to act solely and exclusively in the interests of their charity and protect the charity's assets.
- 37. Decisions taken by the Committee on behalf of SCC as trustee of the Charity must be expedient in the interests of the charity at all times and should be taken in accordance with the Charity Commission's guidance on decision-making. This guidance essentially requires trustees to consider all relevant factors, disregard irrelevant factors, take professional advice (if required) and manage conflicts of interest.
- 38. The scheme governing the Charity provides for the assets of the Charity to be invested in trust and for only the income to be applied in advancing the Charity's purposes. This creates a permanent endowment.
- 39. The funds available as income are around £85,000 annually. The capital value as at 31 March 2021 was £2,854,155. Therefore, in order to be able to provide the funding requested by the School, the Committee will need to consider releasing the restrictions on spending part of the Charity's capital.
- 40. There is a power under the Charities Act 2011 which allows charity trustees to resolve to release the restrictions on expenditure of capital applicable to the

charity's assets. The power may be exercised to release all or part only of the charity's capital from the restrictions on expenditure.

41. The resolution must be approved by at least two-thirds of the Committee members present and voting at a meeting of the Charity. The Committee must determine that the charitable purposes of the Charity could be carried out more effectively if the capital (or part of it) could be spent as well as the income accruing to the capital, rather than just the income.
42. In accordance with the requirements of the Charities Act the resolution, if passed, must be sent to the Charity Commission together with a statement of reasons for passing it. The Commission then has the period of three months from the date of receipt of the resolution to "concur" with it. During this time, the Commission could request further information from SCC as trustee or require SCC to give public notice of the resolution. If either further information is requested or public notice required, the three month period within which the Commission must concur with the resolution will be paused. The resolution will not take effect until the Charity Commission has concurred with it.
43. The Commission will need to be satisfied that, if the resolution is to take effect, implementing it will "accord with the spirit of the gift" (i.e. the basic intention underlying the original gift) and that SCC, as trustee, has otherwise complied with the relevant provisions of the Charities Act 2011.
44. Due to the process required to be followed, the School/Trust would like consideration to be given to releasing part of the capital (i.e. £2.5 million) from the restrictions on expenditure to allow for maximum flexibility (Option 3). The Charity Commission is unlikely to look favourably on repeated requests in a short period of time. The Charity Commission also has limited capacity generally and turn-around times are slow. This suggested approach would also reduce the time and cost involved in considering future resolutions (which would require the Charity Commission to concur with each one) on a piecemeal basis. The Committee would not, at present, be able to fully commit to providing the funding requested due to the restrictions on spending the Charity's capital.
45. If the Charity Commission were to concur with the resolution to release part of the capital from the restrictions on expenditure, the Committee need not spend it all in supporting the School (as requested). The Committee (acting on SCC's behalf) would still have discretion over how the Charity's funds were spent in advancing the objects. However, it would give the Committee the flexibility required to meet the funding requests if it considered it is in the Charity's best interests to do so.

### **Resource and value for Money Implications**

46. There are few financial implications for the Charity Trustee other than exposure to the legal fees associated with any correspondence with the Charity Commission and legal fees associated with agreements required in connection

with the release of the funding unless it is agreed that these will be otherwise paid by the School or the County Council.

### **Risk Implications**

47. Provided any resolution passed is in the interests of the Charity and in accordance with the Scheme and further provided that any directions from the Charity Commission are followed, there should be minimal risk.
48. The value of the endowment can go up or down as this is invested in the stock market. Therefore, there is no guarantee that if funding of £2,500,000 is made available that £350,000 capital will remain. The level of capital remaining could be more or less depending on the value of the endowment on the date that the capital is made available.

### **Report Author:**

Legal Services Unit, Staffordshire County Council



## **Annex A – Modular building to provide additional learning spaces**

Provision of additional learning spaces by utilising the now defunct caretaker's bungalow to the North entrance of the site. The plot is currently largely unused save for SEND spaces and is some 580 square metres in total. Some initial volumetric studies are currently underway with Net Zero Buildings Ltd (a framework provider to ESFA). Some initial 3D modelling has identified potential for opportunity for some 350sqm of sustainable modular building. It is considered that a likely budget for a new sustainable modular build would be £1.225 million using ESFA framework rates plus a further £175K for demolition of the existing building. Of this amount it is intended that £1.2 million would be funded by grants from the Charity.



1 External Perspective



3 External Perspective



2 External Perspective



4 External Perspective

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MetzZero  
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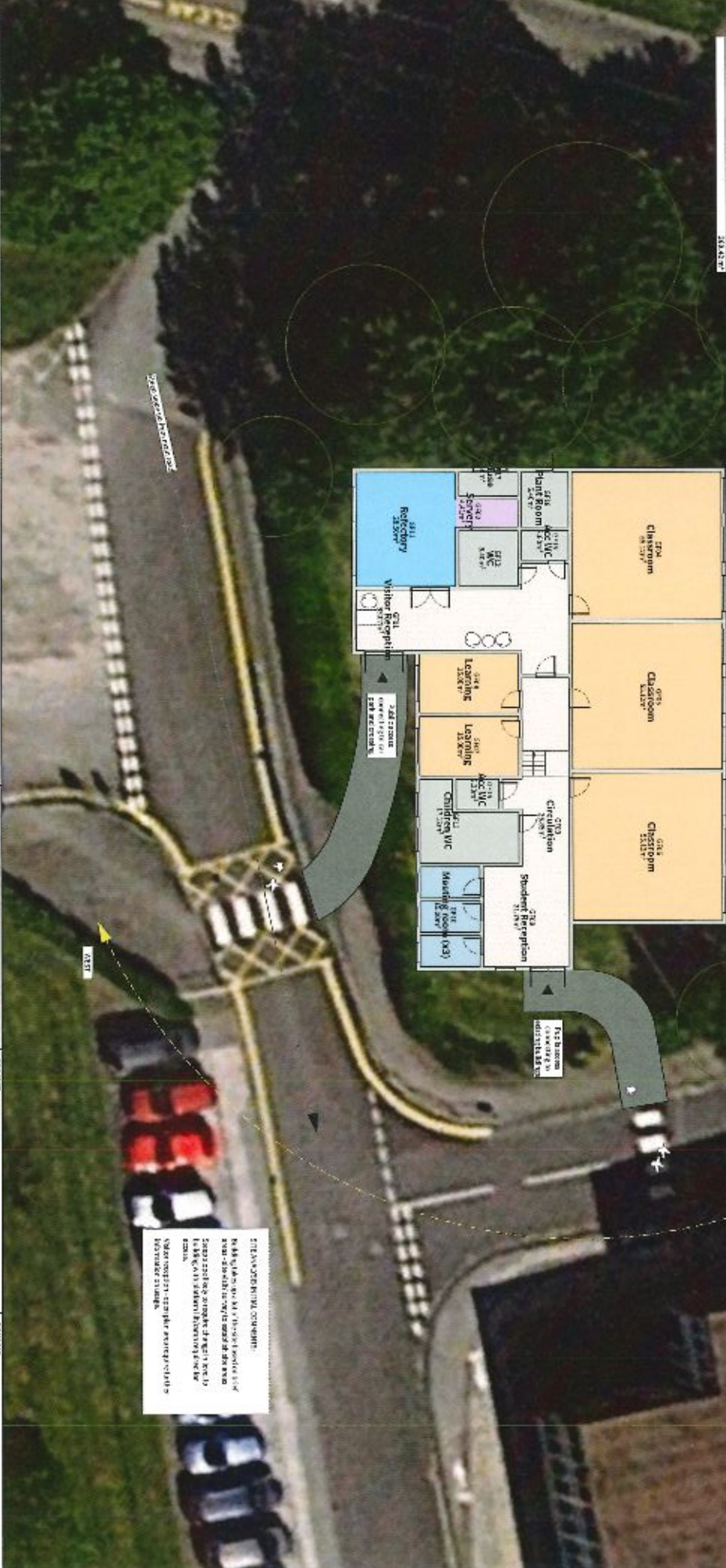


PROJECT  
Hart School  
Newbury  
Newbury, Berkshire, UK

PREPARED BY: [Name]  
DATE: [Date]  
PROJECT APPROVAL: [Name]  
DATE: [Date]

PROJECT GENERAL INFO	
PROJECT NAME	HAIR SCHOOL
CLIENT NAME	HAIR SCHOOL
DATE	22/02/2022
ACTUAL AREA	
NO. OF FLOORS	1.00
TOTAL AREA	5,613.00
USE	SCHOOL
NO. OF STUDENTS	400
NO. OF TEACHERS	25
NO. OF CLASSROOMS	50
NO. OF LABORATORIES	5
NO. OF OFFICES	5
NO. OF RECEPTION AREAS	2
NO. OF STORES	2
NO. OF CLOAKS	2
NO. OF BATHS	2
NO. OF SHOWER ROOMS	2
NO. OF TOILETS	2
NO. OF STORAGE AREAS	2
NO. OF OTHER AREAS	2
TOTAL	214.00

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**SITE ANALYSIS COMMENT:**  
 The site is located on a road with a high level of traffic. The site is surrounded by residential properties. The site is well-served by public transport. The site is well-served by parking spaces. The site is well-served by green spaces. The site is well-served by a range of facilities. The site is well-served by a range of services. The site is well-served by a range of amenities. The site is well-served by a range of facilities. The site is well-served by a range of services. The site is well-served by a range of amenities.

**PROJECT INFORMATION**  
 PROJECT NAME: HAIR SCHOOL  
 PROJECT ADDRESS: [REDACTED]  
 PROJECT CONTACT: [REDACTED]  
 PROJECT DATE: 22/02/2022

**SCALE**  
 1:1000

**LEGEND**  
 [Symbol] [REDACTED]

**NetZero Buildings**  
 ARCHITECTS  
 1000 [REDACTED]  
 [REDACTED]

PROJECT		DATE	
PROJECT NAME	HAIR SCHOOL	DATE	22/02/2022
PROJECT ADDRESS	[REDACTED]	DATE	22/02/2022
PROJECT CONTACT	[REDACTED]	DATE	22/02/2022
PROJECT DATE	22/02/2022	DATE	22/02/2022
PROJECT STATUS	PRELIMINARY	DATE	22/02/2022
PROJECT TYPE	SCHOOL	DATE	22/02/2022
PROJECT LOCATION	[REDACTED]	DATE	22/02/2022
PROJECT REFERENCE	HAIR-NZ-5-21-05-DR-4-0101-S3-P01	DATE	22/02/2022

## **Annex B –Creation of additional social spaces**

Provision of additional social space to the South elevation of the school. Some initial landscaping proposals have been developed by LUC, a specialist landscape architect. The suggested options could provide a further 2,200 square metres of social space to the South elevation. This scheme would provide a sustainable feature for the school. Initial costing suggestions for 2,200 square metres equate to a cost of £520K.

The Hart School

## Southern Playground Landscape First Thoughts

Preliminary Ideas -  
No survey information available and we have not  
been to site.

10th February 2021  
Prepared by LUC

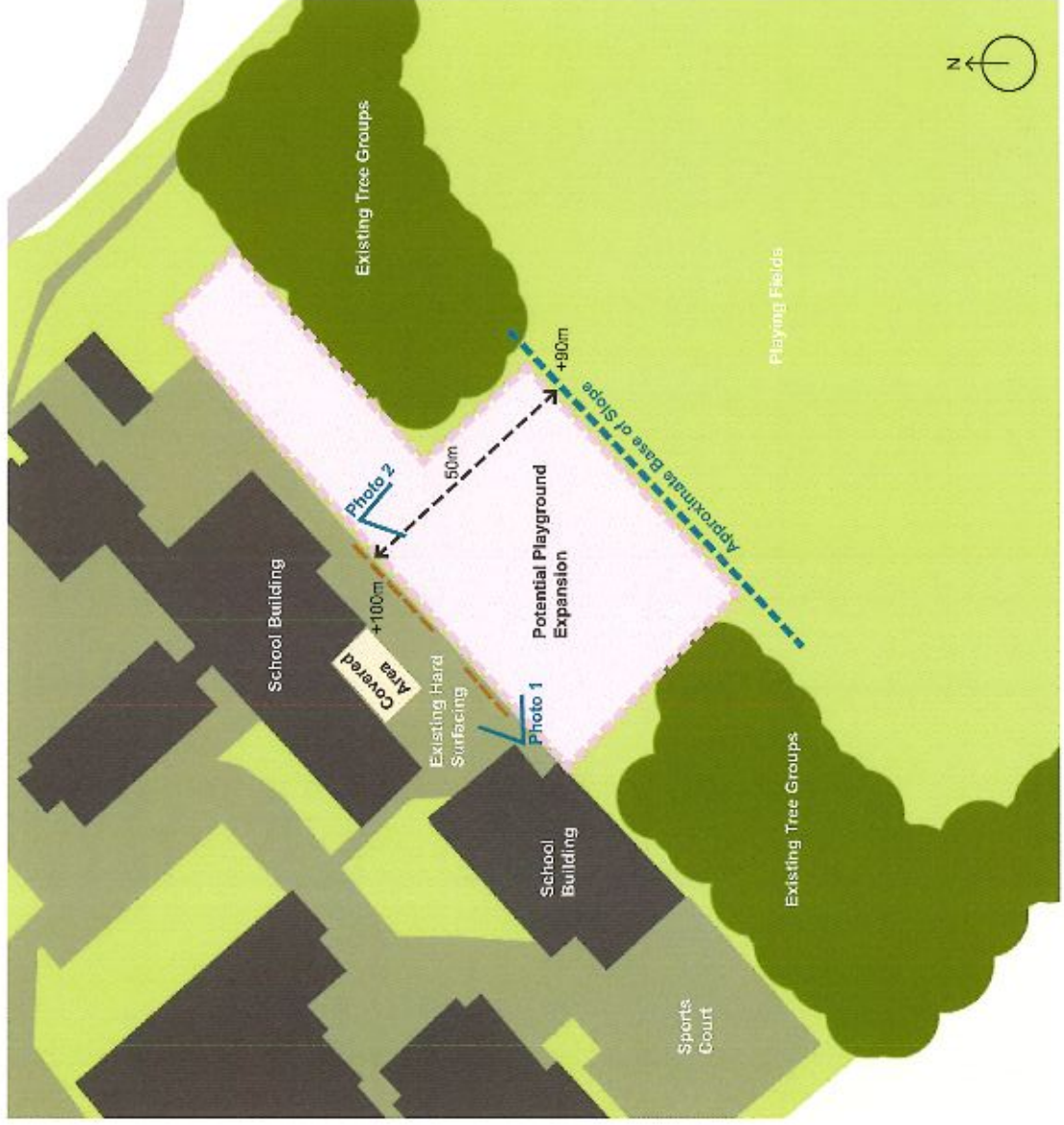
## The Hart School Existing Site Context



### General Observations

- School perched on an elevated position, with approximately a 10-15m level change across the core of the site.
- Green context, with open views to the southeast
- Mature tree planting sets the school buildings into their context
- Steep level change between the built elements and playing fields

## The Hart School Expanding Playground Space



Existing Photo 1

- Existing playground areas. Space approximate 5-20m wide



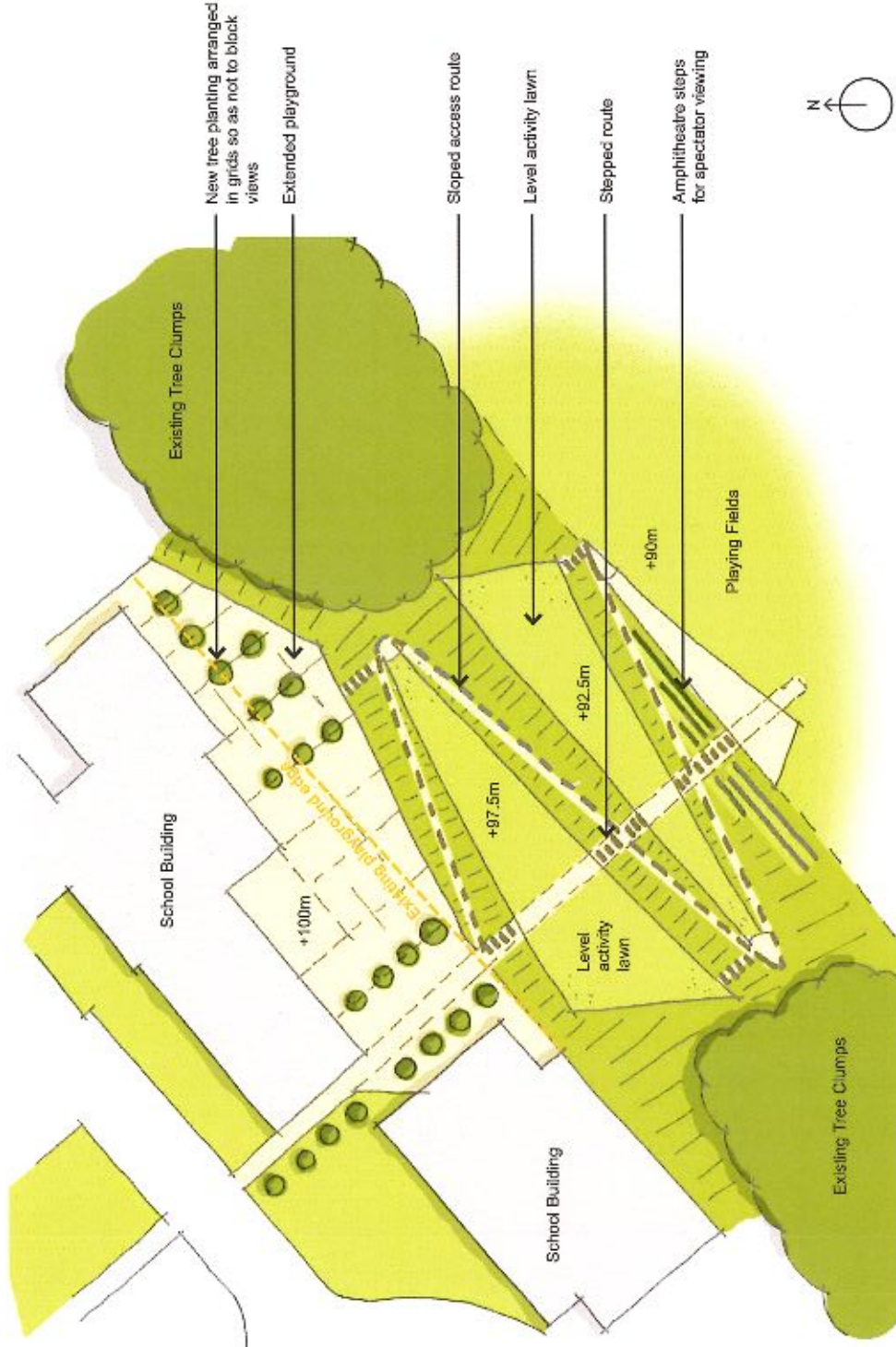
Existing Photo 2

- View from top of existing slope. Approximate level change 10m, slope gradient in the region of 1:5.

## The Hart School Sketch Proposal

### Design Opportunities

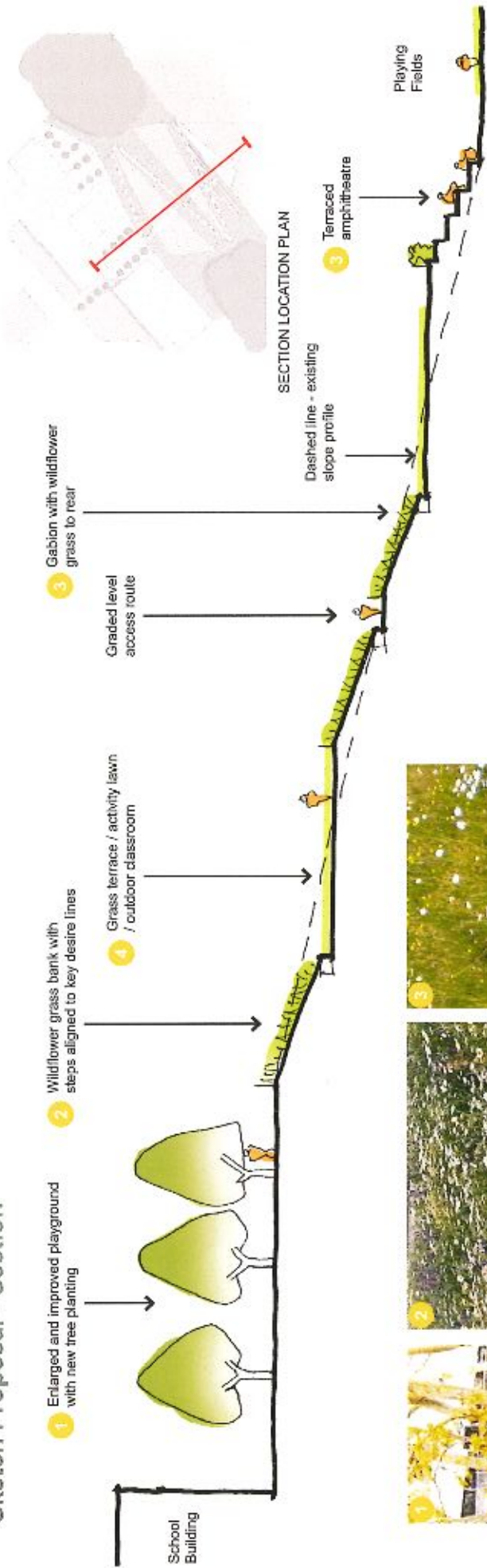
- Create an accessible sloped route from the upper playground to the sports fields for access to all.
- Supplement level route with more direct stepped access aligned with the route through the centre of the school.
- Expand the upper playground out into the slope to create a larger usable space.
- Create level plateaus in the slope for general recreation or learning spaces / outdoor classrooms.
- Potential for additional tree planting to upper playground.
- Steeper slopes to be seeded with wildflower grasses to promote biodiversity.
- Low gabions to be added to key slopes and against paths with opportunities for inbuilt seating.
- Possible amphitheatre to base of slope for spectator viewing.



NOTE: Levels estimated, no survey information available.



# The Hart School Sketch Proposal - Section



PRECEDENT IMAGES

## **Annex C – Repurposing of the derelict swimming pool block**

To re-purpose the defunct swimming pool block, which is currently derelict. The block is in a considerable state of disrepair and is of some 280 square metres in area. There are two options that are to be taken through a feasibility study. Option 1 would be to demolish and to provide an additional dining/catering or refectory space. This would then free up space in the existing canteen area and further learning space could be reclaimed. Option 2 would be to create two unique performing arts studio spaces. The likely cost of achieving this would be between £650K and £780K.



## **Annex D – Information from the School regarding the financial position of the School**

The financial position of the School is extremely challenged due to a number of historical factors:

- Declining pupil numbers between 2012 and 2018: over this period pupil numbers across the two sites then occupied fell from 1,522 to 1,128. Since then numbers have recovered in 2020 to 1,195 and are forecast to exceed 1,250 in 2021.
- The cost of running two sites up to 2018: the School was formed by the merger of two adjacent schools and both school sites were maintained up to this date. This resulted in very significant diseconomies of scale as pupil numbers continued to fall. The position only began to improve when it became possible to accommodate all pupils on a single site, but even then it has cost around £140,000 p.a. to maintain the vacant Hagley Park site.
- Low per pupil funding: funding is determined in part by the deemed level of deprivation in the area in which pupils live. Deprivation in Rugeley has been measured as being artificially low due to the high level of owner occupation in the town caused by the gift of homes to former power workers as the industry closed down. This has meant that the level of funding has been amongst the lowest in the country and accordingly that the school has been unable to meet its costs.

The financial results of the School over the last three years in consequence are as follows:

	Deficit
2017/18 (actual)	£1,170K
2018/19 (actual)	£420K
2019/20 (actual)	£358K
2020/21 (projected)	£114K

As at 31 August 2020 the School had a deficit on reserves of £2.5 million.

The School has no access to additional funding other than that provided by Creative Education Trust. Historically this has been very considerable:

- Since 2015 Creative Education Trust has funded the School's operating losses of £3.4 million.

- In addition, the Trust has provided £2.4 million in capital funding over this period to improve the facilities and the environment at the School.

It is not feasible for the Trust to continue to fund the School in this way. Revenue funding is specifically targeted at the day to day running of the 17 schools across the Trust and is not intended to provide capital funding for improvements to schools. School condition allocation is provided for this purpose, but the Trust has to balance the needs of all of its schools in deciding how to allocate these funds, even as it continues to meet the normal recurring capital expenditure needs of the School. Historically the School has been disproportionately favoured as against its other schools.

The Trust has recently carried a survey of all of its schools and has concluded that it needs £21.7 million of capital funding to meet the needs of the schools over the next five years, not including the works outlined above. Set against this, school condition allocation at current rates would provide only £9 million of this amount.

As noted below, the School is concerned that it faces a continued and severe decline in its physical condition in the absence of further essential investment. In the absence of this, and in the face of the threat from a new free school close by, the School will become unable to provide an environment of sufficient quality within which to educate its pupils.

## Annex E – Charity Scheme

Sealed 31st March 1994

N58(S)

94

C

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

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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.

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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.

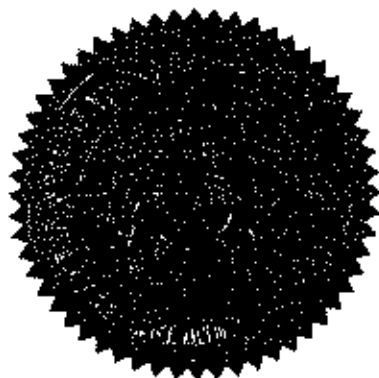
(3) The award of prizes under this clause shall be in accordance with rules made from time to time by the Trustee which may provide for the value and method of ascertainment and selection of prize-winners and, where appropriate, for any prize to bear the name of the donor or other person commemorated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

ASSISTANT COMMISSIONER

- (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.

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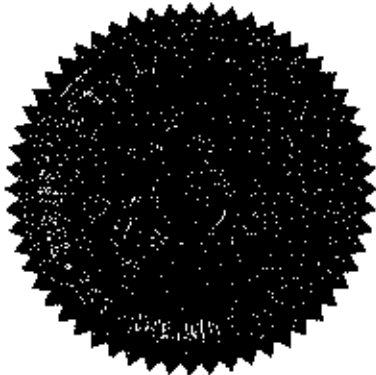
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15. Charity not to relieve public funds. The Trustee shall not apply income of the Charity directly in relief of rates, taxes or other public funds.

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



ASSISTANT COMMISSIONER

**THE CHARITY COMMISSION FOR ENGLAND AND WALES**

Under the power given in the Charities Act 2011

Orders that from today, the

**6 July 2018**

this

**SCHEME**

will alter or affect the existing trusts of] the charity

known as

**THE RUGELEY EDUCATIONAL ENDOWMENT (528603)**

at

Staffordshire

**Nia Jones**

**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:

- (1) 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.

- (2) 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.

## **Annex F - Statement of Income & Expenditure**

**RUGELEY EDUCATIONAL ENDOWMENT - TA0010**

**Statement of Income & Expenditure for the period 1 April 2020 - 31 March 2020**

	£	£
Balance on temporary investment b/fwd 1 April 2020		72,720.37
<u>Income</u>		
Interest on permanent investments	62,683.01	
Interest on temporary investments		82,883.01
		<hr/>
<u>Expenditure</u>		
Discretionary Grants	(12,088.52)	
Financial Assistance	(484.23)	
Educational Equipment	(16,740.95)	
Sporting/Cultural Activities	(13,041.31)	
Education Visits	(25,253.58)	
Other services		(87,588.59)
		<hr/>
Surplus income on temporary investment with Staffordshire County Councils at 31 March 2020		<u>67,816.79</u>
<u>Committed Expenditure</u>		
(Please see attached breakdown for full details)	(29,542.21)	(29,542.21)
<b>Total available for expenditure at 31 March 2020</b>		<u><b>38,274.58</b></u>

**Summary of Investments**

<u>Permanent Investment Type</u>	<u>Purchase Price</u>	<u>Nominal Value</u>	<u>Unit Value</u>	<u>Market Value as at 30 DEC 2020</u>	<u>Forecast Annual Income</u>	<u>Due</u>
	£	Units		£	£	
COIF Investment Fund Shares	1,504,736.04	158,215.18	1,801.14	2,867,688.47	85,170	jun/sep/dec/mar
Total Market Value as at 31 March 2020				<hr/> 2,867,688.47	<hr/> 85,170	

## **Annex G – Draft Resolutions**



## The Rugeley Educational Endowment

### Draft resolution

- 1.1 *In exercise of the power conferred on it by section 282 of the Charities Act 2011, SCC (in its capacity as trustee of the Charity) acting by the Charities and Trusts Committee, and being satisfied that:*
- 1.1.1 *the School has demonstrated significant need to improve the facilities available to current and future pupils;*
  - 1.1.2 *the School is in the "area of benefit" as defined in the Scheme regulating the Charity;*
  - 1.1.3 *the purpose for which the funding has been requested is in keeping with the spirit of the gift and clearly advances the Charity's charitable purposes for the public benefit;*
  - 1.1.4 *the proposals put forward by the School for funding by the Charity have longevity and therefore thousands of young people and the wider community will be able to benefit from the improved facilities available at the School;*
  - 1.1.5 *as far as the Committee is aware, no other school within the area of benefit has a need as great as the School and therefore is it considered appropriate, in principle, to made a substantial amount of funding available for the School to improve its facilities;*
  - 1.1.6 *a sufficient amount of the Charity's capital will be retained and will continue to be invested; the income accruing to such capital will therefore continue to be available to the Charity to advance its purposes in future;*
- hereby resolves that investments held by the Charity to the value of £.....  
(representing some of the Charity's capital assets) shall be freed from the restrictions with respect to the expenditure of capital that apply to them.*
- 1.2 *It was noted that the resolution would not take effect immediately, and a copy of the resolution would need to be submitted to the Charity Commission and the Commission would need to concur with the resolution in accordance with section 284 of the Charities Act 2011 before any action is taken to spend part of the capital of the Charity.*
- 1.3 *SCC (in its capacity as trustee of the Charity) acting by the Committee further resolves that the legal services unit be instructed to send a copy of the resolution, together with a statement of the reasons for passing it, to the Charity Commission as soon as possible following the meeting.*