

HURST HOUSE

AND THE CHESTERFIELD SCHOOLS FOUNDATION

SUMMARY

During 2017 the committee of the Chesterfield & District Civic Society became concerned that Hurst House, a large early Victorian property used since 1928 first as an annexe to Chesterfield grammar school and later as an adult education centre, had been standing empty for about three years. Hurst House is a listed building in a conservation area.

Our enquiries soon established that Hurst House belongs to the Chesterfield Schools Foundation, a charity established in 2002 to administer the endowment of the former Chesterfield grammar school and smaller sums from Chesterfield St Helena school. The sole trustee of this charity is Derbyshire County Council.

The objects of the charity, as set out in the scheme issued by the Charity Commission in 2002, are very similar to those of the Webster Whittington Charity, i.e. to provide financial assistance to young people aged between 11 and 25, especially when leaving school and entering further or higher education, and also to assist schools within a specified area. The six schools eligible for grants from the Chesterfield Schools Foundation are Brookfield, Hasland Hall, Outwood (in Newbold), Parkside (in Boythorpe), Whittington Green and St Mary's.

Since 2002 the county council, as trustee of the Chesterfield Schools Foundation, appears to have made no grants to any of these schools, or to their pupils or former pupils. The county council has, however, as trustee, awarded a total of £187,300 from the Foundation's funds to the county council as an education authority. The Foundation had cash resources of about £425,000 before these awards were made and an income (chiefly in rent from Hurst House) of about £26,000 a year. It currently has about £250,000 in cash and an income of about £1,300 a year.

In July 2017 the Civic Society, concerned both that Hurst House was standing empty and that the county council, as trustee, had awarded a substantial sum from the Foundation's funds to the county council as an education authority, submitted a memorandum to the Charity Commission. This rehearsed the history of the Chesterfield Schools Foundation since 2002 and asked the Commission to investigate the county council's conduct as sole trustee of the Foundation.

We consider that this is a matter of serious concern to anyone interested in the education and welfare of young people in Chesterfield, or in the built environment of the town, which is not improved by leaving a prominent listed building empty for several years. For this reason we are making available on the Civic Society website (1) the memorandum submitted to the Charity Commission, (2) subsequent correspondence with the Commission, and (3) relevant county council reports.

CHESTERFIELD SCHOOLS FOUNDATION

Registered Charity no. 527170

Memorandum by the Chesterfield & District Civic Society¹

Introduction

- 1 The Chesterfield Schools Foundation was created to administer the endowment of the former Chesterfield School (a boys' academic secondary school, which closed in 1991) and prize funds belonging to both that school and Chesterfield St Helena School, a girls' academic secondary school which also closed in 1991. Chesterfield Grammar School (as Chesterfield School was known until 1947) was established c.1598, following a bequest left for that purpose in the will of Sir Godfrey Foljambe of Walton, near Chesterfield, who died in 1585. The first modern scheme for the administration of the grammar school was made in 1879. The school occupied premises on Sheffield Road, close to the town centre, from its foundation until 1967, when it moved to new buildings at Brookside, on the western outskirts of Chesterfield.
- 2 The Chesterfield & District Civic Society was established in 1964 and is a registered charity (no. 507458) with the usual aims and objects of such organisations, including the preservation and enhancement of the built environment and heritage of Chesterfield and neighbouring communities. This memorandum has been drafted by its chairman and approved by its committee. It also draws on comments by trustees of the Old Cestrefeldians Trust, a charitable incorporated organisation (company registration no. 8905242) established to hold artefacts, archives etc. of the former grammar school. The Trust is not, however, responsible for any of the statements or opinions expressed in this memorandum
- 3 The Chesterfield Schools Foundation's main asset, apart from its cash balance, is the freehold of a large, early nineteenth-century property (Hurst House, 11 Abercrombie Street, Chesterfield), purchased by the governors of the grammar school in 1928 but not transferred by the governors to the county council in 1940, when the school (having previously been an independent endowed school) became a county secondary school. Hurst

¹ It should be noted that this memorandum was prepared in July 2017, before the Civic Society discovered that the county council, as sole trustee of the Chesterfield Schools Foundation, had made further payments to the county council, as an education authority, raising the total sum given in this way from £146,000 to £187,300. The memorandum was also written before the county council decided to sell the Foundation's freehold interest in Hurst House, Abercrombie Street.

House is a grade II listed building in a conservation area. For some years the Foundation received a rental income, latterly of about £26,000 p.a., from the property. This tenancy was determined in July 2014, since which date Hurst House has stood empty and appears to be deteriorating.

- 4 This memorandum sets out the history of the Chesterfield Schools Foundation since 2002 (and to some extent before). It goes on to make serious allegations concerning the mismanagement of the charity by its sole trustee, Derbyshire county council. We have not taken this step lightly but we are concerned that, at best, the charity is not being administered in accordance with good practice, and, at worst, not in accordance with the law.

Chesterfield Schools Foundation

- 5 When the governors of the grammar school transferred the school to the county council in 1940, they agreed to hand over the site and buildings occupied by the school on Sheffield Road and 28 acres of land at Brookside. This land was purchased for playing fields in 1928 but from 1935 it was agreed policy that the school should be rebuilt at Brookside and the Sheffield Road site transferred to Chesterfield technical college, which occupied adjoining premises. None of the Sheffield Road or Brookside estate was let at the time of the transfer and therefore the governors received no income from it. The only income from real property transferred was £5 4s. a year paid by the London & North Eastern Railway as an acknowledgement of its right of way over Wharf Lane, which was laid out across school land when the Chesterfield Canal was built in the 1770s; £8 rent-charge from a farm at Ballidon in south-west Derbyshire; and a 2s. easement from the Post Office for telegraph poles. The rest of the school's endowment was held in stock, mainly 2½ per cent Consols, which in 1939 had a total value of £30,131, on which the governors were receiving an income of £897 p.a. In addition, the governors held a further £2,385 in 2½ per cent Consols, producing £60 p.a., which was used to fund the Scott Robinson prize, the G.A. Eastwood scholarships and the Archdeacon Hill leaving exhibitions. A statement of the charity's property is included in a scheme of 1940 under which the county council replaced the governors as sole trustee of the school's endowment.
- 6 Under the agreement between the governors and the county council and the scheme of 1940, all the stock, as well as the school's real property, was transferred to the county council. The funds for the prizes and scholarships were to continue to be used for the purposes specified by the donors. Of the remainder, half was to go to the county council outright as the governors' contribution to the cost of new buildings at Brookside. The other half was to be placed in a new charitable trust (replacing that established in 1879 and modified several times afterwards), of which the county council would be the sole trustee. At the time, it was envisaged that the income from this trust (about £450) would continue to be used to provide free places at the school and any surplus would pay for additional books and equipment which could

not be bought from the school's county council allowance. After fees at secondary schools were abolished by the 1944 Education Act, the income was used solely for the second of these purposes. Not until 1961, however, was a new scheme issued to cover this change, and also take account of the renaming of the school in 1947. This scheme allowed the county council, as trustee, to pay out of the net income of the charity each year sums 'as they think fit in providing for Chesterfield School special benefits of any kind not normally provided by them as Local Education Authority', and to use any residue for various types of award to pupils leaving school for university, college or employment.

- 7 After Chesterfield School closed in 1991 the charity seems to have been forgotten about for several years. Only in 2002 was it remodelled to suit the changed circumstances of secondary education in the town. The funds which had previously been used for prizes or scholarships at Chesterfield School and at St Helena School were merged with the rest of the capital from the grammar school's endowment and the whole placed in a new charity known as the Chesterfield Schools Foundation, of which the county council remained sole trustee. The objects of the charity were, first, to promote education by the provision of equipment and other items, service and facilities for any secondary school within the borough of Chesterfield as it existed immediately before the boundary extension of 1974 (i.e. the present local authority area, less Brimington and Staveley). Second, the charity was to promote the education of young people aged 11–25 in need of financial assistance, who were attending (or had attended) schools in the old borough, by providing grants for those going into either employment or further or higher education, including help with books, outfits, tools etc., and also by the provision of travel grants. In other words, the income was to be used in much the same way as it had been since the abolition of fees in 1944 but would henceforth benefit pupils from six schools, instead of only one. These were the five new county schools in the town (Brookfield, Hasland Hall, Meadows, Newbold and Parkside) and St Mary's, a voluntary aided Catholic high school. Brookfield and Newbold (the latter renamed Outwood Academy Newbold) have since 2002 become academies, and St Mary's has become a Catholic academy. All six schools remain open.
- 8 The issue of a new scheme appears not to have led to any greater inclination on the part of the county council to apply the income as the scheme directed. It has long been customary for trustees of charities of this sort to remind potential beneficiaries each year of the availability of awards, to meet once or twice a year to consider applications, and to make grants. The only similar charity whose beneficial area overlaps with that of the Chesterfield Schools Foundation is Webster's Whittington School Charities and Estates charity, which in the nineteenth century provided several elementary schools in the ancient parish of Whittington, which adjoins Chesterfield to the north. The civil parish of Whittington (which was co-terminous with the ancient parish) was absorbed into the borough of Chesterfield in 1920. After their schools passed to Chesterfield Corporation (as an elementary education authority under Part

III of the 1902 Education Act), the trustees adapted their charity to offer the same sort of assistance for school-leavers as those set out in the 1961 and 2002 schemes for the former grammar school charity. The striking difference is that, whereas the secretary to the Webster trustees draws attention to the availability of grants each year by a letter in the *Derbyshire Times* (most recently in the issue dated 16 June 2017) we have found no evidence that the county council advertised its own scheme after 1991 either in the Press, by circulars to headteachers, or any other means. In 2013 an officer of the county council (in a report to the relevant cabinet member) admitted that, despite the power conferred on the authority by the scheme of 2002 to make rules for the administration of the Foundation, it had not done so. Indeed, it appears to have been as inactive after 2002 as it was before. This led in 2008 to the Charity Commission removing the charity from the register on the ground that it no longer operated, although in May the following year it was restored.

- 9 What may have prompted officers – there is no evidence of interest on the part of elected members – to realise that the county council was the sole trustee of a charity with a substantial endowment was the sale to Chesterfield College in 2011 of the old grammar school canteen of 1956, which after the move to Brookside had been used by St Helena. This raised £50,000, which (as officers realised) belonged to the Chesterfield Schools Foundation and not to the county council. At this date the charity also had an income of about £26,000 a year in rent from the Workers' Educational Association, its tenant at Hurst House. Hurst House was not transferred to the county council in 1940 because it was not being used as a public secondary school (within the meaning of Part II of the 1902 Education Act), but as the grammar school's preparatory department, and the county council had no power to provide such a school. It was, however, able a few years later to order the closure of the department, after which Hurst House was used by the arts and modern sixth form. After the school moved to Brookside in 1967, Hurst House became an adult education centre, initially run jointly by the county council, Sheffield University extramural department and the WEA. The first two bodies later withdrew, leaving the WEA to meet the entire cost of renting the premises from (after 2002) the Chesterfield Schools Foundation.
- 10 The capital windfall from the sale of the old dining hall, combined with a significant income from Hurst House, and the endowment handed over to the county council in 1940, gave the Foundation substantial resources, which many similar charities would have envied. The Foundation's income could have been used after 1991 to help school-leavers not merely from Brookfield (which took over the former Chesterfield School buildings at Brookside, and to which pupils from that school and St Helena were transferred), most of whom come from relatively well-off homes, but also those from the poorer parts of Chesterfield who attended the former secondary modern schools which never had access to similar funds. No evidence has been found that any such grants were made. Instead, after the county council appears to have converted virtually the whole of the government stock it inherited in 1940 into

cash (when this was done has not been traced), it seems simply to have carried this sum in its books from year to year, without paying any interest to the Foundation or the predecessor charity. This has certainly been the practice in recent years. Between 2010 and 2015 (the only period for which accounts have been located) the Foundation's income from investments (entirely in stock, valued at £386) varied between £1,143 and £1,392. During the same period its year-end cash balance ranged from £285,247 to £417,996. The small remaining quantity of stock belonged originally to the grammar school's prize funds and did not form part of its general endowment, which was presumably why it had not been sold.

- 11 The law requires trustees always to act in the best interests of the charity for which they are responsible. In modern times this has meant that cash reserves should be invested to a charity's best advantage, consistent with ensuring the absolute security of the principal. For small or medium sized charities, the Charity Commission's policy is to encourage trustees to place money in its own Charities Official Investment Fund. If, say, three-quarters of the Foundation's cash had been invested in a COIF income account, the Foundation's receipts would have been considerably greater than they have been since 1991. Trustees are also required to administer their charity efficiently, in accordance with the law and with the Charity Commission's reporting requirements. An indication of the lax way in which the county council discharged this obligation, as sole trustee of the Foundation, is that the charity's accounts for 2011–12 were submitted to the Commission 169 days late, those for 2012–13 560 days late, and those for 2013–14 195 days late.
- 12 In April 2013, in what appears to be the first sign of action since the Foundation was established, the director of legal services of the county council presented a report to the cabinet member responsible for education, rehearsing the position of the charity and recommending the disposal of a large proportion of its cash on a single item of expenditure. He advised the elected member that, at the end of the 2011–12 financial year, in addition to the land and buildings which it owned (principally most of the site of Brookfield School but also including Hurst House), the Foundation had assets totalling £339,978, excluding the £50,000 received from the sale of the former canteen. He further stated that 'The exact value of those original endowments is not recorded in the Charity Commission Scheme and further research will be undertaken to determine the value of those endowments now held as part of the cash fund'. No evidence has been found that any such 'research' has been done since 2013. In fact, although no schedule of property was attached to the schemes of 2002 and 1961, the 1940 scheme did include a full statement. Even if the county council's management of the charity since then had been so poor that it could not find a print of this scheme, a copy could easily have been obtained from the Charity Commission. Indeed (and this point is of some significance), the county council appears not to have sought the Commission's advice about the action which in 2013 its director of legal services recommended the cabinet member approve. The director went on to

advise that

In order to ensure that no part of the permanent endowment is spent, it is suggested that the value of the fund held at 31 March 2002, an amount of £85,003, be held as the permanent endowment until the value of the original endowments is confirmed. This leaves a total of £254,975 available for distribution.

We have been unable to establish how the figures of £85,003 and £254,975 have been arrived at, chiefly because we have been unable to secure access to any accounts for the Foundation other than those displayed on the Charity Commission website. We can only assume that the first is the result of the careful management of the stock valued at just over £30,000 sixty years earlier, combined with the county council's apparent failure to make any grants from the Foundation's income for a decade after it was established in 2002. Without access to accounts for the intervening period, it is also impossible to say for certain how the total fund had risen to a third of a million pounds in that time. The Foundation did not sell any property until 2011 and the additional money appears to have come from the rent of Hurst House.

- 13 Perhaps unsurprisingly, in view of the county council's sudden interest in this charity, the director had found an outlet for much of the quarter of a million pounds which he believed he was free to advise a solitary elected member to dispose of. Indeed, this was presumably why he had prepared the report and called the meeting. He drew attention to an application received from the 'Chesterfield and Bolsover Learning Community', a creature of the county council charged with running 'The Bridge Project'. This project, the director explained, 'offers a unique "off school site" nurture provision for pupils aged 11-14,' intended as intervention to prevent the exclusion of children with problems from mainstream education. The project had been established in 2011 with funding from the county council and the Paul Hamlyn Foundation. This largesse would end in August 2013 and neither the county council nor the Hamlyn Foundation could thereafter support the project on the same scale as hitherto. The project was working with fifteen schools, including the six eligible to receive grants from the Foundation. These six schools had been contacted by the county council and none had raised any objection to a grant being made to the Bridge Project. The elected member was advised that the estimated cost of continuing the 'core project' was £279,736, while an 'enhanced project' would cost £364,848. A grant of six-fifteenths of these figures (in respect of the six borough schools) would amount to £111,894 and £145,939 respectively, considerably below the £254,975 which the director advised was available for distribution.
- 14 The director explained that the Foundation's funds could only be spent to meet the objects as set out in the scheme of 2002. He stressed that the Charities Act 2011 requires trustees to demonstrate explicitly that their aims are for the public benefit and to have regard to the Charity Commission's guidance when considering an application for a grant. He summarised what

'public benefit' meant in a paragraph which the elected member might have been excused for not fully understanding, and is worth quoting at length for its lack of clarity and poor English:

Essentially it must be clear to the Trustee what the benefits of a particular activity are, and that this benefit relates to the aims of the charity, and are balanced against any detriment or harm that might be caused. Those benefitting (*sic*) from the activity must be appropriate to the aims, and where the opportunity to benefit is restricted to a section of the public it must not be unreasonably restricted by geographical and other restrictions; people in poverty must not be excluded by geographical or other restrictions from the opportunity to benefit, and any private benefits must be incidental. However the section of the public to benefit from a charity's aims may be limited to those who have the opportunity to be educated at particular educational establishments benefitting from the charity.

The officer did not consider it necessary to append to his report the text of the scheme of 2002, which is much more simply worded. This requires the county council to use the charity's income in the first instance to meet proper administrative costs and to apply the remaining income to further the objects of the charity, which have already been summarised. The council is also permitted to apply to the same objects the expendable endowment of the charity and the permanent endowment, but in the latter case 'only on such terms for the replacement of the amount spent as the [Charity] Commission may approve by order in advance'.

- 15 The Commission is also empowered under the scheme to decide any question put to it concerning its interpretation, or the 'propriety or validity' of anything done or intended to be done under it. A more cautious officer might have suggested, or a more astute elected member might have insisted, that it would be wise to seek the opinion of the Commission before agreeing to spend between £112,000 and £146,000 belonging to a charity with total assets of just under £340,000, of which about £255,000 was judged to be available for distribution. The officer's report did not suggest that the Commission be approached for advice before the county council disposed of up to 40 per cent of the assets of a charity in which, as sole trustee, it appears not to have shown the slightest interest for over twenty years. Had its advice been sought, the Commission might have suggested that, even if the Bridge Project met the necessary criteria for a grant from the Foundation, it was imprudent to allocate such a large proportion of its funds to one item. It might also have asked how many of the children who had benefited from the work of the Bridge Project were pupils at the six schools eligible to receive awards from the Foundation. No evidence has been found that the county council did seek the advice of the Commission. We consider that (at the very least) the size of the payment was disproportionate to the total assets of the charity. We also consider it inappropriate that this payment was made to a body (i.e. Derbyshire county council) that is also the sole trustee of the

charity, without that body taking external advice (i.e. from the Charity Commission). At worst, this payment could be seen as falling into the category that used to be called 'relief of rates', i.e. a payment from a charity to meet expenses that should properly fall on a local authority's income from taxation. Historically, the Charity Commission has always viewed such payments with extreme displeasure.

- 16 One of the points made by the director of legal services in favour of his recommendation that such a large grant be made was that the Foundation had an income of £25,000 a year in rent from Hurst House (the correct figure was in fact closer to £26,000) and that over five or six years this rent would be sufficient to replace the money. Unfortunately, this income came to an end in July 2014, when the WEA determined its tenancy of Hurst House. Since then, the property, a grade II listed building in a conservation area, has remained empty. It appears, at the time of writing, to be deteriorating, as large early nineteenth-century houses generally do when left vacant. As we have already noted, it is a basic principle of charity law that trustees must always act in the best interests of the charity they administer. It is difficult to see how the decision to leave Hurst House empty, with apparently no attempt either to re-let the property or sell the freehold, is in the best interests of the Chesterfield Schools Foundation.
- 17 The county council agreed that the Foundation should make a grant of £112,000 to the Chesterfield and Bolsover Learning Community in the financial year 2013–14 and gave the promised balance of £34,000 in 2014–15. In the latter year the charity's rental income fell to £19,875 (since the WEA gave up Hurst House in July 2014), but also received £14,835 for dilapidations at the property and £15 from the sale of an unspecified asset, as well as a modest £1,392 interest on stock. Apart from the money given to the Bridge Project, the charity's other outgoings were gas, electricity and security bills for Hurst House (£1,627) and an examiner's fee of £450, the first occasion (since at least 2011–12) that any administrative costs had been charged by the trustee. The charity therefore had a total income of £36,117 that year, against payments of £36,077, leaving the year-end cash position virtually unchanged at £334,039. As the county council remarked, somewhat unnecessarily, in a commentary on the accounts, the loss of rental income from Hurst House 'will have a negative impact on the charity's funds'. It went on to state that 'A review of the charity's finances will need to be carried out to ensure that all appropriate steps are taken to ensure the future of the charity'. No evidence has been found that any such review has taken place since the accounts were submitted on 27 January 2016. Nor does the county council appear to have made any grants from the Foundation's funds since the end of the financial year 2014–15.
- 18 The most serious aspect of the current situation, in our view, is the future of Hurst House, the Foundation's only remaining real property, whose value is presumably falling as it deteriorates. If the rent received from the WEA is treated as a 5 per cent return on capital, the freehold appears to be worth

about half a million pounds. We understand that an adjoining property of roughly comparable age and size is currently on the market for £410,000. A capital receipt on this scale would put the Foundation back on a sound footing after the loss it suffered in 2013–15 and, if wisely invested, together with the charity's remaining cash, would enable it to function in the way intended by the scheme of 2002, which essentially embodies the spirit of all the earlier benefactions, going back to Sir Godfrey Foljambe's will of 1585.

Request for action by the Charity Commission

- 19 In the light of the evidence presented here concerning the serious mismanagement of the Chesterfield Schools Foundation, we wish the Charity Commission to take a number of steps to investigate and where necessary rectify the current position:
- (a) Establish when the county council converted into cash the endowment which was invested in government stock at the date of the transfer of the school in 1940.
 - (b) Establish whether since the date of conversion the county council has paid any interest to the Foundation (or its predecessor charity) on the cash balance standing to the Foundation's credit in the county council's books and, if so, at what rate.
 - (c) If it can be shown that the county council has not paid appropriate interest to the Foundation, to require the county council to do so. We suggest that the appropriate sum to be paid is the amount that the cash balance belonging to the Foundation would have earned had it been invested in a COIF income account (or a comparable trustee approved security if the non-payment of interest began before the COIF scheme was established). Interest should be paid for a period beginning at the time of the sale of stock and ending on the day on which the interest was paid.
 - (d) Determine whether or not the payments totalling £146,000 made by the county council in 2013–15 from the Foundation's funds to the Bridge Project were *infra vires* under the scheme of 2002 and the law relating to charities. If the Charity Commission determines that the payments were *ultra vires*, to require the county council to repay £146,000 to the Foundation, together with interest equal to the amount that would have been earned on that sum had it been invested in a COIF income account from the dates the payments were made until the date on which the capital is repaid.
 - (e) Determine whether or not the county council has in law been negligent, as trustee, in allowing Hurst House to deteriorate since it fell vacant in July 2014. If the Charity Commission determines that it has been

negligent, to require the county council to pay a sum to the Foundation equal to the cost, as determined by two or more independent chartered surveyors (whose reasonable fees should be paid by the county council, not the Foundation), of restoring Hurst House to the condition it was in at the termination of the tenancy in July 2014.

- (f) Remove as sole trustee of the Chesterfield Schools Foundation the Derbyshire county council, on the ground that the county council has been seriously negligent in the management of the charity over a long period, as a result of which the charity's funds and assets have suffered loss and no benefit has accrued to those intended to benefit under the scheme of 2002.
- (g) Advertise in the local press for applicants who wish to be considered for appointment as trustees of the Chesterfield Schools Foundation. After considering such applications, to appoint a representative body of local men and women who care about good quality education and training for the young people of Chesterfield and would work hard to ensure that as many of them as possible, from all parts of the borough, benefited properly from the charity. There are presumably a number of charities elsewhere in England and Wales set up for the same reason as the Chesterfield Schools Foundation (to take over the endowment of a former grammar school) and similar objects (to assist young people who have attended any of the present-day secondary schools in the same community) which are run properly by suitably qualified and experienced trustees. We have not made a systematic search for such charities, but locally we are aware of the King Edward VI Grammar School Trust (Charity Registered No 528254), based in Retford (Notts.), which appears to have very similar origins and objects to the Chesterfield Schools Foundation. Judging from the information available on the Charity Commission's website, however, the contrast in governance between the two could hardly be greater. We wish to see the Chesterfield Schools Foundation put on the same footing as a charity like the one in Retford.
- (h) Monitor closely the work of the Foundation over the next few years, to ensure that its new trustees comply with the law and with the scheme of 2002, and distribute some of the income of the Foundation for the benefit of those intended to benefit under the scheme of 2002 in accordance with the scheme.

Appendix : Hurst House

It may be helpful, in determining the matters raised in this memorandum, for the Charity Commission to have before it a brief statement of the history of Hurst House. This aspect of the question will also be of interest to Chesterfield borough council as

the local planning authority.

- A1 Abercrombie Street, on which Hurst House stands, was the earliest of several residential streets laid out in the early and mid nineteenth century on parcels of former farmland to the north-west of the older built-up area of Chesterfield. These fields formed broad strips extending between existing roads leading out of the town to the west (Saltergate), north-west (Newbold Road) and north (Sheffield Road), and appear to have been created by the consolidation, probably in the late Middle Ages, of blocks of much narrower strips in the arable common fields of Chesterfield. Because of their shape, they were admirably suited for residential development, since a street could be laid out down the middle of the field at right angles to the two older roads, and the rest of the field, on either side, divided into generous plots, on which large detached houses, or pairs of semi-detached villas, could be built in ample grounds.
- A2 Abercrombie Street was laid out in the 1830s to run from Newbold Road in the west to Sheffield Road in the east, across a parcel of land immediately to the north of a field used in 1830 as the site of Holy Trinity, Newbold, a district church built to serve the expanding population of this part of the town, whose burial ground also extended from Newbold Road to Sheffield Road. At a later date, St Helen's Street was built on the next field to the north-west, and thus development continued, moving progressively further away from the town centre.
- A3 By the late 1840s, as well as Hurst House, which stood at the junction of Abercrombie Street and Sheffield Road, another detached house had been built on the south side of Abercrombie Street, and two pairs of semi-detached villas closer to Newbold Road. There were three detached houses in large grounds on the north side of the street, one of which fronted Sheffield Road, a pair of semi-detached houses and a smaller detached villa towards the western end, and a terrace of eight houses running up to the junction with Newbold Road.
- A4 Hurst House, whose main frontage faces east onto Sheffield Road, although the modern entrance is from Abercrombie Street, was built for Francis Hurst, a Chesterfield draper. It remained a private residence until 1928, when it was purchased by the governors of the grammar school and used initially as accommodation for the headmaster (who was then unmarried) and for the preparatory department. After the headmaster married and moved out, the entire school was taken over by the prep. The department was closed in 1946 and thereafter Hurst House was occupied by the arts and modern sides of the sixth form, and also housed the school library, until Chesterfield School moved to Brookside in 1967. It then became a centre for non-vocational adult education, initially run jointly by the Derbyshire education committee, the University of Sheffield extramural department and the local branch of the Workers' Educational Association. The first two bodies later withdrew and the WEA remained the sole occupier until it gave up the tenancy in 2014. Hurst

House was not transferred to the Derbyshire education committee with the main grammar school buildings in 1940 and is today owned by the Chesterfield Schools Foundation, the successor of a charity established in 1940 to hold the grammar school endowment after the transfer.

- A5 After the Borough of Chesterfield was re-surveyed by the Ancient Monuments Inspectorate of the Department of the Environment in 1971, Hurst House (whose address is 11 Abercrombie Street), together with Nos 1–9 (odd) and 4–16 and 28 (even) Abercrombie Street, were all listed as Grade II buildings of special architectural or historic interest. The street was later placed within a conservation area, which also included adjoining property on Newbold Road, Sheffield Road and St Helen's Street.
- A6 The statutory list describes Hurst House as faced in ashlar stone (it appears to be local coal measures sandstone, possibly from Bole Hill quarry, Wingerworth), with bands at first- and second-floor sill level, beneath a slate roof. The three-storey south side is advanced under a pedimented gable. The ground-floor windows of this range have stuccoed frames with moulded cornices or brackets; the upper floors have round-arched windows. The two-storey north range has sash windows on either side and above a central entrance doorway, with a stuccoed portico, cornice and blocking course. This doorway, facing Sheffield Road, was later blocked and replaced by the present entrance off Abercrombie Street, leading to what would originally have been the back door.
- A7 Today, some of the houses on Abercrombie Street remain private residences. Others have become professional offices or are in institutional use. Some of the properties have been altered over the years, not always to the benefit of their appearance, and some are better maintained than others. Overall, however, Abercrombie Street retains the atmosphere of a quiet, high-status residential suburb of the early 19th century, flanked on both sides by attractive stone-built houses, most of around the same date and designed in a similar, generally Italianate, style.
- A8 We consider it very important that, if the Chesterfield Schools Foundation has no further use for Hurst House and cannot find a suitable tenant, the Foundation's freehold interest in the estate should be sold as soon as possible, and every encouragement given by the local planning authority to a new owner to restore the property for either residential or commercial use. If this was done, Hurst House, when built the largest single property on Abercrombie Street, standing in extensive grounds, would once again be an asset to the Conservation Area in which it lies, not an eyesore, as it is at present.

Chesterfield and District Civic Society
July 2017

CORRESPONDENCE, SEPTEMBER 2017–JULY 2018

Civic Society to Charity Commission, 4 September 2017

I refer to my letter of 14 July 2017 to the Chairman of the Charity Commission concerning the above charity, with which was enclosed a memorandum prepared by the Chesterfield & District Civic Society alleging serious maladministration of the charity by its sole trustee, Derbyshire county council.

I subsequently spoke by telephone to the Chairman and asked him to ensure that his officials dealt with this matter as urgently as possible. On 22 July I drew his attention by email to my discovery that since the memorandum had been prepared, the county council (as trustee) had made a further award of £41,300 from the charity to the county council (as a local education authority). The charity currently has an annual income of about £1,300.

I would be obliged if you would advise me what steps your staff have so far taken to investigate our complaint, what action if any you have taken to prevent the county council from making further payments to itself from the charity's funds, and when you expect to be able to issue a full statement of the Commission's findings in this matter.

Civic Society to Charity Commission, 27 September 2017

I wrote on 4 September asking for a response to my letter of 14 July. I have received neither acknowledgement nor reply. It gives me no pleasure to write in these terms to a civil servant of your rank, but I do not understand why you have chosen to ignore both my letters, especially since you are aware that I have been in touch with your Chairman, who assured me that his officials would deal with what was clearly a serious complaint about a significant sum of money.

Could I please make one further request that I be sent a reply to my letter of 4 September, with an indication of when the Charity Commission hopes to be able to respond in full to the Civic Society's complaint concerning the administration of this charity?

If you insist on not corresponding with me, I fail to see what alternative I have but to ask the Divisional Member concerned, Toby Perkins, to pursue this matter with the Minister who answers for the Charity Commission in the Commons. This will widen the issue from a complaint about the improper administration of a charity, which in my view can be dealt with at official level, to a complaint about the performance of a Government agency of which you are the head. By ignoring my letters, you are exposing the Charity Commission to wholly avoidable criticism. This does not seem me to a very sensible way of proceeding.

Civic Society to Charity Commission, 3 October 2017

I spoke to Mr Shawcross in July when I first wrote to him. Indeed, he was sufficiently concerned about the matter to telephone me immediately on receipt of my letter,

and I was able to explain to him the seriousness of the complaint which the Civic Society had raised with the Commission. I told him that I had written to his home address because I had been unimpressed with the performance of the Charity Commission at official level. He undertook to see that our complaint was dealt with appropriately. I asked that in the first instance my letter and accompanying memorandum be acknowledged at official level.

This evidently proved too much of an imposition, and it was for this reason that I wrote, under signed-for cover, on 4 September, to your Chief Executive asking what had happened to my earlier letter. Your Chief Executive appears to have judged that it was safe to ignore what she no doubt regarded as an irritating inconvenience from a member of the public of no importance and I did not receive a reply.

Accordingly, I wrote again to the Chief Executive on 27 September indicating that I would, if she continued to ignore my letters, ask the MP for Chesterfield to raise this matter with the Minister who answers for the Commission in the Commons. On this occasion, I appear to have judged the line to take more accurately and, as if by magic, I received a reply on 2 October.

It is impossible to establish, from the email sent to me on 2 October, at what level the Civic Society's complaint is currently being handled by the Commission, but it may be helpful if I underline how seriously both the society's committee, and others in Chesterfield who are aware of the circumstances, take this matter.

The Chesterfield Schools Foundation was established in its present form in 2002, but is the successor of older charities which, between 1847 and 1940, provided a large boys' grammar school in Chesterfield. The school was transferred to Derbyshire county council in 1940, and between then and 1991, when the school closed, its endowment was held in trust by the county council to provide funds for the school additional to its LEA grant.

After the school closed, the charity was remodelled to provide assistance to young people aged between 11 and 25 who attended any of the six publicly funded secondary schools in Chesterfield. The county council remained sole trustee. As trustee, the county council appears to have taken no interest in the charity until about five years ago, when it began to make substantial grants from the charity to the county council as an education authority. At about the same time, the charity lost its main source of income when the tenancy of a property which had belonged to the grammar school but was not transferred to the county council in 1940 came to an end. Since then, the county council as trustee has paid to the county council as an education authority a total of £187,300 from the charity's funds, out of a balance that stood at about £450,000 before the first payment was made. The charity's current income is about £1,300 p.a.

The Civic Society initially became concerned at the possible deterioration of the charity's real estate (a listed building in a conservation area) but was also unhappy to discover the way in which the county council has made payments to itself from the charity's funds. We are not persuaded that the purpose for which these payments

were made falls within the scope of the charity, and we are very unhappy that these payments were made without the Charity Commission being consulted as to their legality or propriety.

I would add that the Chesterfield Schools Foundation remains one of the largest, as well as one of the oldest, charities in Chesterfield. It is essentially the descendant of a benefaction made in 1585 to establish a boys' grammar school in the town, and incorporates smaller funds given to a girls' high school founded in 1892, which also closed in 1991. A number of people who now occupy senior positions in the business, professional and public life of Chesterfield attended one of these schools. Those within this circle who are already aware of the county council's actions are very unhappy about what has happened. This unhappiness is likely to spread if the Civic Society reverses its current policy of not communicating to the local Press details of the action it has taken. It will spread further if the attention of the national Press is drawn to the actions of the county council and to what steps the Charity Commission is (or is not) taking to deal with the information laid before it.

I would therefore urge you to take this matter seriously, grasp the potential damage to the Commission's reputation if you do not, and deal with it in a timely and appropriate manner.

Charity Commission to Civic Society, 3 October 2017

Thank you for your email of 2 October 2017. I apologise for the time taken to allocate your original complaint, which as previously advised was in part due to the high levels of referrals and casework currently being undertaken by the Commission. I can confirm the case was assigned to me on 27 September 2017. My first email to you on 2 October was issued without knowledge of your letter of 27 September to the Commission's Chief Executive.

Charity Commission to Civic Society, 4 October 2017

Please be assured that your letters of 14 July, 4 September and 27 September and your emails of 4 October and 5 October are now together in one file and with your caseworker, who will be in touch as soon as he can. Yesterday, after I forwarded him your email of that morning, he said he would look into the possibility of getting your case a quicker response, due to the mix up regarding 14 July letter.

Civic Society to Charity Commission, 4 October 2017

Thank you for your email of yesterday's date. I am happy to accept your explanation as to what has happened to my earlier emails and letters. I accept that any public department is under pressure from the volume of incoming correspondence and I am happy to allow a reasonable amount of time for replies. What I am not happy about is being made to feel that letters from me which clearly require a reply are being ignored.

I would particularly like you to read the email I sent yesterday, which sets out the

seriousness of this matter. I wish the Commission to understand very clearly that this is not a frivolous complaint; it is not a case of ageing former pupils of a long deceased grammar school lamenting the passing of a vanished age; and it is not a political vendetta against a local authority which at the material time was controlled by the Labour Party.

Our complaint raises serious questions about the propriety with which a large local authority (which has an appalling recent record as an education authority) has mishandled a significant sum of trust money. I have forty years experience of studying the history of both schools and charities and know my way around the law relating to both. Several of the other people in Chesterfield most concerned about what has happened are practising or retired chartered accountants, with long experience of serving as charity trustees.

We are not an ill-informed rabble or habitual troublemakers. We wish to see this charity put on a proper footing and its funds used for the purpose intended when the most recent scheme was devised in 2002. We are convinced that this is not happening at the moment. The Civic Society is also very concerned about the deteriorating condition of the large property (Hurst House, dating from 1847) belonging to the charity, which is both a listed building and stands in a conservation area. This house is now facing its fourth winter standing empty. We cannot accept that a policy of leaving this house untenanted and neglected is in the best interests of the charity which owns it.

Charity Commission to Civic Society, 12 October 2017

I am writing to provide you with an update on the Regulatory Compliance case we have opened following receipt of your complaint about the above charity.

I have conducted a preliminary examination of the papers, and I am unclear whether you have raised your concerns directly with Derbyshire County Council as trustees of the charity. I am seeking your permission to disclose you as the complainant and if appropriate, also disclose the nature and content of your complaints to the charity. It is our intention to write to the trustees to seek an explanation of the decisions taken in respect of their administration of the charity.

Civic Society to Charity Commission, 12 October 2017

Thank you very much for your email. We assumed that the Commission's first step would be to ask the trustee to respond to the complaint and that you would send our paper to the county council to enable them to reply point by point. I leave it entirely to you to decide whether to do that, or paraphrase it if that is the Commission's normal practice.

I have not, as chairman of the Civic Society, contacted the trustee directly on this matter. One of the trustees of the Old Cestrefeldians Trust (the charity which holds archives and artefacts of Chesterfield School), Mr Tom Roberts FCA, has been in correspondence for some time with the director of legal services of the county

council, who is the lead officer for the county council's trusteeship, and (to be frank) he has got nowhere. His constructive suggestions concerning the better financial management of the charity, coming as they do from a recently retired partner in one of the largest accountancy practices in Chesterfield, have been ignored, as have his suggestions that leaving Hurst House empty should be a matter of concern to the county council. This has deterred me from approaching the county council on behalf of the Civic Society.

The Civic Society's secretary has put down a question about Hurst House for the next 'questions from the public' session at a full county council meeting, but this has yet to take place.

The Civic Society has asked Chesterfield Borough Council, as the local planning authority, to consider whether Hurst House is a 'listed building at risk'. Council officers have inspected the property and concluded that at present there was no obvious signs of deterioration. I understand, however, that an officer has written to the county council's property manager asking that the gutters be cleaned out before the winter. I do not know whether he has received a response, or whether the work has been done.

Even if your letter initially goes to the head of legal services, I am quite certain that it will be referred upwards to the head of paid service, who will doubtless assure the Commission that the county council's trusteeship of the charity has been faultless. I hope the Commission will not take this response at face value. I am not the only person in Chesterfield who is very unhappy at the management of this charity, and most of the others are professionally better qualified to judge than I am. In addition, a great deal of careful research went into our initial complaint, even though our enquiries were handicapped by the apparent loss of most of the charity's older records.

Finally, you should be aware that political control of the county council has recently changed (from Labour to Conservative). This means that the present leader of the council and the cabinet member responsible for education can reasonably claim that they were not party to the payments from the charity's funds to the county council (or would even have known about them).

I look forward to hearing from you in due course when you have obtained a response from the trustee. I do not believe it would be helpful for the Civic Society to approach the trustee directly.

Civic Society to Charity Commission, 30 October 2017

Thank you for your email received today. I appreciate your keeping me up-to-date with your enquiries. As you say, I am happy to allow matters to progress at the speed you consider appropriate, as long as they making progress.

For the moment, the Civic Society is maintaining its policy of not seeking press publicity for its complaint to the Commission, although I should add that there will be

a reference to the administration of this charity since 1991 in my forthcoming book, *A History of Chesterfield Grammar School*, which will appear early in December under the auspices of the Old Cestrefeldians Trust. This may arouse more interest locally and possibly lead to others contacting the Commission. As I think I mentioned in my earlier email, one of the trustees of the OC Trust has been in correspondence for some time with the county council as trustee of the CSF, without achieving very much.

Civic Society to Charity Commission, 8 February 2018

As you will be aware from an earlier email, two officers of the Civic Society met the county councillor who acts as trustee of the Chesterfield Schools Foundation earlier this week for an informal discussion of the issues we have raised.

It became clear at an early stage in the conversation that the councillor had not been told by his own officers that the County Council was the subject of a detailed and serious complaint to the Charity Commission about its conduct as trustee. The Civic Society officers thought that this was rather odd.

I have now received a response (forwarded herewith) to my FoI Act enquiry concerning the engagement of a chartered surveyor to write (yet another) report about Hurst House. The replies are in themselves reasonable but all concerned at this end feel that it would have been tactful for the County Council not to have spent more of the charity's money when its decision to spend nearly £200,000 was the subject of a complaint. The councillor we met appeared to accept that there has been an unacceptable delay since July 2014 in making a decision about the future of Hurst House (which it now seems pretty clear will have to be sold, although it is in poor condition).

The officers of the Civic Society felt the meeting was very constructive and we got the impression that the councillor agreed that it would be best if the County Council stood down as trustee to avoid a possible conflict of interest in the future.

Charity Commission to Civic Society, 26 February 2018

Thank you for your recent emails regarding the above charity. I have been out of the office since early January 2018, hence my late response to you. I can confirm we have yet to receive a substantive response from the charity, and have issued a reminder yesterday (26 February). Once a full response is received we will consider the content before deciding our next steps.

Civic Society to Charity Commission, 27 February 2018

Thanks for bringing me up to date, which is in good time for me to report to the Civic Society committee on Tuesday next week. I assume you do not set a formal deadline for a trustee to respond to a complaint about its conduct, but I would have said three months was ample where the trustee is a large public body with full-time staff. For the moment, I think those in Chesterfield concerned about the trustee's conduct will be satisfied, if not perhaps entirely pleased that you have yet to hear

from the county council.

Civic Society to Charity Commission, 6 March 2018

The Civic Society committee discussed our complaint to the Commission at its meeting last night. We welcomed the news that you have reminded the county council about the need to respond to our complaint and hope that this produces the desired result. If there are signs of further delay, you are welcome to impress on the county council that they will not resolve this problem by ignoring it. I have ample experience of escalating matters of this sort by a route with which we are both familiar (starting with the local press and ending with a PQ) and there will inevitably come a point where the first steps in this direction have to be taken. I am genuinely trying to avoid this but if I feel that the county council is being deliberately obstructive I will not be happy.

I am attaching a short press release which I have sent to the local paper. This says nothing more than appears in the final chapter of my *History of Chesterfield Grammar School* and will be buried in the district news column of the paper. The paper may not even use it, for fear of upsetting the local authority. A statement like this falls well short of the more heavy handed press release I will resort to if the sound of feet being dragged becomes too loud.

Charity Commission to Civic Society, 28 March 2018

Thank you for your email of 7 March 2018. I can confirm that we are awaiting a full response from the charity which is due to be received by the end of the month. We will then review before deciding what further action is required.

Civic Society to Charity Commission, 28 March 2018

Thanks very much for this. I will report progress at the Civic Society committee meeting on 10 April and everyone should be happy. You may be relieved to know that the piece I sent to the local paper was published as submitted but has failed to elicit any response so far. This may reflect the declining readership of the *Derbyshire Times* in Chesterfield but I still believe this is a matter of public concern and one which I wish to see resolved.

Civic Society to Charity Commission, 10 April 2018

The Civic Society committee, at its meeting this evening, discussed the lack of progress in its attempts to secure the future of Hurst House, the property owned by the Chesterfield Schools Foundation.

The committee decided to issue a press release to local media, calling attention to the failure of the county council, as sole trustee of the charity, to act in accordance with the law that requires trustees always to act in the best interests of their charity. We feel that to leave empty for four years a property whose freehold has been conservatively valued at £350,000 and which was previously let for £26,000 p.a.

constitutes a serious breach of the trustee's statutory duty to maximise the charity's income. We are particularly unhappy that this problem has arisen in respect of a visually prominent listed building in a conservation area.

The committee also agreed that I should write to you asking whether the trustee did in fact submit, no later than 31 March as you requested, a response to our complaint of July 2017. If a response has been received, could I ask whether you can say when the Charity Commission will decide what further action to take in this matter? If a response has not been received, would you please advise what step the Commission proposes now to take?

Civic Society to Charity Commission, 29 April 2018

Could I please have a reply to the questions posed in the third paragraph of my email to you on 10 April, which I would be glad to receive in time to report progress to the Civic Society committee at our meeting on 8 May?

Civic Society to Charity Commission, 3 May 2018

Could I please renew my request that I be sent a reply to the questions posed in the third paragraph of my email to you on 10 April in time to report progress to the Civic Society committee at our meeting next Tuesday (8 May)?

Can I also stress, for the avoidance of doubt at a later date, that this problem is not going to disappear (for either the Charity Commission or the trustee) if either chooses to adopt the timeworn tactic of ignoring letters in the hope that the sender eventually loses interest.

I can only reiterate that a substantial sum of money is involved in the payments made by the trustee to itself, which forms part of our complaint of July 2017; and that the freehold property belonging to the charity which the trustee has chosen to leave empty for nearly four years represents a substantial part of its endowment.

This is a serious matter which requires an appropriate response from the Charity Commission, including timely attention to incoming letters from taxpayers.

Charity Commission to Civic Society, 14 May 2018

Thank you for your recent emails of 10 and 20 April 2018 regarding the above charity, including your FOI request to Derbyshire Council. I also note your further emails of 30 April 2018 and 3 May 2018 requesting an update from the Commission. I apologise for the delay in responding and that I was not able to do so before your Civic Society committee meeting on 8 May.

I can confirm that we received a partial reply from the Council by 31 March 2018, which was in response to our initial letter to the trustees of 12 December 2017. We have been informed by the Council that it had not received our original correspondence, hence the delay.

There is additional information now required which the Commission will be pursuing with the charity. Once received, we will need to fully review the content of this, alongside the already significant papers already provided by both you and the charity before deciding what future regulatory action we need to take.

I am unable at present to advise you when this will be completed, given the high volume of casework the Commission is currently experiencing. Whilst I realise my response may be disappointing, I can assure you we will do all we can to ensure the case is progressed as quickly as possible.

It may be helpful if I explain the Commission's approach when dealing with complaints about charities. As the independent regulator of charities in England and Wales, our aim is to provide the best possible regulation to enable charities to deliver effective services whilst also ensuring compliance with charity law. We do this by working with charities through providing advice and guidance and setting out best practice to resolve difficulties encountered. Where things go wrong in charities our action is evidence based and proportionate, taking account of the issue, the risk involved to the charity and its beneficiaries.

Civic Society to Charity Commission, 15 May 2018

Thank you for this detailed reply. Given its fullness, I will withdraw the Civic Society's request under the Freedom of Information Act which was contained in a letter to your Chief Executive which should have been delivered to the Commission's London office under signed-for cover yesterday (Monday).

I had better tell you that I sent a blind copy of that letter to the Chairman of the Commission, suggesting that she make herself familiar with the case, in case she has to deal with the political fall-out. You may care to advise your Chief Executive that she may in turn advise the Chairman that (for the moment) the dogs have been called off.

I may as well also state quite frankly that I do not believe that the county council is telling the truth when it states that it did not receive your letter of 12 December 2017. I am well aware that this is a time-honoured device regularly used by the less reputable end of the legal profession to delay taking action. My opinion of the county's council chief legal officer has gone down further now I find that this was the only trick he could think of. I suspect the letter miraculously turned up after I met the cabinet member concerned.

I note that the Commission has now received a 'partial reply' to your request for information and has asked for more information. This I assume was also a carefully calibrated trick by the officer concerned to spin out this matter for as long as possible in the hope that the Civic Society loses interest and gives up. I can only repeat that my plans do not include losing interest but do include, if necessary, asking the Chesterfield MP, Toby Perkins, to contact your Minister if the sound of feet being dragged gets any louder.

I refuse to believe that the Charity Commission is incapable of drafting a letter to a trustee asking for information, written in terms that any educated person, and certainly a senior local government solicitor, could understand. As far as I am concerned, the failure to supply all the information you requested is deliberate.

I accept what you say about the Commission's way of proceeding and I am aware from my knowledge of charity history that its approach is honed by many years' experience. All I would say, mainly on the question of proportionality, is that we are talking about a serious complaint from a responsible group of professional people, all of whom have years of experience of serving as charity trustees, about what is (I believe) the second largest charity in Chesterfield, which can trace its history back to 1585. The complaint concerns the disbursement of a large proportion of the charity's liquid assets in payments to (in effect) the trustee itself, for a purpose that does not accord with the usual practice of similar charities. We do not believe that if this charity had been administered by independent trustees, such trustees would for a moment have entertained an application from an education authority for the sum of money involved.

The Civic Society is equally concerned about the neglect of Hurst House, as a listed building in a conservation area. This property has now been empty for almost four years. We believe, on a conservative estimate, that the freehold is worth about £300,000. Once again, I can only say that no responsible body of independent trustees would have left this property empty for this length of time. It should have been sold before the end of 2014 and the proceeds invested in approved securities. Even in a COIF income account that sum would have raised at least £3,000 a year. That would have paid for a large number of awards to school leavers from poor homes going on to further and higher education, which is what a charity of this sort is supposed to be for. It is, for example, what the Webster Whittington Charity, also based in Chesterfield, does with its much smaller income.

I hope you can understand why I and others are so angry about this incident and why we really do expect the Commission to take action to prevent any recurrence and if possible recover assets lost to the charity.

I am happy to continue to deal with you over this matter but we would like to be kept reasonably well informed of progress. I will report this letter to the next Civic Society committee and I imagine we will be willing to leave the matter with you at least until you have received all the information you need from the trustee. I will also refrain from passing any of this on to the local newspaper.

Civic Society to Charity Commission, 25 June 2018

One of the Civic Society committee members has noticed that Hurst House, the property of the Chesterfield Schools Foundation, has been put on the market for £420,000. The property may or may not sell quickly, but this decision on the part of the trustee appears to us to raise in an acute form the need for the Charity Commission to come to a decision about the questions the Civic Society asked of it nearly a year ago. I must therefore ask whether you have now received sufficient

information from the trustee which will enable the Commission to proceed with consideration of our complaint, and if not what action the Commission proposes to take. We do not consider the present impasse acceptable, nor do we wish the county council to remain trustee of an even larger sum than it has at its disposal at present, given its conduct since 1991 as the trustee of this charity.

Civic Society to Charity Commission, 4 July 2018

I would be very grateful if you could find the time to reply to my email of 25 June before next Tuesday, when we have a meeting of the Civic Society committee. I think members will expect to see some progress, since we shall be meeting close to the first anniversary of the submission of our complaint to the Charity Commission.

Charity Commission to Civic Society, 10 July 2018

I am responding to your recent emails of 25 June and 5 July, including your request for an update prior to your Civic Society meeting today.

We have now received further information from the charity in mid-June. The content of this detailed information is current being assessed before a decision is made on next steps. This may include seeking legal advice from the Commission's in house lawyers.

As previously advised, we cannot provide you with a definitive timescale how long it will take to conclude our regulatory engagement with the charity. We are considering all options, including a meeting with the trustees, to determine to most effective method to progress the complex issues involved.

I can assure you that the Commission will do all it can bring matters to a speedy conclusion, in line with our current Risk Framework.

Civic Society to Charity Commission, 11 July 2018

The Civic Society committee were very pleased to receive your email at our meeting last night. We appreciate that it is not possible for the Commission to say how long it will take for to investigate the complex issues raised by our complaint but as long as the matter is receiving attention we will be happy.

During discussion, a suggestion was made which I thought I would pass on to you. There is one similar charity whose area of benefit includes part of the modern borough of Chesterfield (and overlaps with that of the Chesterfield Schools Foundation). This is Webster's Whittington School Charity and Estates (527010), founded by a benefaction by Peter Webster in 1674, which has an income of about £13,000 p.a. Historically, the charity provided several schools in the formerly separate parish of Whittington, on the northern edge of Chesterfield. These schools later passed to the local authority but the charity continues, making grants to the schools and to pupils who have attended them.

It occurred to us that a relatively painless way of removing the county council as trustee of the Chesterfield Schools Foundation would be for the Commission to suggest that the Foundation be merged with Webster's Charity into a single body serving the whole of the modern borough of Chesterfield. At the same time its area of benefit might be extended to include Brimington and Staveley, which were only added to the borough in 1974 and lie outside the area of benefit of the Foundation. The present governors of Webster's charity could form the nucleus of a new trust and the county council could avoid public criticism of its conduct as trustee of the Chesterfield Schools Foundation.

I should add that we have not mentioned this idea to any of the governors of the Webster Charity, or their clerk.

I would also stress that the Civic Society committee continues to take the view that if the Commission determines that the county council has made improper payments from the Foundation's funds, or has failed to pay an appropriate rate of interest on funds in its hands, this money must first be repaid.

Charity Commission to Civic Society, 31 July 2018

Under Section 20(2) of the 2011 Charities Act, the Commission is unable to become directly involved in the administration of a charity. Therefore we could not advise or instruct the trustees of either charity to merge.

Civic Society to Charity Commission, 31 July 2018

We obviously did misunderstand the position, because I thought the Commission were keen to see similar charities merge. The Civic Society is content to wait a reasonable amount of time for your legal branch to consider the questions we raised.

Charity Commission to Civic Society, 9 August 2018

I am writing to advise you that the case for Chesterfield School has now been transferred to the team that considers regulatory authority and permissions work, in light of my impending departure from the Commission.

The new case owner will conduct a review to establish what permissions, if any, will be required to enable the trustees to proceed from the current position to one in which the funds and assets are being applied in accordance with the trusts (either as they stand or modified to take account of relevant factors). They will also consider whether the regulatory authorities fall to the Commission or to the Department for Education.

Our position is that although the Council may have taken some actions that were not strictly in accordance with the trusts, given that they could have been authorised (had the Council, as trustee, sought advice or authority) it is our intention to regularise for the future, not to try to make the Council undo its previous actions and

decisions.

For information, the Commission cannot give retrospective authority, but can elect not to take action for a past breach of trust.

Civic Society to Charity Commission, 11 August 2018

I am obviously disappointed that the Commission does not feel that it can take action to rectify previous breaches of the trust, but accept that this is their decision. I am afraid I cannot agree with your use of the word 'strictly': either there was a breach of trust or there was not, and the disbursement of £187,300 was hardly a minor oversight.

I am prepared to share the Commission's view that we must now look to the future, and I hope the Commission will ensure that this charity is in future administered in accordance with the Scheme of 2002 and in line with similar charities.

I am still of the view that the best way of achieving this is to appoint independent trustees. I do not think it is in the public interest for an education authority to be trustee of a charity whose beneficiaries are likely to be its own schools, especially when local authority expenditure is under such pressure. This is an open invitation to use charity money for what used to be called 'relief of rates', to which the Commission has historically, since the mid nineteenth century, been strongly opposed. As I have repeatedly said, no body of independent trustees would have made grants on this scale to a local authority.

I look forward to hearing what action the Commission proposes to take to safeguard the charity for the future. I would also be interested to learn whether the Department for Education does have a role to play. I know that educational charities were transferred from the Commission to the Board of Education by the Education Act 1902, but I had assumed that at some later date they had been moved back.

**DERBYSHIRE COUNTY COUNCIL REPORTS
CONCERNING THE CHESTERFIELD SCHOOLS FOUNDATION**

1

**CABINET MEMBER FOR EDUCATION
Report of the Director of Legal Services
2 April 2013**

**CHESTERFIELD SCHOOLS FOUNDATION
[AN EDUCATIONAL CHARITY]**

In considering this report the Cabinet Member will be acting, on behalf of the County Council, as Trustee of the Charity.

1. Purpose of the Report

To ask the Cabinet Member to approve the annual report of the Chesterfield Schools Foundation ('the Charity') and to consider a request for funding from the Charity received from the Chesterfield and Bolsover Learning Community.

2. Information and Analysis

2.1 The Charity is a charitable trust governed by the provisions of a Charity Commission Scheme dated 31 July 2002. The Scheme amalgamated the assets and funds of the former Chesterfield School Charity and the prize funds of the former St. Helena School, Chesterfield.

2.2 Derbyshire County Council holds on trust for the Charity land at Chesterfield forming the major part of the Brookfield Community School site. The Council also holds additional property on trust for the Charity (Hurst House, Abercrombie Street, Chesterfield), which is leased to the Workers Educational Association (WEA) and is run as a community education centre. A third property of the Trust, the dining room of the former St Helena School, Chesterfield, was sold in 2011.

2.3 The objects of the Charity are to promote education both of students of secondary schools, and former students (under the age of 25 years) of secondary schools, in the former Borough of Chesterfield (as it existed prior to re-organisation in 1974).

2.4 The schools eligible to benefit from the Charity (those within the former Borough of Chesterfield) are: Brookfield Community School Hasland Hall Community School Meadows Community School Newbold Community School Parkside Community School St. Mary's Catholic High School.

2.5 The Charity is registered with the Charity Commission and details of the accounts of the Charity are required to be submitted to the Commission annually.

2.6 In addition to land held by the Charity, at the end of the 2011/2012 financial year

the Charity's fund totalled £339,978. The Charity's fund includes the original endowments of the charities now comprised in the Chesterfield Schools Foundation which cannot be spent. The exact value of those original endowments is not recorded in the Charity Commission Scheme and further research will be undertaken to determine the value of those endowments now held as part of the cash fund. An additional amount of £50,000, received by the Council as proceeds of the 2011 sale of the dining room of the former St Helena School, will also be added to the fund as part of the permanent endowment.

2.7 In order to ensure that no part of the permanent endowment is spent, it is suggested that the value of the fund held at 31 March 2002, an amount of £85,003, be held as the permanent endowment until the value of the original endowments is confirmed. This leaves a total of £254,975 available for distribution.

2.8 The Charity Commission Scheme provides for the Council to exercise certain powers in furtherance of the objects of the Charity including the making of rules regarding the making of awards by the Charity. No such rules have been made by the Trustee.

Annual Reports

2.9 As a registered charity with a gross income of more than £25,000 per annum the Charity is required to submit an annual report, including a statement of accounts, to the Charity Commission in accordance with section 163 of the Charities Act 2011.

2.10 A draft annual report for 2011/12 is attached to this report for approval (see Appendix 1).

Request for funding

2.11 The Chesterfield and Bolsover Learning Community is seeking funds from the Charity for the delivery of 'The Bridge Project'. The details of that request are attached to this report at Appendix 2.

2.12 The Bridge Project offers a unique 'off school site' nurture provision for pupils aged 11-14. Established in 2011, with funding from Derbyshire County Council and The Paul Hamlyn Foundation, the project aims to improve school attendance and reduce exclusions amongst the students and schools it works with. The service is offered to students referred by their schools. Students attend the project, based at the Donut Creative Arts Studio ('DCAS'), Chesterfield, on a daily basis over a 12 week period.

2.13 Each student attending the project receives a personalised and highly structured timetable which focuses on their social and emotional needs through individual and group work. Students eat breakfast and prepare lunch together. The curriculum includes literacy and numeracy sessions, arts work and sport. At the end of students' time with the project, staff work with schools and multi-agency services to ensure smooth re-integration back into the school environment.

2.14 The current funding for the project ends in August 2013. The Council is unable to offer funding at the same level as for the first two years of the project, although as indicated in the bid document at Appendix 2 the Council is offering some support for the project, both financial and in kind, should it continue after August 2013. The Paul Hamlyn Foundation is unable to offer further funding for the continuation for the core project, but has been approached to fund an enhanced provision (to include an outreach service, workshops, seminars and family support).

2.15 There are fifteen member schools of the Chesterfield and Bolsover Learning Community, including the six schools eligible to receive funds from the Charity.

2.16 The project aims to work with 18 students per year at DCAS and to organise three 'good practice workshops' for officers involved in nurture provision for secondary aged children throughout Derbyshire. If funding is secured for an enhanced project it is envisaged that the outreach team would work with an additional 126 students over a two year period, as well as providing self-esteem building workshops and seminars and enhanced support for families.

2.17 The aims of the Project, in so far as the services are accessed by students of the six eligible schools, accord with the first object of the Charity: "to promote education by the provision of equipment and other items, services and facilities...".

2.18 The six schools eligible to receive funding from the charity have been contacted for their comments on the proposal. No objections have been received to the bid by Chesterfield and Bolsover Learning Community.

2.19 The costs of the project are indicated in the Bid document. Officers of the Chesterfield and Bolsover Learning Community have indicated that the Paul Hamlyn Foundation is unable to fund a continuation of the core project (although a bid has been made for a small contribution, which will be added to the shortfall to be sought from other sources should it be unsuccessful) but is considering a bid for £85,000 to meet costs of the enhanced project.

2.20 The total cost of the core project is forecast to be £279,736 and of the enhanced project is £364,848. The amounts attributable to the six schools, calculated as six-fifteenths of the total, are £111,894 and £145,939 respectively.

2.21 In the event that the Paul Hamlyn Foundation funds the total cost of the enhanced project the Charity could not contribute to the costs of the enhanced project to the six schools. The Chesterfield and Bolsover Learning Community understands that should that other bid be successful any award made would be reduced to meeting the relevant costs of the core project.

3 Financial Considerations

3.1 The Charity has funds of at least £254,975 available for distribution, and including income from the lease of property owned by the Charity has an annual

income of at least £25,000.

3.2 The funds held may only be spent for the benefit of students of one or more of the six eligible schools and to meet one of the Charity's objects as set out in the Charity Commission Scheme of 31 July 2002.

4 Legal Considerations

4.1 The advancement of education is a charitable purpose. The Charities Act 2011 requires trustees to demonstrate explicitly that their aims are for the public benefit and to have regard to the Charity Commission's guidance when considering an application for grant funding. The guidance is available on the Charity Commission's website.

4.2 The two key principles of public benefit are: (i) that there must be an identifiable benefit or benefits, and, (ii) that the benefit must be to the public or a section of the public

4.3 Essentially it must be clear to the Trustee what the benefits of a particular activity are, and that this benefit relates to the aims of the charity, and are balanced against any detriment or harm that might be caused. Those benefitting from the activity must be appropriate to the aims, and where the opportunity to benefit is restricted to a section of the public it must not be unreasonably restricted by geographical or other restrictions; people in poverty must not be excluded from the opportunity to benefit, and any private benefits must be incidental. However the section of the public to benefit from a charity's aims may be limited to those who have the opportunity to be educated at particular educational establishments benefitting from a charity.

4.4 Education is given a wide meaning, and in determining whether the activity proposed advances education the Trustee is not restricted to considering education delivered by a teacher in a classroom, playground or sports field, nor to the delivery of academic instruction. The Trustee should consider whether the proposed activity has educational merit.

5 Other Considerations

In preparing this report the relevance of the following factors has been considered – equality of opportunity, equality and diversity, health, environmental, transport, property and prevention of crime and disorder.

6 Background Papers

The Charity Commission Scheme for Chesterfield Schools Foundation and Charity Commission guidance for Trustees.

7 Key Decision No.

8 Call-In. Is it required that call-in be waived in respect of the decisions proposed in the report? No.

9 Officer's Recommendation. That the Cabinet Member:

9.1 approves the draft annual report of the Chesterfield Schools Foundation for 2011/12; and

9.2 approves the payment of £112,000 from the Chesterfield Schools Foundation fund to the Chesterfield and Bolsover Learning Community for the continuation of the Bridge Project; and,

9.3 approves the payment of £34,000 from the Chesterfield Schools Foundation fund to the Chesterfield and Bolsover Learning Community in the event that other grant applications are unsuccessful for the delivery of outreach work by the Bridge Project.

John McElvaney, Director of Legal Services

**DERBYSHIRE COUNTY COUNCIL
CABINET MEMBER FOR CHILDREN AND YOUNG PEOPLE
11 August 2015**

Report of the Director of Legal Services

Chesterfield Schools Foundation

In considering this report the Cabinet Member will be acting on behalf of the County Council as Trustee of the Chesterfield Schools Foundation charity.

1. Purpose of the Report

To ask the Cabinet Member to consider a request for funding made by the Chesterfield and Bolsover Learning Community.

2. Information and Analysis

1 The Chesterfield Schools Foundation (the Charity) is a charitable trust governed by the provisions of a Charity Commission Scheme dated 31 July 2002. The Scheme amalgamated the assets and funds of the former Chesterfield School Charity and the prize funds of the former St. Helena School, Chesterfield.

2 Derbyshire County Council holds on trust for the Charity, land at Chesterfield forming the major part of the Brookfield Community School site. The Council also holds additional property on trust for the Charity (Hurst House, Abercrombie Street, Chesterfield), which was until July 2014 leased to the Workers Educational Association and run as a community education centre. That property is currently empty. A third property of the Charity, the site of the dining room of the former St Helena School, Chesterfield, was sold in 2011.

3 In addition to land held by the Charity, at the end of the 2013-14 financial year the Charity's cash fund totalled £333,999. Following a previous request for funding the Bolsover and Chesterfield Learning Partnership received a grant of £112,000 in 2013/14 and a further grant of £34,000 in 2014-15 in connection with The Bridge Project.

4 The objects of the Charity are:

(1) to promote the education by the provision of equipment and other items, services and facilities for any secondary school in the former Borough of Chesterfield as it subsisted immediately prior to 1 April 1974;

(2) to promote in either of the following ways as the Council shall think fit, either generally or individually, the education (including social and physical training) of persons over 11 years of age but who have not attained the age of 25 years, who are in need of financial assistance and who are attending or have attended a school in the said former borough:

(i) by awarding to such persons scholarships, exhibitions, bursaries, maintenance allowances or grants tenable at any school, university, college of education, or other institution of further (including professional and technical) education approved for the purpose by the Council;

(ii) by providing financial assistance, outfits, clothing, tools, instruments or books to assist such persons to pursue their education (including the study of music and other arts), to undertake travel in furtherance thereof, or to prepare for or enter a profession, trade, occupation or service on leaving school, university or other educational establishment.

5 The schools eligible to benefit from the Charity (those within the area of the former Borough of Chesterfield) are: Brookfield Community School, Hasland Hall Community School, Whittington Green (formerly Meadows Community) School, Outwood Academy (formerly Newbold School), Parkside Community School, St Mary's Catholic High School.

6 The Charity Commission Scheme provides for the Council to exercise certain powers in furtherance of the objects of the Charity including the making of rules regarding the making of awards by the Charity. No such rules have been made by the Trustee.

7 The cash fund of the Charity was £334,024 at the end of the 2014-15 financial year. This figure includes original endowments of some of the charities now comprised in the Chesterfield Schools Foundation, as well as the £50,000 from the proceeds of the 2011 sale of land. The Charity has a small number of long-standing investments in shares, the market value of which is approximately £700. The amount of income available for distribution is at least £199,000.

8 The request for funding made by the Chesterfield and Bolsover Learning Community seeks funding of £41,300 to continue and expand an existing project. The purpose of the funding is to employ a co-ordinator for the Jigsaw Project, which delivers alternative technical qualifications for students aged 14 to 16 who would otherwise be at risk of exclusion. The bid made on behalf of the Jigsaw Project is at Appendix 1.

9 Year 10 students can participate in the project for two days per week, during which time they can try different vocational subjects as well as participating in an enrichment programme focusing on personal and social development. Students continuing with, or joining, the project in Year 11 also participate for two days per week but follow a programme in a single vocational area leading to a level 1

qualification (GCSE grade D-G), with the possibility of progression to an apprenticeship at level 2 at the end of the course.

10 From its start in September 2007 the project received central government funding, through the Key Stage 4 Engagement Programme pilot, with schools contributing a subsidised fee of £2180 per student. From September 2010 to July 2014 the project was funded by the reallocation of underspend from other Jigsaw programmes across the county, although the student fee was no longer subsidised with the schools paying £3400 per student. For the last academic year the costs of co-ordination have been met by an underspend of funding allocated to Chesterfield College for Key Stage 4 Learner Support.

11 The Chesterfield and Bolsover Learning Community is seeking funding for 75% of the costs of co-ordination for a further two years of the project, estimating that 75% of the students likely to attend the project will be from beneficiary schools. The additional co-ordination costs will be met by the non-Chesterfield schools.

12 The Chesterfield and Bolsover Learning Community attribute to the project a significant impact in improving the attendance of participants, as well as providing vulnerable students with an opportunity to gain qualifications. A senior CAYA officer has noted, with regard to the bid, that the Jigsaw project has been instrumental in maintaining vulnerable students in full-time education and that it has assisted the process of transition into further education by giving students experience of an FE setting, college or training provider and providing tasters of possible vocational options.

13 The provision offered by the Jigsaw project would fall within the first object of the Charity by providing services for beneficiary secondary schools. The grant requested would not meet all of the costs to the beneficiary schools as they would continue to meet the cost per student place of £3400. Although the provision is intended to be available to schools that are not beneficiaries of the Charity the Chesterfield and Bolsover Learning Community has indicated that any non-beneficiary schools will be required to contribute to the co-ordination costs.

3. Legal Considerations

1 The advancement of education is a charitable purpose. The Charities Act 2011 requires trustees to demonstrate explicitly that their aims are for the public benefit and to have regard to the Charity Commission's guidance when considering an application for grant funding. The guidance is available on the Charity Commission's website.

2 The two key principles of public benefit are:

- (i) that there must be an identifiable benefit or benefits, and,
- (ii) that the benefit must be to the public or a section of the public.

3 Essentially it must be clear to the Trustee what the benefits of a particular activity are, and that this benefit relates to the aims of the charity, and are balanced against any detriment or harm that might be caused. Those benefitting from the activity must be appropriate to the aims, and where the opportunity to benefit is restricted to a section of the public it must not be unreasonably restricted by geographical or other restrictions; people in poverty must not be excluded from the opportunity to benefit, and any private benefits must be incidental. However the section of the public to benefit from a charity's aims may be limited to those who have the opportunity to be educated at particular educational establishments benefitting from a charity.

4 Education is given a wide meaning, and in determining whether the activity proposed advances education the Trustee is not restricted to considering education delivered by a teacher in a classroom, playground or sports field, nor to the delivery of academic instruction. The Trustee should consider whether the proposed activity has educational merit.

4. Other Considerations

In preparing this report the relevance of the following factors has been considered: financial, prevention of crime and disorder, equality and diversity, human resources, environmental, and property considerations.

5. Key Decision No

6. Call-in

Is it required that call-in be waived in respect of the decisions proposed in the report? No.

7. Background Papers

Funding bid and correspondence with the Chesterfield and Bolsover Learning Community, held on Legal Services' file 3306.

8. OFFICER'S RECOMMENDATION

That the Trustee approves a grant to the Chesterfield and Bolsover Learning Community of £20,650 for the academic year 2015-16 and a further grant of £20,650 for the academic year 2016-17, to be used to meet co-ordination costs relating to the Jigsaw Project.

John McElvaney Director of Legal Services

Bid to Chesterfield Schools Foundation Charity (527170)

Chesterfield and Bolsover Learning Community

The JIGSAW Project Coordination

The Chesterfield Learning Community has worked collaboratively for 8 years delivering the Jigsaw Programme provision within a partnership of schools, training providers and Chesterfield College. The programme delivers a series of alternative technical qualifications for 14-16 year old students with a focus on real life work opportunities. This is a unique project in Derbyshire and an 'off school site' provision for pupils aged 14-16 at risk of exclusion.

The JIGSAW programme began in September 2007 with a cohort of Year 11 learners. It was developed as part of the pilot activity run by Derbyshire LA for the Key Stage 4 Engagement Programme to create a programme specifically for learners who are at risk of exclusion. In September 2008 a two year model was introduced and this is the model that has continued to run until July 2015. The key to the success of this programme is not just the partnership of providers that are involved but specifically the coordination by a nominated person.

The Coordination role is vital to the success of the programme and has resulted in the excellent retentions and achievement rates on the Jigsaw Programme. Enabling students to engage with the provision any time throughout the academic year and facilitating transitions between provisions is crucial. A central point for collating and disseminating attendance data, the reporting processes and continuous communication with home schools, teachers and parents has proved to be essential. The responsibility for the outcomes of level 1 qualifications, progression onto FE, Apprenticeships or Study Programmes for all year 11 students or progression for year 10 into year 11 or back into mainstream education is also a fundamental part of the coordination role.

The Coordinator for the programme is the link between the Training providers who deliver the qualifications. These include Chesterfield College who deliver Sport and Catering, Age UK Training who deliver Health and Social Care and Childcare, DCASS who deliver Music and ICT, Groundwork who deliver Construction and Horticulture, The Proact Community Hub which deliver Jiu Jitsu, Media and Employability training, Derbyshire and Nottinghamshire Chamber Training who deliver social skills. The coordinator is also responsible for bringing in interventions for students including Drug and alcohol awareness training, sexual health and smoking cessation advisors.

The outcomes from the last three years of the project show significant impact in improving attendance (an increase from 63% of students attending the second year of provision in 2012/13 to 85% in 2014/15. The young people attending are seriously at risk of exclusion from mainstream education and will have been identified as having difficulties resulting in poor emotional and social development and are vulnerable to social and educational exclusion.

The outcome data for the 2012 to 2015

	Year 10 Pupil Starts 2012/13	Year 11 Pupil Starts 2012/13	Year 10 Pupil Starts 2013/14	Year 11 Pupil Starts 2013/14	Year 10 Pupil Starts 2014/15	Year 11 Pupil Starts 2014/15
Total Places Allocated	2	19	9	19	18	12
Total participation including student substitutions	4	22	9	26	20	14
Success rates (Achieve a qualification)	Carousel 73%	Single Pathway 76%	Carousel 73%	Single Pathway 80%	Carousel 75%	Single Pathway 85%
Progression Rates	63% Onto single pathway	100% of Completers progressed to apprenticeships FE or college	86% Onto single pathway	100% of completers progressed onto apprenticeships, FE or college	85% Onto Single pathway	100% of completers will progress onto apprenticeships, FE or college

Data from the DfE Evaluation of The Schools Exclusion Trail (Responsible for Attendance Provision) Interim report 2013 section 5.1 shows, most teachers (about two thirds) focused on the fact that Alternative Provision is in some way different to school. Within this category, lead teachers mentioned the fact that Alternative Provision can meet individual or complex needs and “*provide personal education pathways*”. Another common view was that Alternative Provision providers have specialist staff of facilities that can support pupils. The case study interviews confirmed that Alternative Provision can provide for students to break out of a stereotypical label that they may have acquired. A different environment can support behaviour change.

NEET outcomes for excluded students are much higher than for those maintaining a place in school. The Jigsaw Project aims to provide missing social and emotional experiences for the young person based on developing transferable skills enabling them to go on to enter employment or further education. Giving them either a carousel of tasters in vocational sectors or by undertaking a year long vocational and technical qualification delivered by experienced tutors with up to date relevant vocational experience.

Meeting Chesterfield Charity Criteria

Chesterfield Schools Foundation Charity Criteria	How the Jigsaw Project meets Chesterfield Charity Criteria
<p>Object 1 To promote education by the provision of equipment and other items, services and facilities for any secondary school in the former Borough of Chesterfield as it subsisted immediately prior to 1st April 1974</p>	<ul style="list-style-type: none"> ξ An adaptive flexible model that promotes increased educational outcomes and improves the life chances of vulnerable students aged 14-16 ξ Provides resources, and skilled staff needed to deliver the coordination of interventions outside the usual school environment to students with a high risk of exclusion both social and educational
<p>Object 2 To promote in either of the following ways as the council shall think fit, either generally or individually, the education (including social and physical training) of persons over 11 years of age but have not attained the age of 25 years, who are in need of financial assistance and who are attending or have attended a school in the said former borough:</p> <p style="padding-left: 40px;">i. By awarding to such persons scholarships, exhibitions, bursaries, maintenance allowances or grants tenable at any school, college or any other institution of further education approved for the purpose by the council</p>	<ul style="list-style-type: none"> ξ A proven model that improves the life chances of vulnerable students aged 14-16 ξ Supported by Headteachers as an asset to inclusion strategies and meeting the needs of vulnerable students ξ The Jigsaw Programme is available to all secondary schools in former Borough of Chesterfield. ξ Reduces exclusions and increases attendance and the likelihood of engagement in positive opportunities

Future plans for September 2015 until August 2017

Our aims have been translated into five key areas for the project. These are communicated to children, parents, schools, visitors and multi agency services involved in the project. The aims are to;

- ξ develop transferable skills to enable students to progress onto Further Education or apprenticeships
- ξ help children to become more successful in mainstream education
- ξ equip children with the social and emotional skills for school and work life
- ξ reduce the need for exclusions
- ξ increase attendance

Programme model – delivered 2 days a week for 36 weeks p.a.

Year 1

Day 1- carousel of vocational subjects delivered by a range of providers and based on 6 – 8 week blocks with accreditation through the AIM Awards Step UP Award. The Step Up qualification is gained by completing short vocational units that combine to give a qualification that can support the student progressing onto a singular vocational route either at year 11 or post 16

Day 2 – Enrichment programme focusing on Personal & Social Development with accreditation through the AIM Step UP Award.

Year 2

A full year programme over 2 days in a specific vocational area delivered by a range of providers with level 1 qualification as the outcome. A level 1 qualification is equivalent to a GCSE grade D-G and enables the student to progress post 16 onto an apprenticeship at level 2

1. To maintain the current model

Action	Number of students involved over 2 years
Maintain the offsite provision coordination.	60 (each student receives 36 weeks of interventions)
Develop the Jigsaw Provision to meet the needs of the Chesterfield Schools zero exclusion agenda	Impact on a number of students in schools that attend sessions and alter their practice.

2. To build and widen the impact of the current model

Widen participation from schools in the Chesterfield area to 15 schools in the Chesterfield and Bolsover area.	
Develop The Jigsaw Programme partnership to offer a wider variety of provision.	80 (each student receives between 7 to 36 weeks of provision)
Develop self esteem building workshops with providers including Chesterfield Football Club, DCAS Arts and Music Centre	80 (each student receives 8 days of interventions)

The programme was heavily subsidised from the Local Authority at the beginning of the provision but there is no longer funding to support the Coordination of the Jigsaw Programme

September 2007 & July 2010 – central government grant funding for the Key Stage 4 Engagement Programme pilot, which contributed to the costs of delivery & coordination. The schools paid for places on the provision at a subsidised rate of £2180 per student. The coordinators costs of £26,000 were paid from the grant funding.

September 2010 to July 2014 – as a result of an under spend across the county in other JIGSAW programmes additional funds were allocated to this LC as the programme was successful. This allowed for the continued payment of coordination. Each school now paid the full rate of £3400 per student for places on the provision and the coordinators cost of £26,600 were paid from the underspend.

September 14-July 15- Coordination Costs were covered by an under spend of funding allocated to Chesterfield College for KS4 Learner Support from the Learning Community. The schools continued to pay £3400 per place on the programme and the coordinators costs of £26,600 were paid by Chesterfield College from their under spend.

To continue with the Jigsaw Provision coordination we are asking the Chesterfield Schools Foundation Charity to fund the continuation of the coordination role for a further 2 years:

Total number of students involved in the two year project is a minimum of 80.

Costs for two further years of the project coordination	£55, 050
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It is estimated that 75% of students attending the JIGSAW programme will be from the Chesterfield schools additional places for other schools in the Chesterfield and Bolsover Learning Community will be funded by the home school.

Therefore funding of £41,300 would be requested from The Chesterfield Schools Foundation Charity to support the continued coordination of the project. The Chesterfield schools will continue to pay £3400 per place on the programme for their students and non Chesterfield Schools will be charged an additional sum estimated at £685 per student for coordination costs.

DERBYSHIRE COUNTY COUNCIL

**CABINET MEMBER FOR CHILDREN AND YOUNG PEOPLE
11 August 2015**

**Report of the Director of Legal Services
Chesterfield Schools Foundation**

In considering this report the Cabinet Member will be acting on behalf of the County Council as Trustee of the Chesterfield Schools Foundation charity.

1. Purpose of the Report

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2. Information and Analysis

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3 In addition to land held by the Charity, at the end of the 2013-14 financial year the Charity's cash fund totalled £333,999. Following a previous request for funding the Bolsover and Chesterfield Learning Partnership received a grant of £112,000 in 2013/14 and a further grant of £34,000 in 2014-15 in connection with The Bridge Project.

4 The objects of the Charity are:

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are in need of financial assistance and who are attending or have attended a school in the said former borough:

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10 From its start in September 2007 the project received central government funding, through the Key Stage 4 Engagement Programme pilot, with schools

contributing a subsidised fee of £2180 per student. From September 2010 to July 2014 the project was funded by the reallocation of underspend from other Jigsaw programmes across the county, although the student fee was no longer subsidised with the schools paying £3400 per student. For the last academic year the costs of co-ordination have been met by an underspend of funding allocated to Chesterfield College for Key Stage 4 Learner Support.

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13 The provision offered by the Jigsaw project would fall within the first object of the Charity by providing services for beneficiary secondary schools. The grant requested would not meet all of the costs to the beneficiary schools as they would continue to meet the cost per student place of £3400. Although the provision is intended to be available to schools that are not beneficiaries of the Charity the Chesterfield and Bolsover Learning Community has indicated that any non-beneficiary schools will be required to contribute to the co-ordination costs.

3. Legal Considerations

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- (i) that there must be an identifiable benefit or benefits, and,
- (ii) that the benefit must be to the public or a section of the public.

3 Essentially it must be clear to the Trustee what the benefits of a particular activity are, and that this benefit relates to the aims of the charity, and are balanced against any detriment or harm that might be caused. Those benefitting from the activity must be appropriate to the aims, and where the opportunity to benefit is restricted to a section of the public it must not be unreasonably restricted by geographical or other restrictions; people in poverty must not be excluded from the

opportunity to benefit, and any private benefits must be incidental. However the section of the public to benefit from a charity's aims may be limited to those who have the opportunity to be educated at particular educational establishments benefitting from a charity.

4 Education is given a wide meaning, and in determining whether the activity proposed advances education the Trustee is not restricted to considering education delivered by a teacher in a classroom, playground or sports field, nor to the delivery of academic instruction. The Trustee should consider whether the proposed activity has educational merit.

4. Other Considerations

In preparing this report the relevance of the following factors has been considered: financial, prevention of crime and disorder, equality and diversity, human resources, environmental, and property considerations.

5. Key Decision No

6. Call-in

Is it required that call-in be waived in respect of the decisions proposed in the report? No

7. Background Papers

Funding bid and correspondence with the Chesterfield and Bolsover Learning Community, held on Legal Services' file 3306.

8. OFFICER'S RECOMMENDATION

That the Trustee approves a grant to the Chesterfield and Bolsover Learning Community of £20,650 for the academic year 2015-16 and a further grant of £20,650 for the academic year 2016-17, to be used to meet co-ordination costs relating to the Jigsaw Project.

John McElvaney

Director of Legal Services

Bid to Chesterfield Schools Foundation Charity (527170)

Chesterfield and Bolsover Learning Community

The JIGSAW Project Coordination

The Chesterfield Learning Community has worked collaboratively for 8 years delivering the Jigsaw Programme provision within a partnership of schools, training providers and Chesterfield College. The programme delivers a series of alternative technical qualifications for 14-16 year old students with a focus on real life work opportunities. This is a unique project in Derbyshire and an 'off school site' provision for pupils aged 14-16 at risk of exclusion.

The JIGSAW programme began in September 2007 with a cohort of Year 11 learners. It was developed as part of the pilot activity run by Derbyshire LA for the Key Stage 4 Engagement Programme to create a programme specifically for learners who are at risk of exclusion. In September 2008 a two year model was introduced and this is the model that has continued to run until July 2015. The key to the success of this programme is not just the partnership of providers that are involved but specifically the coordination by a nominated person.

The Coordination role is vital to the success of the programme and has resulted in the excellent retentions and achievement rates on the Jigsaw Programme. Enabling students to engage with the provision any time throughout the academic year and facilitating transitions between provisions is crucial. A central point for collating and disseminating attendance data, the reporting processes and continuous communication with home schools, teachers and parents has proved to be essential. The responsibility for the outcomes of level 1 qualifications, progression onto FE, Apprenticeships or Study Programmes for all year 11 students or progression for year 10 into year 11 or back into mainstream education is also a fundamental part of the coordination role.

The Coordinator for the programme is the link between the Training providers who deliver the qualifications. These include Chesterfield College who deliver Sport and Catering, Age UK Training who deliver Health and Social Care and Childcare, DCASS who deliver Music and ICT, Groundwork who deliver Construction and Horticulture, The Proact Community Hub which deliver Jiu Jitsu, Media and Employability training, Derbyshire and Nottinghamshire Chamber Training who deliver social skills. The coordinator is also responsible for bringing in interventions for students including Drug and alcohol awareness training, sexual health and smoking cessation advisors.

The outcomes from the last three years of the project show significant impact in improving attendance (an increase from 63% of students attending the second year of provision in 2012/13 to 85% in 2014/15). The young people attending are seriously at risk of exclusion from mainstream education and will have been identified as having difficulties resulting in poor emotional and social development and are vulnerable to social and educational exclusion.

The outcome data for the 2012 to 2015

	Year 10 Pupil Starts 2012/13	Year 11 Pupil Starts 2012/13	Year 10 Pupil Starts 2013/14	Year 11 Pupil Starts 2013/14	Year 10 Pupil Starts 2014/15	Year 11 Pupil Starts 2014/15
Total Places Allocated	2	19	9	19	18	12
Total participation including student substitutions	4	22	9	26	20	14
Success rates (Achieve a qualification)	Carousel 73%	Single Pathway 76%	Carousel 73%	Single Pathway 80%	Carousel 75%	Single Pathway 85%
Progression Rates	63% Onto single pathway	100% of Completers progressed to apprenticeships FE or college	86% Onto single pathway	100% of completers progressed onto apprenticeships, FE or college	85% Onto Single pathway	100% of completers will progress onto apprenticeships, FE or college

Data from the DfE Evaluation of The Schools Exclusion Trail (Responsible for Attendance Provision) Interim report 2013 section 5.1 shows, most teachers (about two thirds) focused on the fact that Alternative Provision is in some way different to school. Within this category, lead teachers mentioned the fact that Alternative Provision can meet individual or complex needs and “*provide personal education pathways*”. Another common view was that Alternative Provision providers have specialist staff of facilities that can support pupils. The case study interviews confirmed that Alternative Provision can provide for students to break out of a stereotypical label that they may have acquired. A different environment can support behaviour change.

NEET outcomes for excluded students are much higher than for those maintaining a place in school. The Jigsaw Project aims to provide missing social and emotional experiences for the young person based on developing transferable skills enabling them to go on to enter employment or further education. Giving them either a carousel of tasters in vocational sectors or by undertaking a year long vocational and technical qualification delivered by experienced tutors with up to date relevant vocational experience.

Meeting Chesterfield Charity Criteria

Chesterfield Schools Foundation Charity Criteria	How the Jigsaw Project meets Chesterfield Charity Criteria
<p>Object 1 To promote education by the provision of equipment and other items, services and facilities for any secondary school in the former Borough of Chesterfield as it subsisted immediately prior to 1st April 1974</p>	<ul style="list-style-type: none"> ξ An adaptive flexible model that promotes increased educational outcomes and improves the life chances of vulnerable students aged 14-16 ξ Provides resources, and skilled staff needed to deliver the coordination of interventions outside the usual school environment to students with a high risk of exclusion both social and educational
<p>Object 2 To promote in either of the following ways as the council shall think fit, either generally or individually, the education (including social and physical training) of persons over 11 years of age but have not attained the age of 25 years, who are in need of financial assistance and who are attending or have attended a school in the said former borough:</p> <p style="padding-left: 40px;">i. By awarding to such persons scholarships, exhibitions, bursaries, maintenance allowances or grants tenable at any school, college or any other institution of further education approved for the purpose by the council</p>	<ul style="list-style-type: none"> ξ A proven model that improves the life chances of vulnerable students aged 14-16 ξ Supported by Headteachers as an asset to inclusion strategies and meeting the needs of vulnerable students ξ The Jigsaw Programme is available to all secondary schools in former Borough of Chesterfield. ξ Reduces exclusions and increases attendance and the likelihood of engagement in positive opportunities

Future plans for September 2015 until August 2017

Our aims have been translated into five key areas for the project. These are communicated to children, parents, schools, visitors and multi agency services involved in the project. The aims are to;

- ξ develop transferable skills to enable students to progress onto Further Education or apprenticeships
- ξ help children to become more successful in mainstream education
- ξ equip children with the social and emotional skills for school and work life
- ξ reduce the need for exclusions
- ξ increase attendance

Programme model – delivered 2 days a week for 36 weeks pa.

Year 1

Day 1 - carousel of vocational subjects delivered by a range of providers and based on 6 – 8 week blocks with accreditation through the AIM Awards Step UP Award. The Step Up qualification is gained by completing short vocational units that combine to give a qualification that can support the student progressing onto a singular vocational route either at year 11 or post 16

Day 2 – Enrichment programme focusing on Personal & Social Development with accreditation through the AIM Step UP Award.

Year 2

A full year programme over 2 days in a specific vocational area delivered by a range of providers with level 1 qualification as the outcome. A level 1 qualification is equivalent to a GCSE grade D-G and enables the student to progress post 16 onto an apprenticeship at level 2

1. To maintain the current model

Action	Number of students involved over 2 years
Maintain the offsite provision coordination.	60 (each student receives 36 weeks of interventions)
Develop the Jigsaw Provision to meet the needs of the Chesterfield Schools zero exclusion agenda	Impact on a number of students in schools that attend sessions and alter their practice.

2. To build and widen the impact of the current model

Widen participation from schools in the Chesterfield area to 15 schools in the Chesterfield and Bolsover area.	
Develop The Jigsaw Programme partnership to offer a wider variety of provision.	80 (each student receives between 7 to 36 weeks of provision)
Develop self esteem building workshops with providers including Chesterfield Football Club, DCAS Arts and Music Centre	80 (each student receives 8 days of interventions)

The programme was heavily subsidised from the Local Authority at the beginning of the provision but there is no longer funding to support the Coordination of the Jigsaw Programme

September 2007 & July 2010 – central government grant funding for the Key Stage 4 Engagement Programme pilot, which contributed to the costs of delivery & coordination. The schools paid for places on the provision at a subsidised rate of £2180 per student. The coordinators costs of £26,000 were paid from the grant funding.

September 2010 to July 2014 – as a result of an under spend across the county in other JIGSAW programmes additional funds were allocated to this LC as the programme was successful. This allowed for the continued payment of coordination. Each schools now paid the full rate of £3400 per student for places on the provision and the coordinators cost of £26,600 were paid from the underspend.

September 14-July 15 - Coordination Costs were covered by an under spend of funding allocated to Chesterfield College for KS4 Learner Support from the Learning Community. The schools continued to pay £3400 per place on the programme and the coordinators costs of £26,600 were paid by Chesterfield College from their underspend.

To continue with the Jigsaw Provision coordination we are asking the Chesterfield Schools Foundation Charity to fund the continuation of the coordination role for a further 2 years:

Total number of students involved in the two year project is a minimum of 80.

Costs for two further years of the project coordination	£55, 050
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It is estimated that 75% of students attending the JIGSAW programme will be from the Chesterfield schools additional places for other schools in the Chesterfield and Bolsover Learning Community will be funded by the home school.

Therefore funding of £41,300 would be requested from The Chesterfield Schools Foundation Charity to support the continued coordination of the project. The Chesterfield schools will continue to pay £3400 per place on the programme for their students and non Chesterfield Schools will be charged an additional sum estimated at £685 per student for coordination costs.

CABINET MEMBER FOR YOUNG PEOPLE

5 September 2017

Report of the Strategic Director for Corporate Resources**Chesterfield Schools Foundation: Annual Report and Accounts for 2015-16**

In considering this report, the Cabinet Member will be acting on behalf of the County Council as Trustee of the Charity.

1. Purpose of the Report

To ask the Cabinet Member to approve the Chesterfield Schools Foundation Trustee's Annual Report and Accounts for the financial year ending March 2016.

2. Information and Analysis Background

2.1 The Charity is a charitable trust governed by the provisions of a Charity Commission Scheme dated 31 July 2002. The Scheme amalgamated the assets and funds of the former Chesterfield School Charity and the prize funds of the former St Helena School, Chesterfield.

2.2 Derbyshire County Council holds on trust for the Charity, land at Chesterfield forming the major part of the Brookfield Community School site. The Council also holds additional property on trust for the Charity - Hurst House on Abercrombie Street in Chesterfield, which was until July 2014 leased to the Workers Educational Association (WEA) and run as a community education centre. That property is currently empty and is the subject of a separate exempt report to the Cabinet Member at this meeting. A third property of the Trust, the dining room of the former St Helena School, Chesterfield, was sold in 2011.

Trustee's Annual Report and Accounts 2015/16

2.3 In addition to land held by the Charity, at the end of the 2015/2016 financial year the Charity's cash fund was £299,962. The Charity's cash fund includes original endowments of some of the charities now comprised in the Chesterfield Schools Foundation, as well as £50,000 from the proceeds of the 2011 sale of the dining room of the former St Helena School.

2.4 The objects of the Charity are to promote the education both of students of secondary schools and former students (under the age of 25 years) of secondary schools, in the former Borough of Chesterfield (as it existed prior to re-organisation in 1974).

2.5 The schools eligible to benefit from the Charity (those within the area of the former Borough of Chesterfield) are: Brookfield Community School, Hasland Hall Community School, Meadows Community School, Newbold Community School,

Parkside Community School, St Mary's Catholic High School.

2.6 The Charity Commission Scheme provides for the Council to exercise certain powers in furtherance of the objects of the Charity including the making of rules regarding the making of awards by the Charity. No such rules have been made by the Trustee.

2.7 Since the WEA vacated Hurst House, the income of the Charity has reduced significantly. As a registered charity with a gross income of less than £25,000 per annum, the Charity is not required to submit an annual report, including a statement of accounts, to the Charity Commission. However the Charity is still required to produce an annual report and accounts.

2.8 During 2015/16, the Trustee approved a grant of £41,300 to be made to the Chesterfield and Bolsover Learning Community to continue and expand an existing project. The purpose of the funding is to employ a co-ordinator for the Jigsaw Project, which delivers alternative technical qualifications for students aged 14 to 16 who would otherwise be at risk of exclusion. Half of the grant was paid during 2015/16, the remaining £20,650 is payable during 2016/17.

2.9 A copy of the draft Trustee's Annual Report and Accounts for 2015/16 is attached as Appendix 1. As the Charity no longer has an annual income in excess of £25,000 the accounts are not required to be independent examined.

3. Legal Considerations

All charities must prepare annual accounts. These are only required to be submitted to the Charity Commission if the registered charity has an annual income in excess of £25,000.

4. Other Considerations

In preparing this report the relevance of the following factors has been considered: financial social value, prevention of crime and disorder, equality and diversity, human resources, environmental, and property and human resources considerations.

5. Key Decision No

6. **Call-in:** Is it required that call-in be waived in respect of the decisions proposed in the report? No

7. **Background Papers** File held by Director of Legal Services.

8. **OFFICER'S RECOMMENDATION** That the Cabinet Member approves:-

8.1 the 2015/16 Trustee's Annual Report and Accounts for the Chesterfield Schools Foundation.

Judith Greenhalgh Strategic Director Corporate Resources