

ASSEMBLY

28 February 2024

Title: Reactivation of Uphill and Waters Education Foundation	
Report of the Cabinet Member for Educational Attainment & School Improvement	
Open Report	For Decision
Wards Affected: None	Key Decision: No
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Accountable Director: Jane Hargreaves, Commissioning Director, Education	
Accountable Executive Team Director: Elaine Allegretti, Strategic Director, Children and Adults	
Summary The Council is seeking to re-active a dormant trust fund that can be used to support young people's education and entry into employment in the borough. The Uphill and Waters Education Foundation has been inactive for many years. Reactivation of the Foundation according to the terms laid out in its constitution will enable it to work with the Council to continue to provide resources for our young people. The Foundation will also allow us to build on the work that has been begun through use of the Colin Pond Trust over the past three years, which has already had a demonstrable impact on retaining our schools' top performing GCSE students at in-borough institutions. Around £90,000 is available, which would be invested in order to sustain the fund over many years.	
Recommendation(s) The Assembly is asked to: (i) Support the proposal to reactive the Uphill and Waters Educational Foundation to provide additional resources to disadvantaged young people in the Borough; (ii) Appoint Councillors Kangethe and Jones and Jane Hargreaves, Commissioning Director, Education, to serve as Council-appointed Trustees to the Foundation; (iii) Note that the London Borough of Redbridge shall be asked to appoint a Redbridge Councillor as a Trustee to the Foundation; and (iv) Delegate authority to the Commissioning Director, Education, to appoint a member of the local clergy as the ex-officio Trustee to the Foundation.	

Reason(s)

Approval to reactivate the Uphill and Waters Educational Foundation will provide additional resources to disadvantaged young people in the borough. It will support them to achieve their aspirations, particularly around employment and higher education, contributing to the Council's wider priorities.

1. Introduction and Background

What is the Uphill and Waters Education Foundation?

- 1.1 Richard Uphill (died 26 February 1717) and Thomas Waters (died 6 March 1756) were the founders of the Uphill and Waters Educational Foundation. Historically, both Richard Uphill and Thomas Waters had separate foundations. Richard's foundation was used for educational purposes, or other assistance to children starting work. Thomas's foundation was established and educated girls. It was also used for the Sunday school and for the payment of evening school fees.
- 1.2 As these foundations were used for similar purposes, the Trustees applied to the then Department of Education and Science for the provision of a new scheme combining both foundations under one body of Trustees. The new scheme received the official seal on 23 October 1968 and the registered charity was formed, namely the Uphill and Waters Education Foundation (the 'Foundation'). A copy of the scheme is attached as Appendix 1. On 15 October 1980, clarification was given to the trust scheme by the Charity Commissioners with respect to part of the London Borough of Barking & Dagenham which was transferred by a boundary change with the London Borough of Redbridge. The document is attached as Appendix 2.

What did the charitable foundation do?

- 1.3 The Charity funded:
 - Exhibitions at any secondary school, college of education, university or other institution of further education approved by the Trustees.
 - Financial assistance, outfits, clothing, tools, instruments or books to enable students to prepare for, or to assist their entry into professions or trades.
- 1.4 Applicants for the grants had to be residents in the London Borough of Barking and Dagenham or part of London Borough of Redbridge that was formally part of the Borough of Dagenham until 1968. The applicant could not be older than 25 to apply for the grants.
- 1.5 The Trustees of the Charity in 1995 were:
 - Mr Blackburn
 - Mr Dodd
 - Mr Rusha
 - Mrs J Foster
 - Mr D O'Leary
 - Mr A New

- Mrs S Hillsden (*Honorary Clerk to the Trustees*)

1.6 The Foundation was deregistered by the Charities Commission in 2009, due to a lack of activity.

Financial records of the Uphill and Waters Educational Foundation

1.7 The current value of the Educational Foundation is as follows:

Bank / Company	Account / Ref Number	Shares / Units	Value	As at date
Values known to date				
Natwest Reserve Account	47304456		£37,557.33	14/09/2007
Natwest Current Account	14975408		£17,518.73	13/07/2007
M & G Account – (Charibond)	0024005412	216 Shares	£259.90	14/09/2007
Total			£55,335.96	

Bank / Company	Account / Ref Number	Shares / Units	Value	As at date
Values to be confirmed				
M & G Account – (Charifund)	0024011621	136 units	£2,191.25	31/12/2006
M & G Account - (Charibond)	9440619 A			
M & G Account – (Charifund)	78992601			
CCLA Investment	444580001T	1,863.12 units	£14,132.32	31/12/2002
CCLA Investment	444580002T	2404.47 units	£18,238.63	31/12/2002
Total			£34,562.20	

2. Proposal and Issues

- 2.1 It is proposed to reactive the Foundation. Reactivation of the Foundation would provide access to additional funding to support young people to achieve in education and employment. It has been confirmed through specialist legal advice, that a fresh application would need to be made to the Charities Commission as the Foundation cannot access its original registration number without evidence of some activity.
- 2.2 It is envisaged the Foundation will operate in a similar way to which the Colin Pond Trust has been used ([Colin Pond Foundation - Barking & Dagenham / Witten-Club \(barking-dagenham.de\)](http://Colin Pond Foundation - Barking & Dagenham / Witten-Club (barking-dagenham.de))) and we would look to run Uphill and Waters in parallel. The Colin Pond Trust has supported a high-profile scholarship programme over the past seven years, which has sought to reward our top achieving GCSE students who choose to continue their studies at a borough institution. Not only has this impacted positively on the reputation of our schools, it has had a demonstrable impact on the retention rates more widely of our high achieving GSCE cohort, who are prone to being 'poached' by out-of-borough institutions. This has resulted in retaining top talent within the borough. Schools and young people have greatly valued the impact of the Colin Pond Scholarships, although it is uncertain how much longer the Scholarships can be sustained.
- 2.3 In order to reactivate the Foundation, a fresh application would need to be made to the Charities Commission. The opportunity for a Trustee to be appointed from London Borough of Redbridge would be offered, as part of what is now the London Borough of Redbridge was formally in the Borough of Dagenham at the time the

Foundation was established. Other Trustees can be invited from local churches in line with the historical links with the charity. A local member of the Clergy has previously expressed an interest in being a Trustee. Other Trustees could include Council Members Cllr Kangethe and Cllr Jones and the Commissioning Director for Education, as this mirrors the composition of the board of Trustees for Colin Pond.

- 2.4 The funding associated with Uphill and Waters will be invested to ensure that the distribution of grants to residents is sustainable and that the fund can last long into the future.

Appointment of Trustees

- 2.5 The 1968 scheme documentation requires that the appointment of trustees be made by the Council and by Redbridge Council for the Redbridge Member. Clause 3 provides:

ONE Ex Officio Trustee, being the Vicar for the time being of Dagenham; FOUR Representative Trustees, to be appointed: Three by the Council of the London Borough of Barking; One by the Council of the London Borough of Redbridge; and THREE Co-optative Trustees, to be appointed by resolution of the other Trustees.

- 2.6 As the trust is dormant and bereft of trustees, the trustee Membership will have to be built-up by the Council(s) and the Vicar for the time being. As the quorum for a meeting is three trustees, the appointment of 3 Members from Barking and Dagenham and Redbridge, and the Vicar will establish a functioning trust.
- 2.7 Taking into account that two Cabinet Members serve as Trustees to the Colin Pond Higher Education Trust Fund it would be recommended that the same Members be invited to serve as Trustees to the Uphill and Waters Foundation due to their experience and the fact that both Trusts will have a similar aims and objective (and will need to be aligned).

3. Options Appraisal

- 3.1 The options available are either to dissolve, reactive the Foundation, or leave dormant.
- 3.2 Reactivation of the Foundation.

Advantages	Risks
As per LBBB Community Priorities - Providing better education and learning for all.	We will need to seek legal advice, in order to re-establish the charity, this could have cost implications.
Raise the profile of the Council	Appoint new Trustees
Individuals will benefit from the grants	Establish administration and financial support for trustees

- 3.3 Dissolve/ leave dormant the Foundation.

Advantages	Risks
No requirement to appoint trustees and administrator or specialist advisors	Residents could be disadvantaged if the charity is dissolved.

No need to establish administration and financial support for trustees	Reputational damage given that the LA has the opportunity to access additional funding.
	If government funding for this area ceases or is reduced members of the public will not have this resource available to them.

3.4 Continuation of the Foundation is the preferred option, to provide additional financial assistance to disadvantaged young people seeking to access to Higher Education and/ or employment. This is particularly in light of potential further government austerity and the challenging financial circumstances many of our families face post-COVID.

3.5 It is proposed that young people aged 16-25 who are socio-economically disadvantaged and have Learning Difficulties and Disabilities (LDD) could form a target cohort for this Fund, given that our outcomes are poor in relation to LDD entry into employment.

4. Consultation

4.1 There has been consultation with Members to date via Cllr Kangethe and Councillor Jones as they are Trustees for the Colin Pond Trust, which has similar aims and objectives. Initial contact has been made with Redbridge Council in order to invite a Council member to participate, which is to be followed up.

5. Financial Implications

Implications completed by: Kofi Adu, Group Accountant

5.1 This proposal is to active a defunct charity which was deregistered by the Charities Commission in 2009, due to a lack of activity. Activating the charity will incur additional cost and the use council resources i.e. staff time will be required to prepare administrative papers, however once the Trustees are appointed, the charity will become an arm's length organisation from the council. Annual accounts will have to be prepared for submission to the Charity commission and audited by independent Examiners. It is anticipated that the cost of activating the Charity and any running expenses thereafter will be met from the charities accounts and there will be no impact on the council's general funds.

6. Legal Implications

Implications completed by: Dr Paul Feild, Principal Governance Solicitor

6.1 Contact has been made with the Charity Commissions, requesting their agreement to re-activate the Charitable trust. They have responded and said a fresh application will need to be made.

6.2 Clause 2.4 sets out the Trustee Appointments. It is not necessary to appoint the full number of permissible trustees, but the key elements should be address by the appointment of the elected Members and the ex-officio clergy trustee. The Trust scheme as approved by the Secretary of State requires that the appointment of specified Trustees be carried out by the Council. The Council's Constitution states

that making appointments to outside bodies is an Assembly function (see Part 2 Chapter 4 (ix)).

- 6.3 As mentioned in the body of the report, the Foundation requires a Redbridge Member and a Member of the clergy 'Vicar of Dagenham'. Contact will be made with Redbridge Council to invite them to appoint a Member to the foundation.

7. Other Implications

- 7.1 **Risk Management** - As the reactivation of the fund will require registration with the Charities Commission, any risks will be minimised due to the governance and accountability measures required.
- 7.2 **Staffing Issues** - Some administrative support to manage the fund and its associated governance structure will be required. However, this can be mainstreamed into existing roles within the Council.
- 7.3 **Corporate Policy and Equality Impact** - The reactivation of the fund will provide additional resources to socio-economically disadvantaged young people to enter the workplace and/ or higher education. This will therefore impact positively on some of our more vulnerable young residents.

Public Background Papers Used in the Preparation of the Report: None

List of appendices

- Appendix 1 – Original registration document from 1968
- Appendix 2 – Original Charities Commission registration document form 1980