



Case Report

Former Lacewood School

About the charity

The former site of Lacewood School in Bolton upon Dearne was created from 2 trust deeds dated 1879 and 1897. The school site had not been used since the spring of 2007, when staff and pupils moved to a new school building on a different site. The buildings on the old school site were demolished for health and safety reasons.

Why the Charity Commission got involved

Barnsley Metropolitan Borough Council as trustee of the charity approached the commission for advice about the old school site. We advised that the sale of the site would need to be authorised by us because the objects of the charity (the provision of a site for a school) could no longer be carried out. We could do this by giving our legal consent to allow the sale of the land and provide new objects. This is known in charity law as making a scheme.

The action we took

We corresponded with the trustee on a number of different options being considered for the site.

We also met representatives of the trustee and local MP. The MP was asked to intervene by local residents.

What we found

The former school site contained a war memorial commemorating Lacewood School pupils who had died in the First World War and in subsequent military action. Local people were concerned with the proposed sale of the site and the implications this would have for the future of the memorial.

Local residents formed a Friends of the War Memorial Group and began a media campaign to protect the war memorial on the site. They secured grade II listing for the memorial.

As planning restrictions required some open space, the value of the sale for potential housing development would not be reduced by keeping the war memorial within the site.

Arrangements needed to be made for the ongoing care and maintenance of the war memorial if it was to be retained on the former school site.

Barnsley Metropolitan Borough Council did not feel best placed to continue in trusteeship of the charity now that the charity no longer fulfilled its original purpose.

Impact of our involvement

The commission authorised a scheme, ahead of the 100 year commemoration of the First World War, which gave the power to sell the site (allowing for the war memorial to be preserved) and the funds to be used to fund educational grants for young people in the area.

The charity Friends of Bolton upon Dearne War Memorial was established with the purpose of preserving and maintaining the monument to educate the public through remembrance and commemoration of those who died in conflict. The war memorial and the land on which it sits will be transferred to the new charity.

The sale proceeds of the old school site will be transferred to South Yorkshire Community Foundation, which will allow them to make educational grants for young people in Bolton upon Dearne.

Lessons for other charities

Trustees are under a duty to ensure their charity can carry out its purposes for the public benefit. Section 4 of [The essential trustee: what you need to know, what you need to do](#) explains this in more detail.

Where a charity is founded by trust deed, its trustees are under a duty to take steps to bring the trust deed up-to-date when the original purpose is no longer able to be carried out.

Many charities already have the power to update their purposes, usually by resolution and subject to our written consent and to giving us the appropriate notice. Where they don't have the power (as in this case), they should apply to us to use our legal powers to update the trusts by scheme. This is all explained in [Changing your charity's governing document](#).

When disposing of land, a trustee's overriding duty is to act in the charity's best interests which will usually mean getting the best price available. In this case the trustees had to decide how much weight to give to local feeling about the war memorial versus obtaining the best price available to the charity.

In this case, the preservation of the war memorial did not affect the sale price and the trustee was able to accommodate the interests of local residents in preserving the war memorial. Our guidance [Sales leases transfers or mortgages: what trustees need to know about disposing of charity land](#) explains the steps trustees have to take when disposing of their charity's land.