

WIRRAL COUNCIL

WIRRAL SCHOOLS' FORUM 13th December 2017

REPORT OF THE DIRECTOR OF CHILDREN'S SERVICES

Scheme for Financing Schools & Teacher Employment Rights – Consultation Outcome

EXECUTIVE SUMMARY

This report recommends a number of changes to the Scheme for Financing Schools and also a change to teacher employment rights following a period of consultation with schools.

Revisions to the Scheme for Financing Schools

Local Authorities are required to publish Schemes for Financing Schools setting out the financial relationship between the LA and the schools they maintain. DfE guidance lists the provisions which a local authority's scheme must, should or may include. The scheme does not apply to Academy Schools

The changes consulted on were:-

1. Circumstances in which charges may be made to a school where governing body consent is not required

Para 6.2.3 Judgements and awards by Courts and Employment Tribunals against the Council or out of court settlements arising from action or inaction of the governing body or its staff or agents which was either contrary to the Council's advice or where the governing body or its staff or agents did not seek the Council's advice when it was open to them to do so.

This revised wording specifically covers a failure by a school to seek advice as well a failure to act on advice given.

2. Service Level Agreements

Para 8.3.2 All services offered by the LA through service level agreements will be available to schools for the term of the agreement irrespective of whether extended agreements are offered. The LA may offer extended agreements and where it does so, may charge at a different rate. Schools wishing to end an agreement must give one year's notice. Academy conversions may be treated outside this process.

This revised wording includes a requirement for 12 months' notice to be given in respect of SLA's, unless a contract end date is reached earlier or the contract ceases through academy conversion.

3. Licenced Deficits (4.9.1(g))

Para 4.9.1g Deficit budgets should not be sought for minor predicted shortfalls which could be managed in-year. Neither should they be allowed to become too large to be practicably manageable within the three year timescale. The minimum amount for which a licensed deficit may be sought is for 0.5% of a school's budget share. The maximum licensed deficit which may be considered is **10% of a school's budget share**.

This revised wording increases the maximum licenced deficit from 5% to 10% of a school budget.

Consultation

There were 20 responses from governing bodies in total. Comments made included the following:-

1. Circumstances where charges may be made to a school
Nearly all responses supported this change
2. Service Level Agreements
There was no overall view from responses received. Many schools were reluctant to agree a 12 month notice period, commenting on the need for flexibility, the need to take into the account the annual budget process and the need to cease contracts quickly if they are not meeting needs.
In response however there is an existing procedure for contract resolution which deals with service standards and needs. In addition shortened notice periods are possible where contracts are signed in 12 month blocks (ie the contract would have a natural end date within a 12 month period). However the same would not be possible for extended contracts since these are often discounted. All contracts cease in their existing format when a school converts to an academy.
3. An increase to the maximum licenced school deficit
Nearly all responses supported this change

Teacher Employment Rights

Most schools agreed that teachers moving from an Academy school to a maintained school should keep their existing employment rights such as maternity leave and sick pay, bringing their terms and conditions in line with employment rights of other school staff. Subject to the views of the Forum this matter will be reported to Cabinet.

Recommendations

1. The Scheme is updated as described above, along with changes to School Redundancy Costs which have already been consulted on.
2. The Forum endorses the views of schools that teachers moving from an Academy School to a Maintained School should keep their employment rights.

Recommendation

That Forum notes the report.

Paul Boyce
Director of Children's Services