

## Schools Forum

Minutes of meeting held on Tuesday, 12<sup>th</sup> March, 2013 at 4.00 p.m. at Blakenall Village Centre, Thames Road, Blakenall, Walsall

**Present:-** Mr. M. Vlahakis (Chairman)  
Mrs. C. Draper  
Mrs. M. Sheehy  
Mr. G. Crowther  
Dame M. Brennan  
Mr. J.P. Clarke  
Ms. H. Lomas  
Mrs. J. Ward  
Ms. M. Yates  
Mr. F. Hodgkinson  
Mr. B. Powell  
Mr. T. Perrett  
Mr. M. Ison

**In Attendance:-** Mr. D. Mortiboys - Walsall MBC  
Ms. D. Morris - Walsall MBC  
Ms. L. Hughes - Walsall MBC

		<b>Action</b>
<b>1. 12.3.13</b>	<b>Apologies</b>  Apologies for non-attendance were submitted on behalf of Ms. P. Hunt, Mr. J. Murray, Mr. R. Bragger and Ms. H. Harnisch.	
<b>2. 12.3.13</b>	<b>Election of Vice-Chairman for the remainder of the year</b>  <b>Resolved</b>  That, as there were no nominations received, this item stand deferred to the meeting to be held on 11 <sup>th</sup> June, 2013.	
<b>3. 12.3.13</b>	<b>Minutes - 12<sup>th</sup> February, 2013</b>	The minutes of the meeting held on 12 <sup>th</sup> February, 2013 be approved and signed by the Chairman as a correct record, subject to the following

		<p>amendment:-</p> <p>Page 5 - Paragraph 3 - after the word "with" insert "his own Academy's".</p>
<p><b>4.</b> <b>12.3.13</b></p>	<p><b>Matters arising from the minutes</b></p> <p>There were no matters arising from the minutes.</p>	
<p><b>5.</b> <b>12.3.13</b></p>	<p><b>Late items to be introduced by the Chairman</b></p> <p>There were no late items for introduction by the Chairman.</p>	
<p><b>6.</b> <b>12.3.13</b></p>	<p><b>Local Government (Access to Information) Act, 1985 (as amended)</b></p> <p>The Forum noted that there were no items for consideration in the private session.</p>	
<p><b>7.</b> <b>12.3.13</b></p>	<p><b>Feedback on Consultation of Scheme for Financing Schools</b></p> <p>A report was submitted.</p> <p>The Chairman referred to Paragraphs 6.2.1 and 6.2.2 and that independent advice had been sought on whether the governing body, rather than the Local Authority, made the decision regarding early retirement and associated costs.</p> <p>Mr. Crowther referred to advice received to the following question:-</p> <p style="padding-left: 40px;">"If a 55+ member of the teaching profession was made redundant following due process, is there a legal responsibility to protect, to enhance that persons pension."</p> <p>The response to the question was "no".</p> <p>As a result of this and the confusion following the meeting in December, 2012, Mr. Crowther contacted Walsall Council Legal Services but they could not</p>	

offer legal advice to Schools Forum as this would leave them in a compromised position.

A discussion took place on the content of Paragraphs 6.2.1 and 6.2.2 and who would be responsible to pay premature retirement pension costs. Mr. Mortiboys confirmed that the Department for Education default position was that any appropriate payments be charged to the school and not to the Council.

Mr. Mortiboys drew the Forum's attention to a report to the Forum in September, 2010 which appended the Teacher's Pension Regulations 1997 and the Teacher's (Compensation for Redundancy and Premature Retirement) Regulations, 1997, Part 4, relating to mandatory compensation. The Forum was informed that the Council had adopted that Regulation in respect of school closures, redundancy of teachers and compassionate grounds. This was agreed by Appointments Board and became Council policy.

Mr. Crowther confirmed that the concerns of the Forum related to mandatory enhancement; Mr. Mortiboys confirmed that no enhancements were given beyond which was agreed by Appointments Board. Mr. Crowther stated that governing bodies should be informed that schools did not have to enhance payments.

The Chairman stated that Paragraph 6.2.1 of the scheme did not make it clear who made the payment and whether governing bodies would be consulted. Mr. Mortiboys confirmed that the Local Authority policy clearly stated that the pension would not be actuarially reduced.

Members referred to the change in policy in 2010 when the age that teachers could access their pension with early retirement was reduced from 58 to 55. At that time, it was advised that this was an equality issue but teachers and Local Government terms and conditions differed.

It was suggested that the following question be put to the Council's Legal Services section and that the Chairman, Gary Crowther and Michelle Sheehy consider the response before the next meeting:-

	<p>“Is there a legal entitlement for an employer (Local Authority, Academy or school) to protect, enhance or support a pension for someone who is made redundant at aged 55 years of age?”</p> <p>Mr. Mortiboys confirmed that pension enhancement was a discretionary provision.</p>	
<p><b>8. 12.3.13</b></p>	<p><b>Approval of Central School Budget Expenditure</b></p> <p>A report was submitted.</p> <p>In response to points raised, Mr. Mortiboys confirmed that any underspending would be shared with all schools.</p> <p><b>Resolved</b></p> <p>(1) That “where appropriate” set out in Paragraph 3.2 of the report be deleted;</p> <p>(2) That Schools Forum:-</p> <p>(a) approve the level of central school expenditure;</p> <p>(b) approve the level of central expenditure - early years;</p> <p>(c) approve the criteria for allocating growth funding in 2013-14.</p>	
<p><b>9. 12.3.13</b></p>	<p><b>High Needs - top up rates 2013-14</b></p> <p>A report was submitted.</p> <p>Ms. Morris outlined the information contained within the report.</p> <p><b>Resolved</b></p> <p>(1) That Schools Forum endorse the proposed top up rates for mainstream schools and academies detailed in Appendix 1, Column (4);</p>	

	<p>(2) That the proposed top up rates for special schools detailed in Appendix 2, Column (8) be endorsed;</p> <p>(3) That the basis of real time funding transfers be approved.</p>	
<p><b>10. 12.3.13</b></p>	<p><b>Balance Control Mechanism - feedback from Primary and Secondary Forum</b></p> <p>The Chairman confirmed that Primary colleagues would discuss this issue at its meeting on 14<sup>th</sup> March, 2013.</p> <p>Mr. Crowther confirmed that this had not yet been included on the Secondary Forum agenda.</p> <p>Mr. Mortiboys reported that currently, secondary schools held 5%, large primaries held 6%, medium primaries held 7% and small primaries held 8% of their balances. Although some schools were moving away from balance control mechanism, it was felt that Walsall should retain this and move to an 8% retention maximum across the board and that schools would be required to notify the Local Authority by 31<sup>st</sup> March if they were proposing to take their balance above 8% and give the reason for this.</p> <p>After discussion it was,</p> <p><b>Resolved</b></p> <p>That Schools Forum agree to a Balance Control Mechanism of 8% across the board for 2013/14 to be included in the scheme for financing schools for implementation in 2013/14 and report back to the meeting to be held on 26<sup>th</sup> March, 2013.</p>	
<p><b>11. 12.3.13</b></p>	<p><b>Dates for future meetings 2013/14</b></p> <p>A report was submitted.</p> <p><b>Resolved</b></p> <p>(1) That, subject to availability of the venue identified, the timetable for meetings of the Forum be agreed for the year as follows, the</p>	

	<p>meetings to be held at 4.00 p.m. at Blakenall Village Centre, Thames Road, Blakenall, Walsall:-</p> <p>Tuesday, 26<sup>th</sup> March, 2013 (Spring)  Tuesday, 11<sup>th</sup> June, 2013 (Summer)  Tuesday, 24<sup>th</sup> September, 2013  Tuesday, 15<sup>th</sup> October, 2013 (Autumn)  Tuesday, 3<sup>rd</sup> December, 2013 (Autumn)  Tuesday, 14<sup>th</sup> January, 2014 (Spring)  Tuesday, 11<sup>th</sup> February, 2014  Tuesday, 11<sup>th</sup> March, 2014 (Spring)  Tuesday, 25<sup>th</sup> March, 2014</p> <p>(2) That, in the event of additional meetings proving necessary, provisional dates be agreed as follows:-</p> <p>Tuesday, 5<sup>th</sup> November, 2013</p>	
<p><b>12.</b> <b>12.3.13</b></p>	<p><b>Forward Plan</b></p> <p>The Forward Plan was submitted.</p> <p><b>Resolved</b></p> <p>That the Forward Plan be agreed.</p>	
<p><b>13.</b> <b>12.3.13</b></p>	<p><b>Late items to be introduced by the Chairman</b></p> <p>There were no late items submitted.</p>	
<p><b>14.</b> <b>12.3.13</b></p>	<p><b>Correspondence</b></p> <p>There was no correspondence received.</p>	
<p><b>15.</b> <b>12.3.13</b></p>	<p><b>Date and time of next meeting</b></p> <p>It was <b>NOTED</b> that the next meeting of Schools Forum would be held on Tuesday, 26<sup>th</sup> March, 2013 at 4.00 p.m. at Blakenall Village Centre, Thames Road, Blakenall, Walsall.</p>	

The meeting terminated at 5.15 p.m.

