

## OFFICER DECISION RECORD (ODR3)

This form records an officer decision but is not required to be published.

To update charges and provide information to schools considering converting to Academy Status

<b>Date of Decision</b>	<b>18 December 2023</b>
<b>Decision Taker (including Job Title)</b>	Deborah Woodcock, Executive Director of Children's Services
<b>Specific Delegation</b>	Officer delegation under the Constitution dated July 2023 at Chapter 2 Part 5 paragraph 33 delegation was given to all Executive Directors to determine a Pricing Strategy that articulates the level of fees or charges payable in respect of any goods or services supplied, work undertaken or the loan or use of plant, equipment or machinery.
<b>Brief Description of Decision</b>	A briefing report and appendices were discussed at the Childrens and Families Directors Leadership Team meeting on 12 December 2023. The group agreed with the charges and the 'Information to Schools' document.
<b>Reasons for the Decision and alternatives considered</b>	<p>The Executive Director of Children's Services has advised that full cost recovery is required to cover CEC's involvement in the academy conversion of any school.</p> <p>Schools received communication in April 2021 advising of charges from mid-May 2021 were £3,000 for a standard conversion or £4,000 where there were added facilities on site. It was noted that payroll services charged separately for conversion. CEC have reviewed the costs and made necessary revisions. Due to the considerable work in ensuring that a conversion is completed in full compliance to agreed legislation, the current anticipated charge per school is likely to be between £5,480 to £10,995, excluding payroll and actuary fees. The CEC charges will be reviewed on an annual basis.</p> <p>Academy conversions do create additional workload across many departments of the Council. Schools receive a grant for conversion costs and many local authorities charge to recover their costs. Previously the council has charged but it has not recovered the costs of all staff time. If we do not charge to recover the cost of staff time we are</p>

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	absorbing the costs within the council, adding to our pressures as we do not receive any direct funding for this work.
<b>Member consultation and interests declared</b>	Not applicable.
<b>Legal Implications</b>	<p>Under the Local Government Act 2003, the Council can charge for discretionary charges for the services that it provides. Discretionary services are services where the council has the power but is not obliged to provide. The Local Government Act 2000 gave local authorities a general power to promote the economic, social and environmental well-being in local communities. The 2003 Act allows authorities to set the level of the charge for each discretionary service as they think fit within the restriction that the income from charges for each kind of service must not exceed the costs of its provision nor can the Council charge for services that it mandated to provide or has a legal duty to provide.</p> <p>The Localism Act 2011 introduced the General Power of Competence, which allows the Council to do anything an individual can do, provided it is not prohibited by other legislation. These powers have replaced the previous well-being powers; however, the use of these powers must be in support of a reasonable and accountable decision made in line with public law principles. This includes the ability to charge for services.</p> <p>Legal Officer: Mandy Withington, Principal Lawyer (Corporate Projects and Property) Date: 15 December 2023</p>
<b>Financial Implications</b>	<p>Previously a nominal amount was charged to schools converting to an academy. The charge has been reviewed and based on full recovery of staff time. If we do not charge to recover the cost of staff time we are absorbing the costs within the council, adding to our pressures as we do not receive any direct funding for this work.</p> <p>Finance Officer: Kathy Oliver – Finance Lead Business Partner Date: 14 December 2023</p>

**Signed**

*Debra Woodcock*

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**Dated 18 December 2023**

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