

Delegated Decisions by Deputy Leader of the Council

***Friday, 1 July 2011 at 10.30 am
County Hall, New Road, Oxford***

Items for Decision

The items for decision under individual Cabinet Members' delegated powers are listed overleaf, with indicative timings, and the related reports are attached. Decisions taken will become effective at the end of the working day on 2010 unless called in by that date for review by the appropriate Scrutiny Committee.

Copies of the reports are circulated (by e-mail) to all members of the County Council.

These proceedings are open to the public



Peter G. Clark
County Solicitor

June 2011

Contact Officer: **Sue Whitehead**
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Note: Date of next meeting: 19 July 2011

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named on the front page, but please give as much notice as possible before the meeting.

Items for Decision

1. **Declarations of Interest**
2. **Questions from County Councillors**

Any county councillor may, by giving notice to the Proper Officer by 9 am two working days before the meeting, ask a question on any matter in respect of the Cabinet Member's delegated powers.

The number of questions which may be asked by any councillor at any one meeting is limited to two (or one question with notice and a supplementary question at the meeting) and the time for questions will be limited to 30 minutes in total. As with questions at Council, any questions which remain unanswered at the end of this item will receive a written response.

Questions submitted prior to the agenda being despatched are shown below and will be the subject of a response from the appropriate Cabinet Member or such other councillor or officer as is determined by the Cabinet Member, and shall not be the subject of further debate at this meeting. Questions received after the despatch of the agenda, but before the deadline, will be shown on the Schedule of Addenda circulated at the meeting, together with any written response which is available at that time.

3. **Petitions and Public Address**
4. **Provision to the Goddard Park Community Primary School, Swindon of Administration Support and Professional Advice for School Admission Appeal Panel Hearings** (Pages 1 - 2)

Forward Plan Ref: 2011/126

Contact: Sue Whitehead, Committee Services Manager Tel: 01865) 810262

Report by County Solicitor & Monitoring Officer (**CMDDL4**).

Report seeking approval before negotiations are concluded about the provision of services to a third party.

The Deputy Leader is RECOMMENDED to:

- approve the provision of administration support and professional advice for school admission appeal panel hearings to the Governing Body of The Goddard Park Community Primary School; and,

- authorise the Council's officers to enter into a legal agreement to that effect with the Governing Body of Oxford Academy.

Division(s): N/A

DEPUTY LEADER OF THE COUNCIL

PROVISION TO THE GODDARD PARK COMMUNITY PRIMARY SCHOOL, SWINDON OF ADMINISTRATION SUPPORT AND PROFESSIONAL ADVICE FOR SCHOOL ADMISSION APPEAL PANEL HEARINGS

Report by County Solicitor

Introduction

1. The Goddard Park Community Primary School, Swindon, is an Academy Trust School and educates pupils aged 5 – 11 years of age. The School have approached the Senior Education Appeals Officer with a request to provide the administrative and professional advisor support for a one-off set of school admission appeals and possible subsequent ad hoc appeals in the next 12 months.. The service provided would include: arranging panel members and hearing dates, meeting arrangements, circulation of papers, clerking at the meeting, notification of the outcomes and giving procedural advice.
2. The Academy is its own Admission Authority and as such must make arrangements for school admission appeals to be heard by an independent appeal panel

School Admission Appeals

3. School Admission Appeals in Oxfordshire are administered within Law & Governance by the Senior Education Appeals Officer aided by additional clerking and administrative support. In the current Academic year over 1000 appeals have been dealt with.
4. The School Admission Appeals service has recently been reviewed and one of the recommendations was to explore opportunities for income generation. This was primarily aimed at taking advantage of the experience and knowledge of the Senior Education Appeals Officer whose expertise is nationally recognised. Recently she was consulted in the early discussions on the recently released consultation draft of the Appeals Admissions Code. She has also provided training to appeals staff in other authorities.
5. As the school is an Academy there is no obligation on the Council to provide this service but it furthers one of the recommendations of the School Admission Appeals Review, provides a on-off income and may provide further opportunities in the future.

Financial and Staff Implications

6. The Council needs to enter into a formal contract with the Goddard Park Community Primary School in order to provide the service. The charges to the School will be of three types: the first is the one-off legal costs for preparing the contract; the second, the cost of the appeals based on the estimated staff and support costs(this will vary between £3,000 and £4,500 dependent on the number of appeals); and, the third, being a payment for the associated increase in the Council's insurance premium. There is no additional cost to the Council.
7. Rule 105 of the Council's Financial Procedure Rules (Part 8.2 of the Constitution) states:

“Cabinet approval must be obtained before any negotiations are concluded about working for third parties.”
8. There is a standing delegation to each Member of the Cabinet in Part 4.4 of the Constitution (Delegated Decisions by Individual Cabinet Members) to take decisions within his/her portfolio except in certain cases. This instance does not fall within any of the exceptions listed at (1)(a) – (i).

RECOMMENDATION

The Deputy Leader is **RECOMMENDED** to:

- **approve the provision of administration support and professional advice for school admission appeal panel hearings to the Governing Body of The Goddard Park Community Primary School; and,**
- **authorise the Council's officers to enter into a legal agreement to that effect with the Governing Body of Oxford Academy.**

PETER CLARK
County Solicitor

Background papers: School Admission Appeals Review
Contact Officer: Sue Whitehead, Committee Services Manager, Tel: (01865)
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