
HURWORTH SCHOOL

**Responsible Cabinet Member(s) - Councillor Chris McEwan, Children's Services Portfolio
Councillor Don Bristow, Resource Management Portfolio**

Responsible Director(s) – Margaret Asquith, Director of Childrens Services

Purpose of Report

1. To seek Members approval for the non teaching staff employed at Hurworth School to continue to have access to the Local Government Pension Scheme in the event that Hurworth School becomes a Foundation School.

Information and Analysis

2. On the 27 January 2006 the Governing Body of Hurworth School decided to commence a process in order for the School to become a foundation status school. The appropriate legal notice was published and a copy was served on the Council. The notice set out the intention of the Governing Body to change status from a community school to a foundation School with effect from the 24 April 2006.
3. After the notice of intention was published there was a 4 week period in which representations about the proposals could be sent to the School. The Governing Body of the School will need to take account of any views and representations it received during this period before it meets to make a final decision. The Governing Body is due to meet to consider the matter again on the 31 March 2006.
4. Should the Governing Body of Hurwoth School decide on the 31 March 2006 to change status to become a foundation school, the Council needs to ensure that appropriate arrangements are in place in order to safeguard the terms and conditions of staff employed at Hurworth School.
5. At the moment all permanent staff working at Hurworth School are employed at the school, under delegation, by the Council. When Hurworth School becomes a foundation school staff will cease to be employees of the Council and will become employed by the Governing Body of Hurworth School.
6. Teaching staff, whose terms and conditions are regulated by statute, will continue to be employed without any change to their terms and conditions of employment. This will include continued access to and membership of the School Teachers Pension Scheme.

7. After Hurworth School becomes a foundation school non teaching staff, upon ceasing to be employed by the Council, will be unable to continue to belong to the Local Government Pension Scheme unless the issue of continued scheme membership is addressed. There are 21 non teaching staff working at Hurworth School who are members of the Local Government Pension Scheme.
8. As the current employer, the Council has an obligation to ensure, as far as we can, that staff transfer to the new employer without suffering detriment. On public sector transfers of staff the new employer must provide a broadly comparable pension scheme or gain admittance to the public sector pension scheme.
9. If the Governing Body of Hurworth School and the Council as the former employer agree to pass a statutory resolution this will enable non teaching staff to have continued membership of the Local Government Pension Scheme.
10. A statutory resolution, which is provided for by paragraph 4 of the Local Government Pension Regulations 1997 (SI 1997/1612) would allow a specified class of employees to have membership or continued membership of the Local Government Pension Scheme.
11. Following discussion with the Pension Fund administrators and actuaries, it is proposed that Hurworth School continues to be grouped with Darlington Borough Council for the purpose of calculating employers' contribution rates.
12. The terms of the resolution are set out below in paragraph 18.
13. The Governing Body of Hurworth School will be considering this matter at the next meeting of the Governing Body and will be passing a like resolution.

Legal Implications

14. This report has been considered by the Borough Solicitor for legal implications in accordance with the Council's approved procedures. There are no issues which the Borough Solicitor considers need to be brought to the specific attention of Members, other than those highlighted in the report.

Section 17 of the Crime and Disorder Act 1998

15. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. It is not considered that the contents of this report have any such effect.

Council Policy Framework

16. The issues contained within this report do not represent change to Council policy or the Council's policy framework

Decision Deadline

17. For the purposes of 'call-in' this is an urgent matter. The issue of non teaching staff and their access to the Local Government Pension Scheme needs to be dealt with before Hurworth School becomes a Foundation School on the 24th April 2006.

Recommendation

18. It is recommended that Members pass a resolution that non teaching staff employed by the Governing Body of Hurworth School may join or continue as members of the Local Government Pension Scheme after the School becomes a Foundation School.

Reasons

19. The recommendation will allow non teaching staff to transfer from Council employment to Hurworth School should it become a foundation school, without detriment to their membership of the Local Government Pension Scheme.

Margaret Asquith
Director of Children's Services

Background Papers

- (i) Local Government Pension Scheme Regulations 1997 (SI 1997/1612)
- (ii) Cabinet Office Statement of Practice on Public Sector Transfers

Luke Swinhoe : 2055
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