

OFFICER DECISION RECORD 1 FORM - GUIDANCE

This form should be used to record Officer Decisions in Excess of £100k (but below the key decision threshold), or where required by Financial, Contract or other Procedure Rules or following formal delegation from Cabinet or a Cabinet Member or a Council Committee.

Decision Reference No: e.g. Directorate/Ref No/Year - /1920030

BOX 1**DIRECTORATE: LO:CYP****DATE: 21st October 2019****Contact Name: Anita Linsdell****Tel. No.: 734522**

Subject Matter: Transfer of staff and assets to Travel Assistance Service from Coppice School prior to school converting to academy

BOX 2**DECISION TAKEN**

1. To transfer 10 members of staff from the line management of Coppice school to the Travel Assistance Service department of the Council to take effect prior to the transfer of the School to academy status
2. To enter into an agreement for the provision by the Nexus Multi Academy Trust of a bus parking facility and the occasional use by the Trust of the buses parked there to take the children on field trips and other outings connected to their education.
3. To enter into a grant agreement to assist with the co-ordination and administration requirements connected to the provision by the Council of bus transport to and from Coppice School for the children and parents.

BOX 3**REASON FOR THE DECISION**

1. Coppice School will become an academy with Nexus in November. This means that if the academy retain the drivers, escorts and buses, they will not automatically have the right to transfer their own students. As the Council has the statutory responsibility for providing travel assistance, the academy would have to bid for the work as would any other independent organisation/business. Should the academy not be successful in bidding their own employed drivers would not have a function but would still be paid until such a time when reduction of staff could be facilitated by way of redundancy. Moving the line management of the staff and the ownership of the buses to the Travel Assistance Service prior to the conversion means ensures that the staff can be retained, providing consistency for the children and preventing redundancy.

2. The buses of which there are 15 in number must be parked up securely in the middle of the school day and over-night. The ideal parking arrangements from a practical and environmental point of view would be to continue to park the buses at the School. The Trust require the use of the buses on certain occasions. One of the buses has a specialist rear lift ensuring that youngsters with the use of wheel chairs can take part in the activities requiring transport. The Trust has agreed to host the buses and the Council has agreed to allow occasional use as the quid pro quo for the parking facility. An agreement has been negotiated in principle setting forth each party's responsibilities and obligations.

3. The co-ordination and organisation required to transport the children at Coppice to school and home again is a significant task. There are benefits to such a task being undertaken by the School. This is because the school have first hand knowledge of who the parents and carers of the children are and it would mean there would be one point of contact for parents and carers. The school understand the needs of the children and can communicate to drivers directly any concerns or additional arrangements that might need to be made. The Council wish to make a grant available towards the additional costs for the school to undertake the tasks of co-ordination pick- ups and drop offs in the sum of £26,815.34.

BOX 4

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

The other option is to leave the staff and assets with Coppice. This would mean that as an independent organisation the academy would have to bid in order to provide transport for the children on roll with them. If the academy was unsuccessful there are issues regarding the lack of consistency for children and relating to industrial relations.

BOX 5

LEGAL IMPLICATIONS

Section 1 of the Localism Act 2011 gives the local authority the power to do anything that individuals may generally do.

S111 Local Government Act 1972 states that a local authority shall have power to do anything (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions.

Section 175 of the Education Act 2002 the Council must exercise its functions as a local education authority with a view to safeguarding and promoting the welfare of children.

A Local Authority in England must make, in the case of an eligible child in the authority's area such travel arrangements as they consider necessary in order to secure that suitable home to school travel arrangements, for the purpose of facilitating the child's attendance at the relevant educational establishment in relation to him, are made and provided free of charge in relation to the child.

Legal Services must be contacted to draw appropriate contracts for the grant and for the parking/use of buses to protect the Council and to ensure that the practical arrangements are clearly written down and agreed.

Regarding the staff the proposal is that the staff will be moved from working within a School to working within the Council itself. As Coppice is a Community School the staff are employed by the Council and therefore they are effectively moving departments which will change their line management. Consultation should take place with staff to ensure that they are aware of this change. However, there is also the issue that the staff employed by the Council but who work in a school are on different terms and conditions to those who work directly for the Council. Moving departments will mean that their terms will need to be harmonised with that of Council employees and the consultation with staff regarding their moving departments should make this clear.

Name: Nichola Varty and Helen Wilson Signature: [REDACTED] Date: 25/11/19

Signature of Assistant Director of Legal and Democratic Services (or representative)

BOX 6

FINANCIAL IMPLICATIONS:

Currently 13 routes take children from all over Doncaster to Coppice School. 13 of the 15 buses are used and there are 2 spare. Staffing of the routes includes a mixture of staff either line managed by Coppice School or DMBC. The proposal is to transfer the 10 staff line managed by Coppice School to the Travel Assistance Service due to Coppice School becoming an Academy.

The 10 Members of staff cost £81k per annum including on-costs. Although the staff are currently line managed by Coppice School, DMBC pay Coppice School for the cost of the Drivers and Escorts, therefore there would be no additional costs to DMBC from the proposal to transfer the staff to DMBC.

Similarly, with the costs of the buses, the current annual cost of the buses is £134k and this is funded by DMBC so there would be no additional costs.

If the staff and assets aren't transferred to DMBC and transferred to the Academy instead, then the Academy would have to bid for the routes like other external contractors. The risks of this would be if the Academy didn't win the routes and another contractor did, the cost of the running these routes could increase as external contractors are usually more expensive and there would need to be redundancies. If the Academy did win the routes then there is a risk to DMBC that they would be at a higher cost than if we provided it internally due to them adding management fees.

Name: Laura Sudbury Signature: [REDACTED] Date: 25/11/2019

BOX 7**OTHER RELEVANT IMPLICATIONS****HR IMPLICATIONS**

During the academisation process it was identified that part of the staff are currently employed by Coppice, part by Passenger Transport. Discussions/consultation have been held to determine the best possible outcome for staff. By transferring staff into the Authority, this removes the issue of the academy having to later bid for transport runs.

Internal transfer of bus escorts and drivers currently working for Coppice School to DMBC Passenger transport team. The staff are currently employed on NJC terms and conditions and it is proposed that they will transfer on the same, with a harmonisation process being carried out in April 2020 for which consultation is taking place.

Full and meaningful consultation has been carried out with staff and unions.

Name: J Carter Signature: [REDACTED] Date: 22/11/19

ANY IMPLICATIONS SENT TO DEPARTMENTS SHOULD GENERALLY BE SUBMITTED AT LEAST 5 WORKING DAYS IN ADVANCE TO ENSURE THESE CAN BE GIVEN THE RELEVANT CONSIDERATION.

If any material changes are made to the ODR before its approval, the ODR should be resubmitted to ensure implications are up to date and still relevant. Therefore it is important to ensure the Implications section includes the date on which the implications were provided.

Where professional services raise any comments or questions on the ODR Form that require a response from the author, the author must resolve these to the satisfaction of the professional service before proceeding with the decision.

BOX 8

EQUALITY IMPLICATIONS: (To be completed by the author).

There are some attainment inequalities amongst young people especially those living in some of the poorest parts of the borough, those from different ethnic backgrounds, those who have special educational needs, and young people in care (Equalities and Inclusion Plan 2014-2017)

The provision of transport for children and young people accessing schools and colleges across the borough and beyond contributes towards the Council's Equality Objectives by providing transport assistance where a need is identified.

BOX 9

RISK IMPLICATIONS: (To be completed by the author)

If this decision was not taken there would be a risk of lack of consistency for children and an increased risk of redundancy for the staff concerned.

**BOX 10
CONSULTATION**

Please detail any consultation undertaken in respect of this decision

Consultation has taken place with the staff affected by the proposed transfer and also the Nexus Multi Academy Trust and the Headteacher and staff at Coppice School

**BOX 12
BACKGROUND PAPERS**

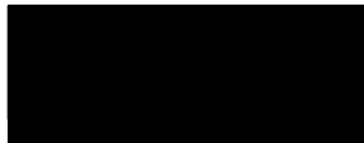
Please confirm if any Background Papers are included with this ODR NO

(If YES please list and submit these with this form)

**BOX 13
AUTHORISATION**

Name: Riana Nelson

Signature:



Date: 12/11/2019

Director of Learning, Opportunities and Skills

Does this decision require authorisation by the Chief Financial Officer or other Officer

NO

If yes please authorise below:

Name: _____ **Signature:** _____ **Date:** _____

Director/Assistant Director of _____

Consultation with Relevant Member(s)

Where an officer decision has been taken in consultation with the Mayor, Cabinet Member or Committee Chair this should be recorded on this ODR.

Name: _____ **Signature:** _____ **Date:** _____

Designation _____

e.g. Mayor, Cabinet Member or Committee Chair.

Declaration of Interest YES/NO

If YES please give details below:

Any Cabinet Member or Committee Member (where the decision has been delegated by a Council Committee) who has been consulted on an officer decision must declare any interest they have in respect of the decision, and this should be recorded on the ODR form. Where there is no interest this should also be recorded. This is not applicable for general Member consultation or consultation with ward Members.

PLEASE NOTE THIS FORM WILL BE PUBLISHED ON THE COUNCIL'S WEBSITE IN FULL UNLESS IT CONTAINS EXEMPT OR CONFIDENTIAL INFORMATION.

Once completed a PDF copy of this form and any relevant background papers should be forwarded to Governance Services at Democratic.Services@doncaster.gov.uk who will arrange publication.

It is the responsibility of the decision taker to clearly identify any information that is confidential or exempt and should be redacted before publication.