

Meeting of the

# COMMISSIONERS' DECISION MAKING MEETING

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Wednesday, 19 August 2015 at 6.30 p.m.

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## SUPPLEMENTAL AGENDA No. 2

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# Agenda Item 5.1

<b>Commissioner Decision Report</b>	 <b>TOWER HAMLETS</b>
<b>Report of:</b> Zena Cooke Corporate Director (Resources)	<b>Classification:</b> Unrestricted
<b>Bachelor of Arts Qualified Teacher Status Bursary Scheme</b>	

<b>Is this a Key Decision?</b>	<b>No</b>
<b>Decision Notice Publication Date:</b>	19 <sup>th</sup> August 2015
<b>General Exception or Urgency Notice published?</b>	N/A
<b>Restrictions:</b>	None

## REASON FOR URGENCY

The intended recipients of this grant are due to commence the final year of their full time degree in September 2015, and applied with the expectation that this grant would be awarded on the basis they have successfully completed the necessary foundation degree.

If no decision is taken then the eight individuals who intend to commence on a full time Bachelor of Arts Qualified Teacher Status degree course will be without access to the funding that enables them to undertake this degree full time, after resigning from their current employment.

## EXECUTIVE SUMMARY

Tower Hamlets since 1999 has as part of its commitment to a workforce to reflect the community supported Tower Hamlets school support staff train as qualified teachers.

A number of school support staff are being sponsored to undertake an employment based foundation degree in teaching and learning support over a period of three years with the University of Cumbria. Successful students are able to bridge to the final year of a full-time BA QTS degree course with the University of Cumbria and gain qualified teacher status, but this requires the employees to resign from their current positions.

To support the students whilst undertaking their studies full-time, the local authority has historically provided a bursary of £10k paid over a course of three terms.

This decision is urgent to allow the school employees to commence their studies at the beginning of the new academic year in September 2015. A number of these staff will have already resigned from their position in school on the understanding that the local authority will continue to support their professional development.

Full details of the decision sought, including setting out the reasons for the recommendations and/or all the options put forward; other options considered; background information; the comments of the Chief Finance Officer; the concurrent report of the Head of Legal Services; implications for One Tower Hamlets; Risk Assessment; Background Documents; **and other relevant matters are set out in the attached report.**

## **RECOMMENDATIONS**

The Commissioners are recommended to approve the awarding of a bursary of £10k to each of the eight Tower Hamlets former school employees currently awaiting the outcome of this decision to be able to commence their full-time studies.

## **1. COMMENTS OF THE CHIEF FINANCE OFFICER**

- 1.1 The funding for the grant as a one-off cost (full year equivalent cost of £80,000) is fully contained within the Workforce Development General Fund budget. The grant itself is paid to the students in three termly instalments of £4,000, £3,000 and £3,000. Therefore, the cost for the 2015/16 financial year is £56,000 and for 2016/17 is £24,000.

## **2. LEGAL COMMENTS**

- 2.1 The power of the commissioners to make decisions in relation to grants arises from directions made by the Secretary of State on 17 December 2014 pursuant to powers under sections 15(5) and 15(6) of the Local Government Act 1999 (the Directions). Paragraph 4(ii) and Annex B of the Directions together provide that, until 31 March 2017, the Council's functions in relation to grants will be exercised by appointed Commissioners, acting jointly or severally. This is subject to an exception in relation to grants made under section 24 of the Housing Grants, Construction and Regeneration Act 1996, for the purposes of section 23 of that Act (disabled facilities grant).

- 2.2 The report identifies that payments are made to school employees to enable them to undertake university training. It is understood that the scheme is operated by the Council with the goal of increasing recruitment and retention rates for teaching staff in the borough. The detail of the scheme is not entirely clear.

- 2.3 It is understood that the scheme has the following features –

- Employees are invited to participate in a programme pursuant to which they continue to work but also study to become teachers.
- The Council makes a financial contribution to enable the employee to study.
- Employees first undertake a 3-year foundation course.
- If the employee successfully completes the foundation course, then the employee may apply to do a final year of full-time study to qualify as a teacher and the Council pays for that training. The employee resigns to undertake this course.
- There is an expectation that the employee will return to the Council's employment at the end of the final year of training if there is an available position. If the employee does not return, then there is an undertaking to repay the Council's contribution

- 2.4 There is a reasonable argument that the Council is contractually obliged to make the final year payments to staff who have completed the foundation stage of the course. These obligations are likely to have arisen before the directions were made by the Secretary of State.

- 2.5 The nature of these payments is not entirely clear. In the ordinary course, a programme of training and development entered into by the Council in relation to its staff would not be considered to be a grant. It would be part of the Council's costs of developing its human resources and related to the contract of employment.
- 2.6 It has been suggested that the payments could be considered to be grants. As outlined above there is an entirely different open legal construction of the payments in question. However, it is understood that having regard to the highlighted uncertainties of the scheme and the Secretary of State's directions, it is considered prudent to seek the agreement of the Commissioners to the payments prior to them being made.
- 2.7 When considering any payment scheme, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who do not. Some form of equality analysis is required to support the scheme. That analysis should be undertaken separately from the instant report which is needed in order to ensure the Council meets its obligations to the employees concerned.

### **3. ONE TOWER HAMLETS CONSIDERATIONS**

- 3.1 The allocation of this grant funding has formed an integral part of the Local Authority's strategy to recruit local teachers.

### **4. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT**

- 4.1 There are no specific actions for a greener environment as a result of this funding process.

### **5. RISK MANAGEMENT IMPLICATIONS**

- 5.1 That the individual students would not be able to commence the final year of their qualifications.

### **6. CRIME AND DISORDER REDUCTION IMPLICATIONS**

- 6.1 There are no specific implications for crime and disorder as a result of this funding process.

### **7. EFFICIENCY STATEMENT**

- 7.1 There are no specific efficiency contributions as a result of this funding process.

### **8. SAFEGUARDING IMPLICATIONS**

- 8.1 All potential recipients have to make a declaration that they have not been disqualified from working with children.

### **Linked Reports, Appendices and Background Documents**

#### **Linked Report**

- None

#### **Appendices**

- None

#### **Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012**

- None

**Officer contact details for documents:**

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