

Portfolio Holder for Learning and Welsh Language



County Hall
Llandrindod Wells
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LD1 5LG

18 July 2019

For further information please contact

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NOTICE OF INTENDED PORTFOLIO HOLDER DELEGATED DECISION

The Portfolio Holder has received the following report for a decision to be taken under delegated authority. The decision will be taken on **24 July 2019** (i.e. 3 clear days after the date of this note). The decision will be published on the Council's website but will not be implemented until 5 clear days after the date of publication of the decision) to comply with the call-in process set out in Rule 7.36 of the Constitution.

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| 1. | CLAWBACK SCHOOL BUDGETS OUTTURN 2018/19 |
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CYNGOR SIR POWYS COUNTY COUNCIL

PORTFOLIO HOLDER DELEGATED DECISION
by
County Councillor Myfanwy Alexander
(Portfolio Holder for Learning and Welsh Language)
July 2019

REPORT AUTHOR: Nancy Owen

SUBJECT: Clawback School Budget Outturn 2018/19

REPORT FOR: Decision

1. Summary

- 1.1 Under the School Funding (Wales) Regulations 2010, when surplus budgets held by schools exceed £50,000 for primary schools or £100,000 for secondary schools and special schools, the Authority has the power to direct a school how to spend the balance or to clawback the balance held in excess of these limits.
- 1.2 As at the 31st March 2019 there were sixteen (16) schools whose surplus balances are greater than that defined within the scheme for financing schools and were subject to consideration for claw back.
- 1.3 It was agreed at the Cabinet meeting on the 18th June 2019 that the Portfolio Holder for Education has the delegated decision on whether to apply clawback pending reasons for the surplus being in excess of the position submitted to Cabinet in June 18.
- 1.4 There were sixteen (16) schools that meet the criteria set out in the scheme to have potential outturn surplus clawback. These schools were written to asking for details as to why this occurred and the planned use so that a clawback decision could be made by the end of the Summer Term. These schools are:

Builth Wells C P
Buttington Trewern C P
Guilsfield C P
Knighton C in W
Llanfair Caereinion C P
Llanidloes C P
Montgomery C in W
Mount St C P junior
Treowen C P
Welshpool C in W
Ysgol Bro Tawe
Ysgol Dafydd Llwyd
Ysgol Y Cribarth
Gwernyfed High School

- 1.5 A summary of the responses received from these schools is set out in Confidential Appendix A.

2. Proposal

- 2.1 Confidential Appendix A shows the outturn position for those schools listed above against their Approved Budget Plan for 2018/19, alongside reasons for the outturn being in excess of the limits detailed in the Scheme for Financing Schools.
- 2.2 It is proposed that the reasons summarised in Appendix A for each school are accepted and that no clawback takes place in relation to the outturn position for any of these schools for the 2018/19 financial year.

1. 3. Support Services (Legal, Finance, Corporate Property,

Schools Finance Manager comments – All schools have submitted reasons for the surplus being in excess of the balance in the June 2018 cabinet report. This has been accepted by Schools Service Senior Management and therefore clawback should not be applied.

Schools Service Management Team Comments – that they are content with the reasons set out in the responses by Schools to clawback and are demonstrating appropriate use of the surplus in future years and therefore clawback should not be applied.

Legal : The recommendations can be supported from a legal point of view.

4. Statutory Officers

- 4.1 The Deputy Head of Finance (Acting S151 Officer) notes the comments of the Schools Finance Manager and supports the approach
- 4.2 The Solicitor to the Council (Monitoring Officer) commented as follows : “ I note the legal comments and have nothing to add to the report.”

5 Members' Interests

The Monitoring Officer is not aware of any specific interests that may arise in relation to this report. If the Portfolio Holder has an interest, she should declare it, complete the relevant notification for and refer the matter to Cabinet for decision.

6. Recommendation

| Recommendation: | Reason for recommendation |
|--|---|
| <p>1. That the explanations given by all the schools for their surpluses as shown on outturn the for 2018/19 be accepted.</p> <p>2. For the reasons set out in recommendation 1 above, the surplus budgets for 2018/19 of the schools listed in paragraph 1.4 shall not be the subject of clawback</p> | <p>To comply with the Authority's scheme for the financing of schools</p> |

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|-------------------------------|-------------------------------------|-----------------------|---|
| Relevant Policy (ies): | Scheme for the Financing of Schools | | |
| Within Policy: | Y | Within Budget: | Y |

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| Relevant Local Member(s): | All |
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|---|----------------------------|
| Person(s) To Implement Decision: | School Finance Manager |
| Date By When Decision To Be Implemented: | 19 th July 2019 |

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|------------------------------|-------------|---------------------|
| Contact Officer Name: | Tel: | Email: |
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Background Papers used to prepare Report:

Scheme for the financing of Schools
 Good Practice Guide

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By virtue of paragraph(s) 14 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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