

BRISTOL CITY COUNCIL

HUMAN RESOURCES COMMITTEE

- For Information -

Thursday 8th October 2009

Report of: Service Director: Strategic HR & Workforce Strategy

Title: School Caretakers: Tied Accommodation

Ward: Citywide

Officer Presenting Report: Jan Mackenzie, AHRM (Schools)

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RECOMMENDATION

This report is submitted to this Committee for its information.

Summary

A report was taken to HR Committee in July. This report is to update the committee.

The significant issues in the report are:

None.

1. Policy

1.1 Previously HR committee determined that with effect from 1 November 2007 caretakers in tied accommodation would:

- be charged a standard rent
- receive a reduction of 75% in their council tax (for single caretakers this is in addition to the 25% reduction, making 100% reduction)

- be responsible for paying their own water rates

2. Consultation

2.1 Internal

Not applicable.

2.2 External

Not applicable.

3. Context

- 3.1 There are five caretakers in Voluntary Aided (VA) Schools. Three of these schools have chosen to adopt the council's policy. Two have not yet done so. They are St Peter + St Paul Primary School and St Pius Primary School.
- 3.2 The VA schools to which the policy applies were reminded of the council's policy in June 2009 by letter.
- 3.3 In discussion with the two VA schools which have not yet determined to adopt the council's policy it was established:

One of the two schools considered the position at a governors meeting in July and determined no action to be taken. Further discussions between the headteacher and HR found that the school had discussed the matter with the diocese at the time that the policy changed and believed that they are acting within all policies. The headteacher will be taking the matter back to personnel committee in September for re-consideration.

The other school believed that all decisions regarding the caretakers housing were taken by the diocese and have therefore been keeping the diocese informed but not enquiring as to whether action has been taken. The matter is now being looked at by the school which will make a decision.

There have also been further discussions between Officers and the Diocese about the situation.

3.4 Caretakers at VA schools who are paid differently from LA staff could make a claim against their employer (the school). In a VA school where the governing body is a separate legal entity the employee can only refer to differential treatment afforded to employees within that one school. Therefore the claim could only relate to comparators within the School itself and not to eg caretakers employed by other LEA schools. However, if, following further discussion, either of the schools fails to adopt the recommended policy, the respective governing body will be advised that the Local Authority will not indemnify the governing body in respect of any of the costs arising from litigation.

3.5 Both these schools employ only one caretaker each.

4. Proposal

4.1 Not applicable, policy for information.

5. Other Options Considered

5.1 None.

6. Risk Assessment

6.1 Not applicable as report for information only.

7. Equalities Impact Assessment

7.1 Report for information only.

Legal and Resource Implications

Legal

Not sought.

Financial

(a) Revenue: (b) Capital:

Not sought.

Land

Not applicable as report for information only.

Personnel

Where the VA schools wish to adopt this policy the Schools' HR team will continue to assist them in doing so.

Appendices

None

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 Background Papers:

None