



GUIDANCE NOTES ON THE ALLOWANCES FOR MEMBERS OF THE SCHOOLS' FORUM

The Schools' Forums (England) Regulations 2002 provides for the payment of allowances to members of the Schools' Forum, and guidance issued to all LEAs advises that such allowances should be aligned with the policies already in existence for the School Organisation Committee.

Therefore in accordance with the scheme currently in operation in Barnsley it provides for:-

1. Allowances for members

- a) For the purpose of the payment of financial loss allowance under section 173 (4) of the Local Government Act 1972, that provision shall apply, with any necessary modifications, to any member of a committee as it applies to any member of a parish or community council; and a committee shall be included in the bodies to which section 174 of that Act (travelling and subsistence allowances) applies.
- b) In section 174 (1) of that Act, in its application to a committee in accordance with sub-paragraph (1), the reference to payments at rates determined by the body in question shall be read as a reference to payments at rates determined by the relevant authority.

2. Financial and other assistance by LEA

- a) Before the beginning of each financial year a committee shall submit to the relevant authority a statement of the estimated expenses of the committee in respect of that year (including estimates of any allowances payable to their members by virtue of paragraph 3).
- b) Where they have received such a statement the relevant authority shall approve it, either without modification or with such modifications as they may specify.

- c) Once they have approved the statement under sub-paragraph (3) the relevant authority shall (subject to sub-paragraphs (5) and (6)) defray the expenses of the committee, in respect of the financial year in question, up to the total amount of the expenses set out in the statement as so approved.
- d) The relevant authority are not required by sub-paragraph (4) to defray any expenses of the committee which do not relate to an activity of the committee mentioned in the statement.
- e) Members of the Schools' Forum are entitled to claim travel allowance, subsistence allowance and financial loss of earnings.
- f) The relevant body for making all payments will be the Local Authority.
- g) All payments will be made in accordance with the School's Forums (England) Regulations 2002.

3. The Scheme for Making Payments

3.1 Barnsley Council have determined that the scheme for making payments of allowances will be:-

- (a) the payment of loss of earnings for members of the Schools' Forum be paid on the basis of the scheme used for Justices of the Peace;
- (b) the payment of travel and subsistence allowance for members of the Schools' Forum be paid on the basis of the Local Authorities Members Allowance Scheme.

3.2 The paying authority (the Local Authority) will, on an annual basis, increase the rates for travel, subsistence and financial loss of earnings as follows:-

- (a) for travel and subsistence as advised by the Department of the Environment, Transport and the Regions for the Local Authorities Members Allowance Scheme; and
- (b) for financial loss of earnings as advised by the Lord Chancellor's Department for the Justices' Allowance Scheme.

4. Guidance on the payment on loss of earnings

(This guidance is extracted from that produced for the Justices' Allowances' Scheme)

- 4.1 Financial loss of earnings allowance is to compensate members of the Schools' Forum for loss of earnings incurred by them in performing their duties.
- 4.2 The duties of a member of the Schools' Forum are:-
- (a) to attend meetings of the Schools' Forum as convened by the Executive Director – Children, Young People & Families.
 - (b) to attend meetings of and sub-committee or working group of the Schools' Forum;
 - (c) to make site visits as determined by the members of the Schools' Forum;
 - (d) to attend any training sessions as deemed necessary by the Schools' Forum in relation to the carrying out of their duties.
- 4.3 The Local Authority will have the right to final determination on whether a claim should be met or rejected.
- 4.4 The Justices of the Peace Act 1979 does not provide a definition of "earnings". Regulations, such as the Community Charges Regulations 1989 and the Council Tax (Administration and Enforcement) Regulations 1992 define earnings as meaning:-

"sums payable to any person by way of wages or salary including any fees, bonus, commission, overtime pay or other emoluments payable in addition to wages or salary or payable under a contract of service".

Note: This definition of earnings is no more than a guide as the definition is for the purposes of those regulations only.

- 4.5 The amount that may be claimed by Forum Members for Financial Loss Allowance is subject to an upper limit which varies depending on whether they are employed or self-employed and the period of time the Forum Members' Duty lasts.

Forum Members' may claim for both loss of earnings or benefit and for additional expenditure within the same claim. The upper limit on claims will apply as if they were a single rather than separate claims.

Details of the current rates of allowance payable and the circumstances which they are payable are set out in Annex 1.

- 4.6 In considering claims for Financial Loss Allowance, a local paying authority is entitled to apply whatever tests it considers necessary to ensure that the claim is fair and reasonable. Set out in the box below are examples of factors which may be taken into account in considering such claims.

- The loss or expenditure must be claimed in connection with the performance of duties relating to the Schools' Forum.
- There must be a direct link between the loss or expenditure claimed for and the performance of that qualifying Schools' Forum Duty - it must be demonstrated that the loss or expenditure would not have been incurred but for the performance of that Schools' Forum Duty.
- The loss or expenditure must have been sustained personally by Schools' Forum Members and not, for example, by a spouse or other relative or employer.
- The loss or expenditure must be actual rather than future or hypothetical and must be capable of being quantified to the extent that it can be shown that the amount is at least equal to or greater than the actual amount claimed for.
- The Local Authority may reasonably require Schools' Forum Members to furnish evidence of loss or expenditure and the local paying authority may determine the sufficiency of the evidence provided. Evidence may take a number of forms, at the discretion of the local authority, and may include letters, certificates from employers, accountants and the DSS and receipts, bills and books of accounts etc.
- The nature of the normal work carried out by the Schools' Forum Members may be taken into account in helping to determine whether a loss has been incurred (it would not be reasonable to expect Schools' Forum Members to rearrange their normal work to avoid incurring a loss).

4.6.1 Set out below are some examples to illustrate where Financial Loss Allowance may be payable.

Examples where FLA may be payable

- Schools' Forum Members who normally look after their children, may be able to claim for the cost of employing a child minder whilst they are performing their duties.
- Schools' Forum Members who have "care in the community" responsibilities - for example caring for an elderly relative - may be able to claim for the cost of employing a person to take on those responsibilities whilst they are performing their duties.

- Schools' Forum Members who normally works their own shop, but who are required to employ a temporary assistant to cover for them whilst they are performing their duties, may be able to claim for the cost of employing that assistant.
- Schools' Forum Members who, as part of their duties, are required to make phone calls using their own phone or to purchase stamps to send out letters, may be able to claim for the cost of the calls or the cost of the stamps.
- Schools' Forum Members who have wages/salary deducted by their employer for any period they are absent from work whilst performing a duty, may be able to claim for the loss of wages/salary.
- Schools' Forum Members who lose out on an entitlement to holiday pay or to a bonus from their employer for any period they are absent from work performing a duty, may be able to claim for the amount of the loss.
- Schools' Forum Members who are also a member of a local authority, and who are unable to attend a meeting of a committee they are a member of, by reason of performing a duty, may be able to claim for the loss of the attendance allowance they may otherwise have received.
- Schools' Forum Members who run a small business and who are required to shut it whilst they are performing a duty, may be able to claim for loss of takings.
- Schools' Forum Members who lose an entitlement to benefit may be able to claim for the loss of that benefit.
- Schools' Forum Members who are self-employed and who are required to turn down work which as a fixed deadline or which they are contracted to do during the period when they are performing a duty and for which they will not receive payment, may be able to claim for the loss of earnings.

4.8 Examples where Financial Loss Allowance may not be payable.

- Schools' Forum Members who are provided with paid time off work by their employer to enable them to perform their duties will not be able to claim as they will not have incurred any loss.
- Schools' Forum Members who suffer a loss of or reduction in pension rights under a pension scheme will not be able to claim for that loss as pension rights do not qualify as earnings.

- Schools' Forum Members who are employed as salespersons will not be able to claim for loss of commission as this loss represents a future or hypothetical loss rather than a direct or actual loss.
- Schools' Forum Members who are self employed and who are able to rearrange work around their duties will not be able to claim as they will not have incurred a loss.

- 4.9 The paying authority is entitled to look behind a Claim to establish the true financial loss involved. For example, Schools' Forum Members who have lost out on takings through not opening or shutting their shop will not be entitled to claim for the full amount of the loss of takings. The takings will include an element for the original purchase cost of the goods that have not been sold and such goods may still be available for sale at a later date.
- 4.10 Claimants (Members of Schools' Forum) must get a letter of notification from their employer as proof of loss of earnings which must accompany the claim form.
- 4.11 Claimants who are self-employed must submit a letter of self notification confirming they are self employed.

5 Guidance on travel and subsistence

(This guidance is extracted from the Barnsley MBC Members Allowances Scheme for travel and subsistence expenses and amended to reflect only the administration role of the Executive Director – Children, Young People & Families)

- 5.1 Travel and Subsistence within the Borough
- a) For meetings within the Borough's boundaries, claims with receipts for actual expenditure incurred up to the maximum allowance for subsistence notified from time to time by the DETR, will be allowed as an alternative to taking a free meal provided by the Council, or otherwise.
 - b) The canteen will keep a register of meals provided to Committee Members.
 - c) The arrangements for travel allowances within the Borough will remain unchanged.
- 5.2 Travel and Subsistence outside the Borough
- a) All travel, subsistence and overnight stays for Approved Duties/conferences outside the Borough will be pre-booked by Children, Young People & Families – Business Support Team.

- b) Authenticated receipts must be produced by Schools' Forum Members for any actual expenditure incurred. Allowances paid will be the maximum allowed by statute.
- c) Payments of day subsistence allowance are taxable where a meal is taken at a place or location within the Borough boundary.

6 **Guidance on the rates of travel expenses**

(This guidance is extracted from the DETR guidance on Allowances for Members of Local Authorities and Similar Bodies)

- 6.1 The role of travel by public transport shall not exceed the ordinary fare or any available cheap fare.
- 6.2 Payment of travel Allowance for public transport will be for the use of:-
 - (a) bus; or
 - (b) train.
- 6.3 The rate for travel by solo motor cycle shall not exceed:-
 - (a) for a motor cycle not exceeding 50 cc 12.4 pence per mile;
 - (b) for a motor cycle exceeding 50 cc but not exceeding 125 cc 18.8 pence per mile.
 - (c) for a motor cycle exceeding 126 cc but not exceeding 250cc 27.0 pence per mile.
 - (d) for a motor cycle exceeding 251 cc but not exceeding 500cc 35.5 pence per mile.
 - (e) for a motor cycle over 500 cc 39.2 pence per mile.
- 6.4 The rate of travel for private motor vehicle shall not exceed:-
 - (a) not exceeding 999 cc 38.7 pence per mile.
 - (b) exceeding 999 cc but not exceeding 1199 cc 42.0 pence per mile.
 - (c) exceeding 1199 cc 52.7 pence per mile.
- 6.5 Where a Schools' Forum Member using their own motor vehicle to carry a passenger(s) where that passenger(s) is also a Schools' Forum Member(s) who would otherwise receive a travel allowance the rates specified in paragraph 5.4 may be increased as follows:-
 - a) in respect of the carriage of passengers not exceeding 4, to whom a travelling allowance would otherwise be payable under any enactment, by not more than 3.0 pence a mile for the first

passenger and 2.0 pence per mile for the second and subsequent passengers;

- b) by not more than the amount of any expenditure incurred on tolls, ferries or parking fees, including overnight garaging.

6.6 The rate of travel by taxi-cab shall not exceed:-

- a) in cases of urgency or where no public transport is reasonably available or no transport has been arranged by the Secretary of the Schools' Forum the amount of the actual fare, and
- b) in any other case the amount of the fare for travel by appropriate public transport.

7 **Guidance notes on the rates of subsistence allowances**

This evidence is extracted from the DETR guidance on allowances for Members of Local Authorities and similar bodies.

7.1 The Authority will endeavour, wherever possible to provide refreshments for Members of the Schools' Forum when engaged on duties related to the functions of the Committee.

7.2 Where refreshments cannot be provided the rate of subsistence allowance shall not exceed:-

- (a) in the case of an absence, not involving an absence overnight, from the usual place of residence:

- (i) of more than 4 hours, or where the authority permits, a lesser period, before 11.00 am (breakfast allowance), £4.83.

- (ii) of more than 4 hours, or where the authority permits, a lesser period, including the period between 12 noon and 2.00 pm, (lunch allowance) £6.66.

- (iii) of more than 4 hours, or where the authority permits, a lesser period, ending after 7 pm, (evening meal allowance), £8.24

- (b) in the case of an absence overnight from the usual place of residence £79.82 and for such an absence overnight in London, or for the purposes of attendance at an annual conference or such other association of bodies as the Secretaries of State may for the time being approve for the purpose, £91.04.

7.3 Any rate determined under paragraph 6.2 (b) above shall be deemed to cover a continuous period of absence of 24 hours.

7.4 The rates specified in paragraph 6.2 above shall be reduced by an appropriate amount in respect of any meal provided free of charge by an authority or body in respect of the meal or the period to which the allowance relates.

7.5 Where main meals (ie breakfast, lunch or dinner) are taken on trains during a period for which there is an entitlement to a day subsistence allowance, the reasonable cost of the meals (including VAT), may be reimbursed in full, within the limits specified below. In such circumstances, reimbursement for the reasonable cost of a meal would replace the entitlement to the day subsistence allowance for the appropriate meal period.

The limitations on reimbursement are:-

- a) For breakfast, an absence of more than 4 hours, or where the authority permits, a lesser period, before 11.00 am
- b) For lunch, an absence of more than 4 hours, or where the authority permits, a lesser period, including the period between 12 noon and 2.00 pm
- c) For dinner, an absence of more than 4 hours, or where the authority permits, a lesser period, ending after 7.00 pm.

ANNEX A

FINANCIAL LOSS ALLOWANCE RATES

Employed Schools' Forum Members

Provided that the allowance payable in respect of any one period of 24 hours shall not exceed:-

- (a) where the period of time over which earnings or benefits are lost or additional expense incurred is not more than four hours, the sum of £31.50; or
- (b) where the said period of time is more than 4 hours, the sum of £63.00.

A Member who is employed may claim up to the amounts stated above in financial loss allowance.

Self-employed Schools' Forum Members

Provided that the allowance payable in respect of any one period of 24 hours shall not exceed:-

- (a) where the period of time over which earnings or benefits are lost or additional expense incurred is not more than four hours, the sum of £40.91; or
- (b) where the said period of time is more than 4 hours, the sum of £81.82.

A Member who is self-employed may claim up to the amounts stated above in financial loss allowance.

In recognition that Financial Loss Allowance is taxable for the self-employed, the allowance has been grossed up at the standard rate of income tax.

Note

The period of time shall also include time travelling to and from the place where the duty is to be performed.