

Decision Record – Debt Write-Offs, Kind Edward VI School

Cabinet Portfolio Holder taking decision

Councillor Martyn Heatley – Workforce and Governance

**Date of Decision:
(NOT BEFORE – 22nd March 2013)**

25 MARCH 2013

Decision taken

That I, as Portfolio Holder for Workforce and Governance, approve the 'write-off' of the outstanding charges for legal services incurred by King Edward VI School, as set out in this report.

Reasons for Decisions

The legal charges have been outstanding for some time now and personnel who were involved in the case have now moved on. This has made it more difficult to resolve the issue of the outstanding charges. However, as a result of recent significant efforts on the part of Legal Services, the school has agreed to pay £2,000 of the outstanding bill.

It is the view of officers that it would be uneconomic to pursue the school for the remainder of the bill as this would either require significant officer time to pursue negotiations (which are likely to be protracted) or alternatively, the additional costs of pursuing this matter through the court system.

It is recommended therefore that the remainder of the outstanding charges for legal services is written-off, a sum of approximately £3,790.

Background Information/ factors considered in arriving at these decisions - (set out below and in the officer report):

Background:

During 2009/2010, Warwickshire Legal Services undertook some legal advisory work for King Edward VI School (KES). The matter was complicated and required considerable input over a period of time.

At that time, KES subscribed to legal services via the WES (Warwickshire Education Service) arrangements we have with schools. This meant that for their subscription fee, the school received 15 hours of legal advice on the case at no additional cost. In

line with the WES arrangements, all hours of legal advice over and above the 15 hours were to be charged by Legal Services at the normal hourly rates for schools. This matter took almost 100 hours in total, resulting in a total bill for legal services of approximately £5,790 once the 15 'free hours' had been deducted.

Invoices for the legal work were sent to KES; however, they remained unpaid as the school queried the charge and disputed the fact that they had to pay over and above the subscription fee, mistakenly thinking that the Local Authority would meet all legal costs.

Over the period, KES has been chased for payment; however, the invoices have not been paid. During the last six months, considerable efforts have been made to resolve this issue. This has involved detailed correspondence between Legal Services and the Governing Body and the provision to the school of detailed information in support of the bill.

Financial Implications:

As outlined in the report.

Report Author: Kully Gill and Sarah Duxbury

Head of Service: Greta Needham

Strategic Director: David Carter

Portfolio Holder Councillor Martyn Heatley

Checklist

Urgent matter: yes/no*

No

Confidential or Exempt (state category of exempt information)

No

Is the decision contrary to the budget and policy framework?

No

List of Reports considered [please attach or forward a copy]

Report from author.

List of Background Papers *[please include directorate contact names and numbers for access to background papers]*

None

Any members and officers consulted or informed and any comments given.

Portfolio Holder – Cllr Martin Heatley
Assistant to the Portfolio Holder – Cllr Robin Hazelton

Legal – Jane Pollard , Sian Stroud, Vicki Newbold
Finance – John Betts
Equality – Minakshee Patel
Democratic Services – Georgina Atkinson

Overview and Scrutiny Board:

Cllr John Appleton
Cllr Jerry Roodhouse
Cllr Les Caborn
Cllr John Whitehouse