

Schools Forum

21st October 2014

Delegation / De-delegation

Introduction

1. That the Schools Forum considers the issues in this paper in readiness for maintained schools members to vote on de-delegation of services.

Summary

2. The authority is proposing the option of de-delegation (i.e. central management) for all of these areas for 2015-16 to enable the Schools Forum to vote on each. Ideally, both maintained primary and secondary schools and services would need time to plan for the transfer of budgets and responsibilities in the event the proposal is rejected and these services are delegated.

Detail

3. Following last years discussions it was agreed that this paper for 2015/16 would be scheduled earlier in the year to allow more time for consideration of the options open to eligible voting members. Voting members may wish to seek the views of their respective representative bodies and thus time is needed to allow for this.
4. Under the government's funding reforms there is an assumption of delegation for a number of budget areas which are currently held centrally for maintained schools and are delegated for academies. Maintained schools' primary and secondary representatives on the Schools Forum can vote, by sector, to de-delegate these areas where it is proposed by the local authority. The outcome of the vote is binding for all maintained schools in that sector.
5. If the Schools Forum voted against the proposals for de-delegation then a range of costs and associated responsibilities currently met centrally by the local authority will transfer to maintained schools for them to manage themselves. The budget for these costs would also transfer to schools on a formula basis which was consulted and agreed on last year.
6. Academies are not part of these arrangements since these responsibilities and the funding for them are automatically delegated to academies through the EFA using the local funding formula.
7. Responsibility for a number of services and associated funding that falls within the regulations has been delegated for several years and it is proposed that this

continues for those areas namely, insurances, museum and library services and staff supply costs (other than trade union duties).

8. The Schools Forum agreed to de-delegation last year for services in the section below for all primary and secondary maintained schools (i.e. excluding academies)..

Budgets Proposed for continued de-delegation

9. A summary table of the services, their related estimated funding and the basis the funding which would be removed from the formula is shown in the table below.

Service	Primary £	Primary Basis	Secondary £	Secondary Basis	Total £
Contingencies	£28,443	£2.11 per child (NoR)	£13,776	£2.55 per child (NoR)	£42,219
Contingencies - Support to Schools Partnership Fund	£72,455	£5.37 per child (NoR)	£18,509	£6.50 per child (NoR)	£90,964
Staff costs supply cover – TU facilities time	£21,283	£1.58 per child (NoR)	£6,810	£1.91 per child (NoR)	£28,093
Behaviour and Support Services	£111,976	LowAtt_%_PRI_78	£63,536	LowAtt_%_SEC	£175,512
Free school meals eligibility	£33,307	£2.47 per child (NoR)	£10,658	£2.99 per child (NoR)	£43,965
Support to underperforming ethnic minority groups and bilingual learners	£44,537	EAL_3_PRI	£7,472	EAL_3_SEC	£52,009
	£312,001		£120,761		£432,762*

*above takes account of schools known to be converting to academy status before the end of the financial year

10. **Contingencies** (1.1.1). This budget relates to a contingency for correction of errors in the funding formula totaling £42,219. If this budget wasn't in place then the schools budget would have to be asked to absorb these costs or corrections made in future years. The remaining £90,964 relates to support to the Schools Partnership Fund. As part of the Campus Stockton Alliance in line with the Stockton Borough Council School Improvement Framework, a fund is in place to support schools experiencing challenging circumstances. Schools may bid to this fund for resource to support school improvement and school to school partnerships. Schools may be those in Ofsted categories or vulnerable to weak outcomes, as well as those wishing to further school improvement opportunities through sourcing support from the Stockton Education Exchange. The governance committee of Campus Stockton, the School to School Support Group, oversee the allocation of funding and scrutinise the impact of support in partnership with the Local Authority.

11. **Licences/subscriptions** (1.1.7)

- a. **National Copyright Licenses** £75k in 2014/15 - This budget was specifically created by the DfE to provide a national coordinated approach to pay for a number of licences. The DfE changed the funding regulations from 2013/14 to permit the creation of this budget. It is understood that there will again be a dispensation under the regulations so that LA's can hold this centrally without any requirement for delegation. The licences covered under this arrangement in 2015/16 will be:-
 - i. Copyright Licensing Agency (CLA)
 - ii. Music Publishers Association (MPA) licences Schools printed Music Licence (SPML), owned by the Music Publishers Association (MPA)
 - iii. Newspaper Licensing Agency (NLA)
 - iv. Education Recording Agency (ERA)
 - v. Public Video Screening Licence (PVSL), managed by Filmbank
 - vi. Motion Picture Licensing Company (MPLC)

- b. **Other Licences / Subscriptions:** £12k This budget funds the centrally co-ordinated scheme for licences and subscriptions not covered by the specific contribution created by the DfE (see above). Under DfE operational guidance for local authorities this budget can be treated as retained centrally before allocating within the formula (subject to Forum approval). If this budget was not retained centrally then each school and academy would need to be charged individually and administer their own licences and subscriptions which could be at increased cost.

12. **Staff costs supply cover (not sickness)** (1.1.9) This budget relates to trade union facility time. Under the Employment Acts Trade Union representatives have a statutory right to reasonable paid time off from employment to carry out trade union duties and training. The following considerations should be taken into account:-

- a. **Maintained Schools:**
 - i. Facility time for senior teacher TU reps based in schools has always been funded by centrally retained DSG funding in the past, this report recommends this continues by approving de-delegation for maintained schools.
 - ii. If this is not supported the budget will be delegated and schools will have to make their own arrangements for negotiating and consulting with the trade unions on changes to HR policies which will lead to duplication of effort and inconsistencies across schools.
 - iii. TU reps have a legal right to time off to participate in the collective bargaining arrangements of their employer and to represent their members. If the de-delegation were not agreed individual schools would have to bear the cost of the time off for the senior TU reps nominated by their union to participate in these discussions.
- b. **Academies (receive funding for TU facilitation in their budget) - options:-**
 - i. They contribute in the same way maintained schools do;
 - ii. They are invoiced for TU time spent in their establishment by the trade union reps, which has been paid for by the LA, and then reimburse the LA accordingly. They invoice the authority for time spent by TU reps, employed by the academy, spent in maintained schools; or

- iii. They make their own arrangements with the trade unions for representatives from the trade unions amongst their own workforce.
13. The attached letter has been received from a collective for trade unions supporting de-delegation. If de-delegation is agreed for trade union facilitation arrangements then the LA would be willing to manage the pooled arrangements and contact academies to make them the offer to buy into the arrangements in support of good industrial relations across the Borough.
14. **Behaviour and Support Services** (1.1.2) This budget relates to provision of advice, support and training to schools, on behaviour, social and emotional aspects of learning in order to avoid wherever possible exclusions and incidences of disruptive behaviour
15. **Free school meals eligibility** (1.1.4) This budget relates to the administration of the free school meal eligibility scheme currently undertaken by Customer Services.
16. **Support to underperforming ethnic minority groups and bilingual learners** (1.1.3) This budget relates to the support to schools in meeting the needs of vulnerable learners including Asylum seekers, those from a Gypsy Roma Traveller background, those with English as an Additional Language and those from heritage groups vulnerable to underachievement. The budget enables specialist strategic support for these groups in schools and settings and specific, specialist support from teachers and teaching assistants for individual learners.
17. It should be noted that the Education, Early Years and Complex Needs Service is shortly to undergo a review which could, depending on Schools Forum decisions, provide opportunities for the further development of some of the services covered in this paper.

Recommendations

18. That the eligible Schools Forum members representing maintained schools consider this paper with a view to a vote at a later Schools Forum.

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