

## **Schools Forum**

**6th October 2020**

### **Delegation / De-delegation 2021/22**

#### **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. Funding for de-delegated services must be allocated through the formula but can be passed back, or de-delegated for mainstream primary and secondary schools with school forum approval.
3. The authority is proposing the option of de-delegation (i.e. central management) for all of the areas covered in this report for 2021/22.
4. As per previous years it was agreed that this paper would again be scheduled earlier in the year to allow, if required, eligible voting members time to seek the views of their respective representative on the options open to them. Also in the event of the proposal being rejected this would allow time to plan for the transfer of budgets and responsibilities.

#### **Detail**

5. 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.
6. 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 previously consulted on and agreed.
7. Academies are not part of these arrangements since these responsibilities and the funding for them are automatically delegated to academies through the ESFA using the local funding formula.
8. 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).

9. 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

10. 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	£14,489	£2.08 per child (NoR)	£3,535	£2.54 per child (NoR)	£18,024
Support to Schools Partnership Fund	£33,433	£4.81 per child (NoR)	£8,537	£6.13 per child (NoR)	£41,970
Staff costs supply cover – Union facilities time	£10,109	£1.45 per child (NoR)	£2,546	£1.83 per child (NoR)	£12,655
Behaviour and Support Services	£57,946	Low Att Total Primary Units	£25,446	Low Att Total Secondary Units	£83,392
Free school meals eligibility	£0	No longer de-delegated	£3,985	£2.86 per child (NoR)	£3,985
<b>TOTAL</b>	<b>£115,977</b>		<b>£44,049</b>		<b>£160,026*</b>

\*above takes account of schools known to be converting to academy status before 4<sup>th</sup> January 2021.

The number of maintained schools on which the above estimates are based is:-

Primary Schools - 22  
Secondary Schools - 1

11. **Contingencies Formula Errors (1.1.1):** This budget relates to a contingency for correction of errors in the funding formula. 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.
12. **Partnership Fund (1.1.1)** - Relates to support to the Schools Partnership Fund. In line with the Stockton Borough Council School Improvement Framework, a fund is in place to support maintained schools experiencing challenging circumstances. Schools may be those in Ofsted categories or vulnerable to weak outcomes. The following provides an overview of the outcomes of these services over the last 12 months.
- i. During the last 12 month period three maintained primaries who had an RI judgement from Ofsted received considerable support. One of those has since had Ofsted and received a GOOD grade. The other two are waiting for a visit and are showing a much improved picture.

- ii. In the same period four other maintained primaries received additional, targeted support to improve leadership/curriculum. Before lockdown all schools were demonstrating improved leadership capacity and one school secured a good Ofsted under the new framework.
- iii. One other school has been receiving additional support and will continue to need support this academic year.
- iv. A school was supported to strengthen two curriculum areas to support the strengthening of school self-evaluation.
- v. A school has had considerable brokered support for leadership during a turbulent period. This support continues this year.
- vi. All of the support has had a positive impact and schools causing concern continue to be regularly reviewed.

13. **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 trade union representatives 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. Trade union representatives 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 representatives, 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.

14. Letters from the various trade unions and from NASUWT supporting de-delegation are attached to this paper. 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.

15. **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 behavior. The service has been reviewed and a new offer has been discussed and this will be introduced to Headteachers of maintained schools in the coming weeks.
16. **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. Please note that for 2020-21 primary schools decided that they didn't want to continue to de-delegate the Free School Meals eligibility checking service and the figures above assume this arrangement will continue for 2021/22.
17. **National Copyright Licenses**: The Secretary of State will continue to negotiate a number of licences on behalf of Local Authorities and "top-slice" LA DSG budgets to cover the cost. The 2021/21 figure will be provided by DFE as part of the DSG budget in December 2020 (2020/21 £147k). The licences covered under this arrangement in 2021/21 will be:-
  - i. Copyright Licensing Agency (CLA)
  - ii. School Printed Music License (SPML)
  - 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)
  - vii. Performing Rights Society License (PRSL)
  - viii. Phonographic Performance License (PPL)
  - ix. Mechanical Copyright Protection Society License (MCPS)
  - x. Christian Copyright Licensing International License (CCLI)

## Recommendations

18. That the eligible Schools Forum members representing maintained schools seek the views of their respective maintained school representatives with a view to a vote at the Schools Forum on the 24th November.

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