

Date: Tuesday 10 October 2023 at 1.30 pm

Venue: Microsoft Teams Meeting

Susan Richardson (Chair)

Julia Armstrong
Helen Danby
Lesley Graham
Richard Henderson
Claire Humble
David Leane
Andrew McClurg
Lester Russell
Edwin Squire
Andfrea Swift
Simon White
Colin Wilkinson
Andy Bryson
Joanne Mills

Cllr Carol Clark
Cllr Lisa Evans
Helen Gregory
Emma Higgins
Tristan Keates
Michael Little
Lindsay Oyston
Louise Spellman
Judith Stanyard
Caroline Thomas
Graham Waller
Kay Wilkinson
Eddie Huntington
Elaine Redding

AGENDA

- | | | |
|----------|---|-----------------|
| 5 | Budget Monitoring, September 2023 | (Pages 6 - 8) |
| 6 | Schools Funding Arrangements 2024/25 | (Pages 9 - 16) |
| 7 | Delegation, De Delegation 2024/25 | (Pages 17 - 28) |

Members of the Public - Rights to Attend Meeting

With the exception of any item identified above as containing exempt or confidential information under the Local Government Act 1972 Section 100A(4), members of the public are entitled to attend this meeting and/or have access to the agenda papers.

Persons wishing to obtain any further information on this meeting, including the opportunities available for any member of the public to speak at the meeting; or for details of access to the meeting for disabled people, please

Contact: on email Katie.Gallagher@stockton.gov.uk

KEY - Declarable interests are:-

- Disclosable Pecuniary Interests (DPI's)
- Other Registerable Interests (ORI's)
- Non Registerable Interests (NRI's)

Members – Declaration of Interest Guidance



Table 1 - Disclosable Pecuniary Interests

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.
Corporate tenancies	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2 – Other Registerable Interest

You must register as an Other Registrable Interest:

- a) any unpaid directorships
- b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any body
 - (i) exercising functions of a public nature
 - (ii) directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management

Schools Budget - Comparison of Planned and Projected Spend 2023-24 at Qtr 2

	2023-24 Revised Budget as at Q2 £	2023-24 Projected Outturn £	2023-24 Over / (Underspend) £
1 SCHOOLS BUDGET			(+/-)
1.0.1 Individual Schools Budget (before Academy Recoupment)	170,190,000	170,190,000	0
1.0.2 High needs place funding within Individual Schools Budget	10,174,000	10,174,000	0
1.1.1 Contingencies	57,000	57,000	0
1.1.2 Behaviour Support Services	80,000	80,000	0
1.1.3 Support to UPEG and bilingual learners	0	0	0
1.1.4 Free School Meals eligibility	4,000	4,000	0
1.1.5 Insurance	0	0	0
1.1.6 Museum and Library Services	0	0	0
1.1.7 Licences/subscriptions	0	0	0
1.1.9 Staff costs - supply cover	12,000	12,000	0
Additional HN Funding (to be allocated)	853,000	0	(853,000)
1.2.1 Top-up funding – maintained schools	2,010,000	2,010,000	0
1.2.2 Top-up funding – academies, free schools and colleges	12,377,500	12,576,500	199,000
1.2.3 Top-up and other funding – non-maintained and independent providers	9,355,500	10,783,500	1,428,000
1.2.5 SEN support services	2,144,000	2,144,000	0
1.2.6 Hospital education services	165,000	165,000	0
1.2.7 Other AP provision	827,000	827,000	0
1.2.8 Support for inclusion	645,000	645,000	0
1.2.11 Direct Payments (SEN and disability)	50,000	50,000	0
1.2.13 Therapies and other health related services	200,000	200,000	0
1.3.1 Central Expenditure on Children under 5	556,000	556,000	0
1.4.1 Contribution to combined budgets	139,000	139,000	0
1.4.2 School admissions	211,000	211,000	0
1.4.3 Servicing of schools forums	21,000	21,000	0
1.4.4 Termination of Employment Costs	11,000	11,000	0
1.4.5 Falling Rolls Fund	0	0	0
1.4.6 Capital Expenditure from Revenue (CERA)	0	0	0
1.4.7 Prudential borrowing costs	0	0	0
1.4.8 Fees to independent schools for pupils without SEN	0	0	0
1.4.9 Equal Pay - back pay	0	0	0
1.4.10 Pupil growth / Infant class sizes	756,000	756,000	0
1.4.11 SEN transport	0	0	0
1.4.12 Exceptions agreed by Secretary of State	0	0	0
1.4.14 Other Items (Copyright Licences)	173,000	173,000	0
CENTRAL PROVISION WITHIN SCHOOLS BUDGET (FORMER ESG RETAINED DUTIES)			
1.5.1 Education welfare service	76,000	76,000	0
1.5.2 Asset management	23,000	23,000	0
1.5.3 Statutory/ Regulatory duties	383,000	383,000	0
CENTRAL PROVISION FUNDED THROUGH MAINTAINED SCHOOLS BUDGET			
1.6.1 Central support services	0	0	0
1.6.2 Education welfare service	0	0	0
1.6.3 Asset management	0	0	0
1.6.4 Statutory/ Regulatory duties	0	0	0
1.6.5 Premature retirement cost/ Redundancy costs (new provisions)	0	0	0
1.6.6 Monitoring national curriculum assessment	0	0	0
1.6.7 School Improvement	43,000	43,000	0
1.6.1 TOTAL SCHOOLS BUDGET (before Academy recoupment)	211,536,000	212,310,000	774,000
1.7.1 Estimated Dedicated Schools Grant for 2023-24	(212,662,000)	(212,662,000)	0
1.7.2 Dedicated Schools Grant brought forward from 2022-23 (See below)	0	0	0
1.7.4 EFA Funding	0	0	0
1.7.5 Local Authority additional contribution	0	0	0
1.7.6 Total Funding Supporting the Schools Budget	(212,662,000)	(212,662,000)	0
In Year Deficit / (Surplus)	(1,126,000)	(352,000)	774,000

Cumulative Position

Forecast 2023/24 DSG overspend / (underspend) at 31/03/24 (as above)

(352,000)

Add: DSG overspend b/fwd from 2022/23

3,865,570

Overall projected cumulative DSG overspend at 31/03/24**3,513,570**

AGENDA ITEM 5

REPORT TO SCHOOLS FORUM

10th OCTOBER
2023

SCHOOLS BUDGET MONITORING REPORT 2023/24

SUMMARY

1. This paper provides members of the Forum with the current projected outturn position on the Schools Budget based on information to the end of September 2023.
2. As you will recall from previous reports the 2023/24 High Needs budget was set anticipating an in-year saving of £1.1m. However, based on a review of and increased expenditure on High Needs at quarter 2 (outlined below) it is now expected that this target will not be met. Instead, an in-year saving of £352k is now expected which will reduce the cumulative deficit b/fwd from 2022/23 of £3.87m down to £3.51m instead of the budgeted position of £2.7m. This revised position will be reflected in the medium term financial plan.

RECOMMENDATION

3. That the Schools Forum note the current financial position on the schools budget.

School Budget

4. **Appendix 1** shows the revised budget against the projected outturn for 2023/24 on the Schools Budget as at 30th September, in the prescribed DfE Section 251 reporting format. The reasons for significant variances between planned and projected spend are: -
 - a. *Additional HN Funding - This is additional HN Block funding which was not allocated when the budget was initially set. Some of this funding has now been allocated with the remaining £853k being used to support the increased costs identified below in lines 1.2.2 and 1.2.3.*
 - b. Line 1.2.2 Top-up funding – academies, free schools and colleges – Anticipated £199k overspend resulting from an increase in the requirement to place pupils in out of area schools.
 - c. *Line 1.2.3 Top-up and other funding – non-maintained and independent providers - Anticipated £1.4m overspend. This reflects the increasing number of pupils requiring placement in high cost*

Independent Special School provision, including a number staying on post-16. This also includes some package changes, fee increases and backdated payments.

5. There will be a High Needs update report presented to the November Schools Forum.
6. Any surplus or deficit on the Schools Budget supported by Dedicated Schools Grant (DSG) is carried forward to the following financial year.

Contact Officer: Andy Bryson, Chief Accountant
Tel No: 01642 528850

AGENDA ITEM 6

REPORT TO SCHOOLS FORUM

10th OCTOBER
2023

SCHOOLS FUNDING ARRANGEMENTS 2024/25

SUMMARY

1. This paper is intended to inform the Schools Forum of the latest information regarding the 2024/25 national funding formula (NFF) for schools and High Needs which was published by the DfE in July 2023.

RECOMMENDATION

2. That the Schools Forum note the report.

National Increases

3. The total core schools budget will total over £59.6 billion in 2024-25 – the highest ever level per pupil, in real terms, as measured by the Institute for Fiscal Studies (IFS). This total includes the additional funding for teachers' pay announced in July 2023; the Teachers Pay Additional Grant (TPAG) provides an additional £482.5m in 2023-24, and £827.5m for 2024-25 for mainstream, special and alternative provision schools.
4. Funding through the mainstream schools national funding formula (NFF) is increasing by 2.7% per pupil in 2024-25, compared to 2023-24. Taken together with the funding increases seen in 2023-24, this means that funding through the schools NFF will be 8.5% higher per pupil in 2024-25, compared to 2022-23.
5. The schools national funding formula (NFF) continues to distribute this based on the needs of schools and their pupil cohorts. The main features in 2024-25 are:
 - DfE are introducing a formulaic approach to allocating split sites funding. This ensures that split sites funding will be provided on a consistent basis across the country.
 - The core factors in the schools NFF (such as the basic entitlement, and the lump sum that all schools attract) will increase by 2.4%.
 - Through the minimum per pupil funding levels, every primary school will receive at least £4,655 per pupil, and every secondary school at least £6,050.

- The funding floor will ensure that all schools attract at least 0.5% more pupil led funding per pupil compared to its 2023-24 NFF allocation.
 - Rolling the 2023-24 mainstream schools additional grant (MSAG) into the schools NFF ensuring that this additional funding forms an on-going part of schools' core budgets. Appropriate adjustments have been made to NFF factor values and baselines to reflect this.
6. 2023-24 was the first year of transition to the direct schools NFF – with the end point being a system in which every mainstream school in England is funded through the same national formula without adjustment through local funding formulae. DoE will continue with the same approach to tightening in 2024-25. As in 2023-24, local authorities will only be allowed to use NFF factors in their local formulae, and must use all NFF factors, except any locally determined premises factors. Local authorities will also be required to move their local formulae factors 10% closer to the NFF values, compared to where they were in 2023-24, unless they are already mirroring the NFF.
 7. High needs funding is increasing by a further £440 million, or 4.3%, in 2024-25, following the £970 million increase in 2023-24 and £1 billion increase in 2022-23. This brings the total high needs budget to £10.54 billion – an increase of over 60% since 2019-20. The high needs NFF will ensure that every local authority receives at least a 3% increase per head of their ages 2-18 population, with the majority of authorities seeing gains of more than 3%.
 8. Central school services funding funds local authorities for the ongoing responsibilities they continue to have for all schools, and some historic commitments entered into before 2013-14. The total provisional funding for these responsibilities is £304 million in 2024-25. In line with the process introduced for 2020-21 to withdraw the funding for historic commitments over time, this element of funding will decrease by 20%.
 9. Final allocations of mainstream schools and central schools services funding for 2024-25 will be calculated by DfE in December 2023, based on the latest pupil data at that point, when they announce local authorities' DSG allocations. Local authorities will continue to use that funding to determine final allocations for all local mainstream schools. The December DSG allocations will also include updated high needs funding allocations, based on the latest pupil data, but these are not final as there will be a further adjustment in 2024. As normal, local authorities will use the December allocations to finalise their schools' and high needs budgets.

The National Funding Formula for Schools

10. The basic structure of the schools national funding formula (NFF) is not changing for 2024-25. However, DfE are changing some existing features of the formula as detailed below:
- a. The basic per pupil funding factor, FSM6 and the lump sum factors have been increased to reflect the rolling in of the mainstream schools additional grant into the NFF. On top of these the core factors in the NFF – the basic per pupil funding factor, additional needs factors and the school lump sum – will increase by 2.4%. The free school meals factor will increase by 1.6%, in line with the GDP deflator forecast for 2024-25.
 - b. DfE are rolling the mainstream schools additional grant (MSAG) into the schools NFF in such a way that the additional NFF funding schools and local authorities receive is as similar as possible to the funding they would receive if the grant was not rolled in.
 - c. The minimum per pupil levels in 2024-25 will be set at £4,655 per pupil for primary schools and £6,050 per pupil for secondary schools. This includes £143, £186 and £208 per primary, KS3 and KS4 pupil respectively for the rolling in of the mainstream schools additional grant.
 - d. In 2024-25, local authorities will remain responsible for determining final allocations to schools, in consultation with the Schools Forum.
 - e. The 2023-24 NFF funding floor is set at 0.5%. This means that every school will attract an increase in their pupil-led funding of at least 0.5% per pupil, compared to their baseline. Funding floor baselines have also been increased to take account of the rolling in of the mainstream schools additional grant.
 - f. With the exception of split sites funding, which is now formularised, premises funding will continue to be allocated at local authority level on the basis of the amount spent by local authorities on this factor in their 2023-24 local formulae – as recorded in the 2023-24 Authority Proforma Tool (APT). The PFI factor is increasing in line with the RPIX measure of inflation to reflect the use of RPIX in PFI contracts.
 - g. Local authorities will continue to set a Minimum Funding Guarantee in their local formulae, which in 2024-25 must be between +0.0% and +0.5%.
 - h. Local authorities will continue to be able to transfer up to 0.5% of their schools block to other blocks of the Dedicated Schools Grant (DSG), with schools forum approval. A disapplication will be

required for transfers above 0.5%, or for any amount without schools forum approval.

11. As in previous years it is Stockton intention to consult with schools on the transfer of up to 0.5% of the schools block into the high needs block. The consultation documents on this and other aspects of the formula we are required to consult on will be distributed to schools following the meeting.
12. For Stockton the indicative Schools Block allocation for 2024/25 (excluding growth factor) is £168.165m (2023/24 £157.332m).
13. Until the DfE publishes much more detailed information it is difficult to gauge precisely the implications locally.

The National Funding Formula for High Needs

14. The basic structure of the High Needs NFF for 2024-25 is not changing and it is anticipated that Stockton's share of the national increase as noted in paragraph 7 will be £1.581m for 2024/25.
15. The funding floor ensures that all local authorities' allocations per head of population will increase by a minimum percentage compared to the baseline. For 2024-25 the funding floor will be set at 3.0%, having adjusted the baseline to include the additional high needs funding that was allocated to local authorities in December 2022, following the 2022 autumn statement.
16. The limit on gains will be 5.0% per head of population compared to the baseline, so that authorities due to gain under the formula see an increase of up to 5.0% before their gains are capped, (again, compared to a baseline that takes account of the additional high needs funding allocated in December 2022).

National Funding Formula for Early Years

17. At the date of the meeting the guidance for 2024-25 is due to be published in the autumn, following the outcome of the DfE consultation. The schools Forum will be updated on any changes once the information is published.
18. At the June meeting a report on DfE Commitments to Early Years was presented to the Forum. The purpose of this paper was to provide an update to Schools Forum on the Government commitment to the Early Years Sector as outlined in the Spring Budget 2023.
19. The report noted that there will be capacity issues for the team to manage these new initiatives. The team is small (2.81FTE) and increasing the number of funded children creates more work for the headcount process, where payments are made to providers for funded children.

20. An additional post is being created which will be funded by the increased central allocation (5% of total early years funding) to help implement these changes. Total 2024/25 early years central spend will be presented in the budget report to the Forum in January 2024.

The National Funding Formula for Central Schools Services

21. The block will continue to comprise two distinct elements: ongoing responsibilities and historic commitments. For 2024-25 the formula for allocating this funding follows the same approach as in 2023-24.
22. The ongoing responsibilities element of the CSSB is calculated using a simple per-pupil formula, the structure of which is unchanged. 90% of the funding will be distributed through a basic per-pupil factor, and 10% of funding through a deprivation factor based on the proportion of pupils eligible for free school meals within the past six years (FSM6) in mainstream schools.
23. Local authorities will continue to be protected so that the maximum per pupil year-on-year reduction in funding for ongoing responsibilities is at -2.5% as in the previous year, while the year-on-year gains cap will be set at the highest affordable rate, of 5.51%.
24. DoE have provided an additional £5 million to cover the exceptional increase in copyright licence costs in 2023-24, as licences were updated following the increased use of digital technology. This will be distributed in line with the increase in each local authority's charge for copyright licences in 2023-24.
25. In 2024-25, the historic commitments element will continue to reduce by 20% on 2023-24 allocations, the same rate as the reduction in previous years.
26. For Stockton the indicative allocation for 2024/25 is £1.07m (2023/24 £1m)

Other Updates

27. Pupil Premium will continue in 2023-24 and will be based on the October 2023 school census.

Consultation

28. Schools forums have a range of responsibilities relating to local funding formulae for mainstream schools and High Needs budgets and a consultation is required to fulfil the Forums responsibilities.
29. This consultation will commence following this meeting and ends on **Wednesday 8th November 2023** The results of this consultation will

presented at the School Forum Meeting on the 14th of November for relevant Forum Members to vote on each proposal.

Timeframes

30. An extract of the DfE's timetable as published in the Schools revenue funding 2024/25 operational guide is attached as an Appendix A.

Contact Officer: Andy Bryson, Chief Accountant
Tel No: 01642 528850

Appendix A

Local Authority Activity - Timetable

05 October 2023

- School census day.

10 October 2023

- Deadline for submitting disapplication requests (for response by December) for:
 - MFG exclusions
 - exceptional circumstances
 - sparsity factors
 - lump sum variations for amalgamating schools
 - pupil number reductions
 - growth funding

27 October 2023

- First deadline for local authorities to provide evidence of the total value of their ongoing prudential borrowing and termination of employment costs, in order for this funding to be protected in the December DSG allocations.

Mid-November 2023

- Closing date for submission of the 2024 to 2025 high needs place change workbooks.

17 November 2023

- Deadline for submitting disapplication requests (for response by the APT deadline) for:
 - MFG exclusions
 - exceptional circumstances
 - sparsity factors
 - growth funding
 - lump sum variations for amalgamating schools
 - pupil number reductions
- Deadline for submitting disapplication requests if the local authority wishes to move more than 0.5% of the schools block.
- A request must also be submitted if the schools forum has turned down a proposal from the local authority to move funding out of the schools block, but the local authority wishes to proceed with the transfer. The department aims to issue decisions before the APT deadline.
- Deadline for providing details of any changes to the list of split sites given in the modelling version of the APT.

November 2023

- school census database closed.

- check and validate school census.
- block movement requests from safety valve local authorities - the process for safety valve local authorities is separate and all safety valve local authorities have been sent a letter outlining the process.

Mid-January 2024

- Schools forum consultation and political approval required for final 2024 to 2025 funding formula.
- 12 January schools block disapplication submission amendment date.

22 January 2024

- Deadline for submission of final 2024 to 2025 APT to the department.

2 February 2024

- Second deadline for local authorities to provide evidence of the total value of their ongoing prudential borrowing and termination of employment costs, for this funding to be protected in the March DSG allocations.

29 February 2024

- confirmation of schools budget shares to mainstream maintained schools

March 2024

- final allocations to mainstream maintained schools (includes de-delegation)

AGENDA ITEM 7

REPORT TO SCHOOLS FORUM

10th OCTOBER 2023

DELEGATION – DEDELEGATION 2024/25

SUMMARY

1. Funding for de-delegated services must be allocated through the formula but can be passed back, or de-delegated for maintained primary and secondary schools with school forum approval.
2. The authority is proposing the option of de-delegation (i.e. central management) for all of the areas covered in this report for 2024/25.
3. 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.

RECOMMENDATION

4. 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 14th November.

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	£11,074	£2.18 per child (NoR)	£3,535	£2.37 per child (NoR)	£14,609
Support to Schools Partnership Fund	£25,553	£5.02 per child (NoR)	£8,537	£5.72 per child (NoR)	£34,090
Staff costs supply cover – Union facilities time	£7,727	£1.52 per child (NoR)	£2,546	£1.71 per child (NoR)	£10,273
Behaviour and Support Services	£47,756	Low Att Total Primary Units	£25,446	Low Att Total Secondary Units	£73,202
Free school meals eligibility	£0	No longer de-delegated	£3,985	£2.67 per child (NoR)	£3,985
School Improvement Functions	£33,636	£6.61 per child (NoR)	£9,864	£6.61 per child (NoR)	£43,500
TOTAL	£125,746		£53,913		£179,659 *

*above takes account of schools known to be converting to academy status before 4th January 2024.

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

Primary Schools - 17
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.

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. In the past facility time for senior teacher trade union representatives based in schools has always been funded by centrally retained DSG funding. 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 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. Resources are limited to contributions only and payments will only be made up to the value of the budget.

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 behaviour. The SEMH service is made up highly skilled teachers and caseworkers whose role is to support schools and staff in Stockton to further improve their understanding of the needs of their pupils. Maintained schools have received their de-delegated credits for 23-24 alongside a copy of the new offer. Academies and independent schools and colleges can continue to purchase support through the SEMH offer. The offer includes strategic support, offers of Continuous Professional Development sessions and individual pupil and staff support. Other routes of support from this team can be accessed through One Point panels and/or EHCP panels for pupils who are undergoing statutory assessment or who have an EHCP

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.

17. **School Improvement Fund** (1.6.7): The Government proceeded with reducing the local authority school improvement monitoring and brokering grant by 50% for financial year 2022 to 2023, with full removal in financial year 2023 to 2024. Provision has been included in the School and Early Years Finance Regulations 2022 (England) to allow local authorities to deduct funding for local authorities' core school improvement activities from maintained school budgets via the de-delegation process. The authority is requesting de-delegation (i.e. central management) for the school improvement functions for financial year 2024/25. The figure requested is the same as requested for financial year 2023-24 which was based on 50% of the final grant payment.

18. **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 2024/25 figure will be provided by DFE as part of the DSG budget in December 2023 (2023/24 £174k). The licences covered under this arrangement in 2024/25 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)

Contact Officer: Andy Bryson, Chief Accountant

Tel No: 01642 528850

The provision for funding for facility time to be delegated to schools was enacted in 2013, and since then in many authorities, facility time has been de-delegated to form a local authority central pool, which academies can also access.

Schools Forums are likely to revisit this issue on an annual basis, and the continuation or adoption of dedelegated arrangements should be made.

The case for de-delegation

- Good industrial relations and constructive solutions to issues are vital for schools to be happy and productive workplaces and educational standards to be improved.

The Trade Unions share the employers' desire for every school to be the best that it can be.

- There is plentiful evidence that where union representatives work collaboratively with employers, significant savings were made in the following areas: lower dismissal rates and voluntary exit rates that reduced recruitment costs, lower rates of employment tribunal cases, lower workplace injuries and lower workplace-related illnesses. In 2007, a government report found that facility time contributed to savings across the economy of up to £1bn.

- Section 168 of the Trade Unions and Labour Relations Act 1992 (TULRA) gives representatives of recognised trade unions the right to claim reasonable paid time off for specified purposes.

- The specified purposes include negotiations over collective bargaining, which is defined in law as relating to terms and conditions of employment, the physical conditions in which workers are required to work, engagement and termination of workers, allocation of duties, matters of discipline, trade union membership, facilities for officers of trade unions, and arrangements for consultation or negotiation.

- Other specified purposes include consultations over redundancies and Transfer of Undertakings (Protection of Employment) Regulations (TUPE) and this continues to be a driver of casework in the Stockton area. Employers may also agree other functions which

representatives may perform. The amount of 'reasonable' time off is not defined in the statute.

- De-delegated arrangements are the most cost-effective way for schools to meet their legal obligations.

- If funds are delegated, each individual school will need to fund the cover the additional requirements for representatives to be trained, and the supply costs of cover that will be required for the school-based representatives to undertake duties.
- The cover costs of training alone will be a minimum of £2000 per year (one representative for NASUWT, NEU, GMB, and UNISON each receiving 2-3 days training). The actual cost is likely to be significantly higher however, as the Employment Tribunal ruled in *Bennett v London Borough of Camden* that up to 36 days paid leave for training was reasonable.
- In addition to the visible work local trade union representatives undertake in schools and with the authority, there is also substantial hidden work primarily advising members and resolving issues before they even come to the attention of school managements.
- This unseen work saves schools considerable amounts of both time and money. If this facility is removed, it is likely that schools would see a considerable upsurge in cases.
- There are substantial benefits of working with local and regional teaching and support staff trade unions in cases involving individual employees, who are entitled to trade union representation.
- Effective employee relations between the authority, Academy Trusts, the school and the trade union helps to ensure that casework is quickly resolved via negotiations or consultation without the necessity for cases to result in an employment tribunal, which is costly for the school and employer or authority.
- Many workforce disputes, exit arrangements and effective solutions to workforce matters in schools are resolved at local level, again preventing the need for employment tribunal or court cases.
- Unions, authorities and academy trusts work in partnership to develop model policies and procedures suitable for schools and are consulted on guidance to schools on many aspects of national and local terms and conditions. These benefits also apply to academies, whether or not they buy HR services from the authority.
- Although many of the unions employ regionally-based staff to deal with high level cases, it is beneficial to all parties to resolve issues at the earliest opportunity. This is why supporting paid time off for local union representatives makes sound business sense.
- Schools within the local authority will be requested to release accredited union representatives appointed in accordance with the facility time agreements, in order to carry out the bargaining and representation functions across the authority.
- These accredited union representatives are normally more highly qualified and experienced than school-based representatives. De-delegated funds allows the release of these authority-wide

representatives, which all schools and academies can benefit from.

- Schools benefit from good employee relations across the authority as well as from the model policies, procedures and guidance, specifically for schools published by the authority in consultation with the unions.
- The importance of an adequate amount of facilities time cannot be overestimated. Section 1 of the ACAS Code of Practice says “Union representatives undertake a variety of roles in collective bargaining and in working with management, communicating with union members, liaising with their trade union and in handling individual disciplinary and grievance matters on behalf of employees.
- There are positive benefits for employers, employees and union members in encouraging the efficient performance of union representatives’ work, for example in aiding the resolution of problems and conflicts at work. The role can be both demanding and complex. In order to perform effectively union representatives need to have reasonable paid time off from their normal job in appropriate circumstances.”

Abridged from NASUWT Briefing note “Schools Forum & Facility Time”

July 2020

Lester Russell

Stockton-on-Tees

Negotiating Secretary, Caseworker

National Executive Member for District 2,

Stockton-On-Tees, Hartlepool, Middlesbrough and Redcar & Cleveland

NASUWT

Reviewed Sept 2023

This page is intentionally left blank



Dear Director,

We are writing on behalf of all employees working in your local authority area who are members of NAHT, ASCL and the National Education Union (NEU).

Acting in accordance with advice issued by the Local Government Association and the National Employers' Organisation for School Teachers, the vast majority of schools made the right decision last year by agreeing through their Schools Forum to 'de-delegate' funding for supply cover costs, including for trade union facilities time.

We believe that the central retention and distribution of this funding is the most effective and efficient arrangement, and we would like to work with you to ensure that this arrangement continues. Discussions are now taking place in your authority on funding arrangements for supply cover costs from April next year and we are asking you to pass the information in this letter to members in your Schools Forum and to encourage them to vote for de-delegation of funding arrangements for supply cover costs.

Successive governments have recognised the importance of good industrial relations and have legislated to provide a statutory basis for facilities time as follows:

- Paid time off for union representatives to accompany a worker to a disciplinary or grievance hearing.
- Paid time off for union representatives to carry out trade union duties.
- Paid time off for union representatives to attend union training.
- Paid time off for union 'learning representatives' to carry out relevant learning activities.
- Paid time for union health and safety representatives during working hours to carry out health and safety functions.

These provisions are contained within the Employment Relations Act 1999 and the Trade Union Labour Relations (Consolidation) Act 1992 and the Safety Representatives and Safety Committees Regulations 1977.

NAHT, ASCL and NEU have members and union representatives in academies as well as maintained schools within your local authority area and, in addition to seeking your

support for de-delegation, we are seeking your agreement for the local trade union funding arrangement to be formally extended to academies within your local authority boundary.

As the DfE Advice on Trade Union Facility Time acknowledges, the trade union recognition agreement between the authority and the recognised unions will have transferred to each academy school as the new employer of the transferred staff as part of the conversion process to academy status under TUPE. We believe that, following conversion, academies should also become parties to local authority trade union facilities arrangements.

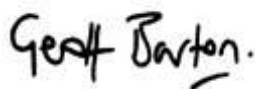
The academies within your authority will have received funding for trade union facilities time in their budgets and they are permitted to use that funding to buy-back into local authority arrangements. Indeed, many academies across England have already agreed to buy in to local authority trade union facilities arrangements.

Pooled funding will help the local authority and all schools to meet their statutory obligations on trade union facilities time. Setting up a central funding arrangement will allow academies to pay into a central pool if they wish to. But most importantly it will help maintain a coherent industrial relations environment where issues and concerns whether individual or collective can be dealt with more effectively. All these points are echoed in the advice issued by the LGA and NEOST.

We urge you therefore to support the de-delegation of funding for trade union facilities time and to continue or establish (if you did not do so previously) a mechanism whereby academies within your authority are able to buy into a central fund for trade union facilities time. If you agree to do so, we will write to academy principals to encourage them to buy in to your arrangement.

We will be writing to you again later in the year to find out the decisions made by your Schools Forum.

Yours sincerely



General Secretary
ASCL



General Secretary
NAHT



General Secretary
NEU

Shona Harvey
Bargaining Support Officer
Employment and Bargaining Department
National Education Union



www.neu.org.uk

[www.Facebook.com/nationaleducationunion](https://www.facebook.com/nationaleducationunion)

[www.Twitter.com/@NEUnion](https://www.twitter.com/@NEUnion)

This page is intentionally left blank