

Date: Tuesday 8 October 2024 at 1.00 pm

Venue: Virtual via Microsoft Teams

Susan Richardson (Chair)

Cllr Carol Clark

AGENDA

- 1 Apologies for Absence**
- 2 Declarations of Interest**
- 3 Minutes** (Pages 7 - 10)
- 4 Matters Arising**
- 5 Stockton Schools' Forum Constitution and Rules of Conduct** (Pages 11 - 32)
- 6 Appointment Of Chair**
- 7 Appointment of Vice Chair**
- 8 Schools Funding Arrangements 2025/26 (Verbal Update)**
- 9 Delegation / De-delegation 2025/26** (Pages 33 - 42)
- 10 Any Other Business**
- 11 Date and Time of Next Meeting**

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: Elaine Barrett on email Elaine.Barrett@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

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SCHOOLS FORUM
VIRTUAL MEETING VIA MICROSOFT TEAMS
HELD ON 2 JULY 2024

PRESENT:

Primary Maintained School Headteacher: Mrs H Gregory (Chair) and Mrs J Stanyard

Primary School Governor Representatives: Mr R Powner

Trade Union Representative: Mr L Russell

LA Representative: Councillor C Clark

Pupil Referral Unit: Mr T Keates

Observers: Councillor L Evans

OFFICIALS:

Mr A Bryson – Chief Accountant

Mr G Waller – Senior Accountant

Mrs E Barrett - Secretary to the Forum

Mrs V Housley – Service Lead Education and Wellbeing

Miss E Smith – Strategic Lead Delivering Better Value

1. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Mr R Henderson, Mr E Huntington, Mr M Little, Mrs M McCarthy, Mrs L Oyston, Mrs R Richardson, Mrs L Spellman, Mr E Squire, Mrs A Swift and Mr C Wilkinson.

2. **DECLARATION OF INTERESTS**

Members were invited to declare any personal or business interests they may have in any item included on the agenda.

No interests were declared.

3. **MINUTES OF THE LAST MEETING – 16 JANUARY 2024**

RESOLVED that the minutes of the meeting held on 16 January 2024 be approved.

4. **MATTERS ARISING**

There were no matters arising from the minutes.

5. **SCHEME FOR FINANCING SCHOOLS UPDATE**

The Scheme for Financing Schools paper had been circulated prior to the meeting. Andy Bryson explained that the purpose of the report is to seek approval from School's Fourn on an amendment to the SBC Scheme for Financing Schools that relates to maintained schools. The details of the changes are identified in the report.

It was noted that from 1 April 2024 the IFRS16 outlines the common leasing activities for maintained schools. The changes relate to financial leases and a change to wording around borrowing. The Secretary of State is waiving some approval rights, the link to the publication has been shared with members. It is noted that only maintained members are able to vote on this item. A show of hands was acceptable.

RESOLVED that Schools Forum note the changes in DfE guidance and approve the amendment to SBC's Scheme for Financing Schools relating to borrowing by schools as per the DfE directed revision in March 2024.

6. SCHOOLS BUDGET OUTTURN 2023/2024

A paper had been circulated prior to the meeting. This includes an overview of school's balances. There are two recommendations to consider: unused balances and the final DSG position for 2023 / 2024.

It is anticipated that the High Needs budget saving for 2023 / 2024 would be £1.26m, however due to increased demand on the high needs block the overall saving was £0.07m. This reduces the LA cumulative deficit down from £3.87m to £3.8m.

Appendix 1 provides the detailed financial information which includes the planned spend against the actual outturn for 2023 / 2024. There has been a significant overspend on agency placements and providers out of borough at £968k. A saving has been made of £853k on unused High Needs supplementary grant funding. £1m has been saved through a lower take up in Early Years. There remains a significant pressure on High Needs.

De-delegated Items

It is recommended that the net saving of £9.6k is utilised against the DSG deficit. This has previously been discussed with Schools Forum. This only relates to maintained members.

RESOLVED that the net saving of £9.6k is utilised against the DSG deficit.

School Balances

School balances have increased by £0.7m to £3.5m. Seven schools had excess balances and all surplus licences have been approved through the LA and Eddie Huntington. Variances are shown on the budget as requested. **Members questioned the de-delegated items for staff costs that are overspent.** This is a reflection on the increased case work, **it was asked if the costs would increase next year.** The costs have already been agreed for next year at similar levels to this year, this may be reviewed at the next budget setting as this is the first year there has been an overspend.

RESOLVED that members note the final position for 2023 / 2024.

7. DELIVERING BETTER VALUE (DBV) CABINET REPORT AND PROGRESS

Elisha Smith referred to the previously circulated DBV papers. The following was highlighted:

The original submission was in March 2024 with three projects aimed to reduce the deficit. In February 2024 the DfE asked the LA to revisit the position due to the overspend and increased deficit position. In April 2024 the report was sent to Cabinet with eight projects identified and a new deficit position.

It was previously reported that up to 2026 / 2027 the defect would run to £34.8m with a huge increase in EHCP's. If all children needed specialist provision, there was a risk that expensive out of borough placements would be needed.

The eight projects all support local SEN provision. There has been a good uptake from settings and three schools have been identified for expansion ready for September 2024.

St John the Baptist, Preston and Mill Lane primary schools. All Headteachers have been emailed to review the current EMS for phase 2 in September 2025, there will be some ARP's established in 2025.

Early Years is the biggest growth area with extensive CPD and extended childcare from September 2024. Earlier identification of needs is key. The LA are part way through a new CPD offer for schools starting in September 2024. £1m was allocated in March 2024 to deliver DBV. There will be a speech and language offer which will be free to schools and parents. All training is available to all LA employees.

There is a review of the EHCP process, case workers will attend earlier review meetings. SENDCO's are working together on reviews. A full review of alternative provision and specialist support services will be completed with the aim to reduce the numbers of permanent exclusions.

The High Needs banding review is on the agenda and is part of the DBV programme, this will come at the end of the programme. The Post 16 offer includes developing a hybrid offer to strengthen support. There needs to be a better local offer for post 18-year-olds who want to stay in expensive out of borough placements.

A SEN development group is being created which will investigate decision making in the first instance. A Principal Educational Psychologist role is needed, and this is being advertised. Recruitment of EP's and alternative options are being investigated.

Vanessa Housley explained that Sharon Bimson is the Business Co-Ordinator who is promoting the marketing of CPD. The High Needs banding meeting on 18 July 2024 will be postponed and reconvened in September 2024.

8. ANY OTHER BUSINESS

There were no further items of business to discuss.

9. DATE AND TIME OF NEXT MEETING

RESOLVED that the next meeting of Schools Forum would be held on 8 October 2024 at 1.00 p.m.

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AGENDA ITEM 5

REPORT TO SCHOOLS FORUM

8th OCTOBER 2024

STOCKTON SCHOOLS FORUM CONSTITUTION AND RULES OF CONDUCT

SUMMARY

1. The purpose of this paper is to present to the Schools Forum the Constitution and Procedural Rules. The attached document notes how Stockton Councils Schools Forum will operate from September 2024. The document will be reviewed annually or as and when guidance/updates necessitate.
2. The Schools Forum is both a consultative and decision-making body whose purpose is to advise the local authority in line with the Schools Forum (England) Regulations 2012. The Forum acts as a consultative body on some issues and a decision making body on others.

RECOMMENDATION

3. To approve the Stockton Schools Forum Constitution and Rules of Conduct for the 2024-25 Academic year with specific reference to the proposal that the Membership Terms of Office being two years for both School and Non School Members.

DETAIL

4. The procedure set out in the attached document guides the Schools Forum in Stockton. The procedures are summarised under the following headings:
 - Terms of Reference
 - Membership
 - Membership Terms of Office
 - Observers / Speakers
 - Substitutes
 - Administration
 - Rules of Conduct
 - Election Procedures
5. The length of term of office for non-schools members is at the discretion of the local authority. It is proposed that School Members of the Forum will serve for **two years** from the date of their full election to the Forum. It is also proposed Non-school members will serve for **two years** also from the date of their full election to the Forum.
6. Membership details of the Forum are included within section 2 of the attachment. The structure of the Forum will be reviewed annually, as part of the annual review of the constitution to ensure that the balance is maintained.
7. As noted in section 2, schools and academies members together must number at least two-thirds of the total membership of the schools forum and the balance between maintained primary, maintained secondary and academies members must be broadly proportionate to the pupil numbers in each category.

8. Based on the current membership over two thirds, 17 of the 21 members are from schools and academies and the balance of the schools membership is **broadly proportionate** to the pupil numbers in the table in section 2.

Contact Officer: Andy Bryson, Chief Accountant

Tel No: 01642 528850

STOCKTON SCHOOLS FORUM

CONSTITUTION AND RULES OF CONDUCT 2024-2025

This constitution gives full regard to legislation current at September 2024

<https://www.legislation.gov.uk/ukxi/2012/2261/contents> and, in particular,

Education and Skills Funding Agency (ESFA) *Schools Forum Operational and*

Good Practice Guide

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/971710/Schools_forum_operational_and_good_practice_guide_amended_March_2021.pdf

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STOCKTON SCHOOLS' FORUM

CONSTITUTION AND RULES OF CONDUCT

1. TERMS OF REFERENCE

The Schools Forum is both a consultative and decision-making body whose purpose is to advise the local authority in line with the Schools Forum (England) Regulations 2012. In the event that any item within this constitution contradicts these regulations, the regulations will take precedence. The respective roles of Schools Forums, local authorities and the DfE are summarised in *ESFA Schools' Forum Powers and Responsibilities*.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/971711/2021_Schools_forums_powers_and_responsibilities.pdf

Regulations state that the local authority must consult the Schools Forum annually in connection with various schools budget functions, namely:

- amendments to the school funding formula, for which the voting is restricted by the exclusion of non-schools members except for PVI representatives
- arrangements for the education of pupils with special educational needs in particular the places to be commissioned by the local authority and schools and the arrangements for paying top-up funding
- arrangements for the use of pupil referral units and the education of children otherwise than at school, in particular the places to be commissioned by the local authority and schools and the arrangements for paying top-up funding
- arrangements for early years provision
- administrative arrangements for the allocation of central government grants paid to schools via the local authority

The Schools Forum must inform the governing bodies of all schools maintained by the local authority of the results of any consultations carried out in relation to the above.

Local authorities will need to discuss with the Schools Forum any proposals that they intend to put to the Secretary of State to:

- vary the Minimum Funding Guarantee (MFG)
- use exceptional factors
- vary pupil numbers (Secretary of State approval is no longer required for increases relating to changes in admission limits or reorganisations)
- allow additional categories of, or spending on, central budgets
- amend the sparsity factor
- vary the lump sum for amalgamating schools
- vary the protection for special schools and special academies
- move up to 0.5% from the schools' block, where the Schools Forum does not agree, or move more than 0.5% from the schools' block

Proposals will then need to be considered by the Secretary of State.

The Schools Forum can make decisions on the following local authority proposals.

The overarching areas on which Schools' Forum make decisions on local authority proposals are:

- de-delegation from mainstream maintained schools budgets (separate approval will be required by the primary and secondary phase members of Schools Forum) for prescribed services to be provided centrally
- to create a fund for significant pupil growth in order to support the local authority's duty for place planning (basic need), including pre-opening and diseconomy of scale costs, and agree the criteria for maintained schools and academies to access this fund
- to create a fund for falling rolls for good or outstanding schools if the schools surplus capacity is likely to be needed within the next three years to meet rising pupil numbers and agree the criteria for maintained schools and academies to access this fund
- agreeing other centrally retained budgets, including for local authority statutory responsibilities (where these relate to maintained schools only, voting is by the primary, secondary, special and PRU members of Schools Forum)
- funding for central early years expenditure, which may include funding for checking eligibility of pupils for an early years place, the early years pupil premium and/or free school meals
- authorising a reduction in the schools budget in order to fund a deficit arising in central expenditure, or from de-delegated services, which is to be carried forward from a previous funding period in the 2018 to 2019 funding year the schools block is ring-fenced. Local authorities require Schools Forum approval in order to move up to 0.5% from the schools block to other blocks
- in each of these cases, the local authority can appeal to the Secretary of State if the Schools Forum rejects its proposal.

Revisions to the regulations will automatically be incorporated into the constitution as and when prescribed by the Department for Education and the Schools Forum will be notified. If changes to the regulations result in there being more than one option or if the changes are optional, the Schools Forum will be consulted prior to making any changes. In any event, the constitution will be reviewed annually. Changes as a result of review or proposed at any meeting of the Forum, can be agreed by a two thirds majority of members present, subject to the agreement of the local authority.

2. MEMBERSHIP

The Schools Forums Regulations provide a framework for the appointment of members, but allow a considerable degree of discretion in order to accommodate local priorities and practice.

Schools forums must have 'schools members', 'academies member(s)' if there is at least one academy in the local authority's area and 'non-schools members'. Schools and

academies members together must number at least two-thirds of the total membership of the schools forum and the balance between maintained primary, maintained secondary and academies members must be broadly proportionate to the pupil numbers in each category.

Based on the number of pupils as of the October 2023 Census, the proposed membership from September 2024 from all schools is:

	Pupil Numbers	Proportion	Representatives
Primary maintained	5,114	17.5%	5
Secondary maintained	1,517	5%	1
Academies (including special)	22,678	77.5%	11
Total	29,309	100%	17

The structure of the Forum will be reviewed annually, as part of the annual review of the constitution to ensure that the balance is maintained.

The current membership and representation is shown in Appendix 2 of this document and summarised in the tables below.

2.1 School Members

Primary Maintained	5	
Secondary Maintained	1	
Academies and free schools	8	
Special Schools	2	
PRU	1	G Warby Headteacher PRU

2.2 Non-School Members

Early Years Private, Voluntary, Independent (PVI)	0	No current representative
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Post 16 provision	1	
LA Representative	1	Cllr C Clark
Diocese	1	
Trades Union	1	

Total Membership: 21 School Members: 17 Non-School Members: 4

2.3 General Membership Issues

No individual school can have more than one representative on the Forum. Each school or academy will need to decide whether they intend to nominate a Headteacher or a Governor / Trust member before putting themselves forward through the relevant election procedures outlined in this constitution.

Schools may only offer a representative for the relevant School Members category and no other categories.

There must be at least one representative of head teachers and one representative of governors among the schools' members.

Each member will have a single vote.

2.4 Membership Restrictions

Elected members who hold an executive role in a local authority (i.e. a Lead Member / Portfolio Holder) cannot be either a schools' member (as a Governor) or a non-schools member of the Forum.

The Director for Children's Services or any officer employed or engaged to work under the management of the Director for Children's Services, and who does not directly provide education to children (or manage those who do).

Any officer employed by the local authority that has a role in the strategic resource management of the authority cannot be a member of the Forum.

3. MEMBERSHIP TERMS OF OFFICE

The length of term of office for non-schools members is at the discretion of the local authority. School members of the Forum will serve for **two years** from the date of their full election to the Forum. Non-school members will serve for **two years** also from the date of their full election to the Forum.

The election procedures, detailed in Appendix 1, will be followed if a member vacancy occurs during the 2-year period or if the structure of the membership changes following the annual review of the constitution.

A Forum member remains in office until:

- a) the member's term of office expires;
- b) the member no longer holds the office which made them eligible for election, selection and appointment to the Forum;
- c) the member resigns from the Forum by giving notice in writing to the authority; or
- d) in the case of a non-schools' member, the member is replaced by the authority, at the request of the body which the member represents, by another person nominated by that body; whichever comes first.

Members who fail to attend three consecutive meetings without a satisfactory explanation will have their membership reviewed by the Forum. The Forum has the discretion to remove them from the Forum membership by a vote at the next quorate meeting.

4. OBSERVERS/SPEAKERS

Non-voting observers are entitled to attend and speak at meetings, as follows:

- the Director for Children's Services (or their representative);
- the Director of Finance (or their representative);
- the Head of SEND, (or their representative);
- any elected member of the LA who has primary responsibility for children's services or education in the LA;
- any elected member of the LA who has primary responsibility for the resources of the authority;
- any person who is invited by the Forum to provide financial or technical advice to the Forum;
- an observer appointed by the Secretary of State; and
- any person invited to present a paper or other item to the Forum that is on the meeting's agenda, with the right to speak limited to matters related to the item presented.

5. SUBSTITUTES

Positions on the Forum are held by named representatives.

Members shall formally appoint a named substitute member from the same group as the member (to the maximum of the total number of positions they hold) who may attend on their behalf if they are unable to do so.

Substitutes must be named and recorded at the meeting of the Forum annually. In the event a substitute is not named, a substitute may subsequently be nominated to the Clerk

to the Forum in writing. Failure to nominate a substitute or notify the Council of a nominated substitute in accordance with these provisions shall result in the nomination being null and void. No substitute member may participate in a meeting of the Forum unless the requirements of this paragraph have been met. Substitutes who have been properly named and appointed will have the same rights and responsibilities (including voting rights) as their principal, on whose behalf they are participating in the Forum.

If a member of the Forum is unable to attend meetings, any nominated substitute is permitted per member but the substitute must be from the same membership category, for example a substitute for a maintained primary school member, must be from a maintained primary school. One weeks' notice of non-attendance is to be given.

6. FORUM ADMINISTRATION

6.1 Election of Chair and Vice Chair

The Chair and Vice-Chair of the Forum will normally hold office for a period of **two years**, either the Chair or Vice Chair must be a voting member of the Forum. The Chair and Vice Chair may resign at any time by giving written notice to the Clerk to the Forum.

The Forum should then elect a Chair from amongst its own members, except that any non-executive elected member or eligible officer who is a member of the Forum may not hold the office of Chair. The Vice-Chair chairs meetings when the Chair is absent. If neither the Chair nor the Vice-Chair can attend a meeting, the Forum elects one of those present to chair that meeting.

It is not legal for the Chair to take a decision on behalf of the Forum, no matter how urgent the matter in question. However, the Chair, in conjunction with the Vice Chair, has the authority to give a view on an urgent issue.

6.2 Voting Procedures

Every item which requires a decision to be made at a meeting of the Forum will be determined by a majority of the votes of members eligible to vote on the issues in accordance with DFE document on Schools Forum Roles and Responsibilities.

Where a member votes, the member must only cast one vote and each member's vote must have an equal weighting; save that in the event of a tie the Chair has a second and casting vote (except in relation to the election of the Chair), if the Chair was a non-voting member in the case of a tied vote the Vice Chair would have a casting vote.

Non-school members, other than those who represent Early Years Providers, must not vote on matters relating to the funding formulae to be used by the LA to determine the amounts to be allocated to Schools and Early Years Providers.

The Forum can choose to appoint working groups / sub-groups to examine any matters put before it by the local authority. Any working groups / sub-groups will have no decision-making powers and will report back to the full Forum so a final response to the local authority can be given / decision taken at a quorate meeting.

6.3 Quorum

The quorum for a meeting of the Schools' Forum is 40% of current voting members (excluding vacancies).

Substitutes will be permitted from the same group they represent, in consultation with members of the Forum. Substitutes will have the same voting rights as the members they replace.

Any recommendation to the local authority from a quorate meeting of the School's Forum will require the local authority, under the regulations, to give full consideration to that recommendation before making any decisions.

A non-quorate meeting of the Schools' Forum may still consider items which do not require a decision. Where a decision from the Forum is required, the Forum should follow the urgency provision detailed in 6.6.

6.4 Declarations of Interest

Any Member of the Forum who has an interest in any proposal beyond the generality of the group they represent or in which they might have a personal or prejudicial interest, shall declare the interest at the commencement of the meeting or at such time as the interest becomes apparent.

Any Member should regard him or herself as having a personal interest in any matter if a decision upon it might reasonably be regarded as affecting the well-being or financial position of him/herself, a relative or a friend, or any employment or business carried on by such persons. In these cases the Member may be asked to leave the meeting whilst the Forum considers specific items.

6.5 Meetings

6.5.1 Frequency of meetings and distribution of papers

The Stockton Schools' Forum will meet in public normally a minimum of 4 times a year as specified by the Schools' Forum (England) Regulations 2012. The School and Early Years Finance (England) Regulations 2021 amended The Schools Forums (England) (Coronavirus) (Amendment) Regulations 2020 to make permanent provisions to enable schools' forums meetings to be held remotely. This includes (but is not limited to) telephone conferencing, video conferencing, live webcast, and live interactive streaming. Where a schools forum decides to hold a public meeting by remote means only, the forum should provide support or make alternative arrangements so that any

interested parties who do not have telephone or online access can attend virtual meetings.

At the first meeting of the academic year, the Forum will determine the dates and times that it will meet during that academic year.

The standard distribution method for Schools' Forum papers will be via email or an alert to notify members that the agenda is available on the Council's website. Individual members may approach the Clerk to discuss alternative methods to be used.

6.5.2 Setting the Agenda

A forward plan of all required decisions and consultations with Forum will be issued to all Forum members at the start of the academic year and will be updated throughout the year. The forward plan will be used to determine the agenda for each meeting of the Forum. The Clerk will consult with the Chair of the Forum to draw up the agenda for the next meeting.

Any Forum member can request items to be included on the agenda provided that the request is received by the Clerk by the published draft report deadline for the next meeting. Any papers to be included on the agenda must also be submitted, in the appropriate format, by the draft report deadline specified for the meeting at which it is to be considered.

6.5.3 Minutes

Minutes of all Forum meetings will be written by the Clerk and submitted to the next meeting of Forum for formal approval.

6.6 Urgent Business

Urgent reports not included on the agenda will still be permitted providing that reasons for urgency are given and that the Chair of the Forum agrees both that the report is urgent and that she / he is happy to include it on the agenda for consideration. Good practice dictates that this should only be done in exceptional circumstances.

If the local authority requires an urgent decision on a matter before the date of the next scheduled meeting the local authority will determine, in conjunction with the Chair, whether to resolve the issue by emailing Forum members or by calling an extraordinary meeting.

If the urgent matter is resolved by email, the proposal/paper shall be circulated via email to all members of the Forum. The circulation will trigger a period of five working days during which members can give consideration. If before the end of the five-day period any member wishes to raise an issue regarding the content of the paper, they should inform the clerk.

The paper will detail the appropriate background to the decision and options available and request a response. Simple majority rules will apply. If there are no objections to the proposal(s) the paper will be deemed approved by the Forum on the expiration of the five working days period. All decisions taken under the five-day rule will be reported to the next available meeting of the Forum.

If the urgent matter is to be resolved by an extraordinary meeting, an extraordinary meeting of the Forum may be held if at least one third of the Members of the Forum request such a meeting or at the request of the Council. Any request for an extraordinary meeting of the Forum should be submitted to the Clerk to the Forum in writing, listing the members requesting the meeting (if called by members) and any such meeting shall, unless impracticable, be held within 15 working days of any such request being received. If impractical to hold a meeting within 15 working days, the meeting shall be convened as soon as reasonably practicable thereafter.

6.7 Clerking / Meetings

The Director for Children's Services will arrange for governance and administrative support for the meetings of the Schools Forum.

The Clerk to the Forum will be responsible for election procedures, compiling the agenda for each Forum meeting, distributing papers, ensuring that decisions are taken in accordance with this constitution and relevant legislation, and circulating minutes of the meeting, including publishing on the Council's website.

It is for the LA to determine the time and frequency of meetings, but they must be at a time that allows the views of the Forum to feed into the decision-making process for distribution of the Schools Budget in the following year. Meetings will have an agenda and held at least 4 times per year, with the likelihood of 2 taking place in the Autumn Term.

Copies of the agenda and reports will be made available at least 5 clear working days before the meeting.

6.8 Communication

Communication to the wider educational community of the discussions and debates of, and decisions made by, the schools forum is fundamental to effective operation. The more schools and other stakeholders know about the proceedings of the Schools Forum, the more their work will be an important and central part of the context of local educational funding.

The Local Authority will plan communications on behalf of the Schools Forum accordingly. Use will be made of existing channels of communication.

It is fundamental that each member of Schools Forum represents the views of the group or sub-group that they represent and that all those with an interest in funding work together to ensure that their views are taken into account. Therefore, communications directly

between members and those they represent is essential. This will ensure that Schools Forum members have an ongoing dialogue with the constituents of their group or sub-group and are therefore well able to represent their views at Schools Forum meetings.

The Schools Forum will also use additional communication processes. These could include:

- drawing early years settings and schools attention to the fact that all its agenda, minutes and papers are publicly available on the local authority's website (this should include the publication of formula consultation documents)
- attendance by the Chair, or other schools forum member, at other relevant consultative or management groups.

6.9 Members Expenses

The DfE Regulations allow the LA to pay 'reasonable expenses' to members of the Schools Forum. These could include travelling expenses, childcare costs, loss of earnings and supply cover for Head Teacher or Teacher Governor Representatives.

6.10 Charging of Schools' Forum's Expenses and Operating Costs

The authority must pay the expenses of the Schools Forum and charge those expenses to the Central School Services Block of the Dedicated Schools Grant (DSG).

RULES OF CONDUCT

EXPECTATIONS AND RESPONSIBILITIES OF SCHOOLS FORUM MEMBERS AND THE LOCAL AUTHORITY

Schools Forum members will:

1. Ensure that any interest in any item for discussion at Forum meetings is declared at the beginning of all meetings.
2. Ensure that they are representative of, and present the views of, their elective / nominating group at meetings.
3. Ensure that all reports and other papers distributed are reviewed prior to each individual meeting.
4. Gather views and provide feedback to individual elective / nominate groups in advance of and after Forum meetings.
5. Be responsible to their elective groups for the feedback of items discussed at, and decisions taken, by Forum.
6. Identify any training requirements to the local authority to inform the Forum's induction and training provision.
7. Ensure, through the use of substitutes, that each elective / nominating group is represented at all meetings.
8. Within their representative group, consider nominations for the Chair and Vice- Chair prior to the elections to this position held annually at the first meeting of the Forum at the start of the academic year.

The Local Authority will:

1. Ensure that reports and other documents which require the Forum to make a decision are issued at least 5 clear working days in advance of meetings and minutes within 10 working days after the meeting.
2. Ensure that all Forum meetings are supported and attended by appropriate senior officers relevant to the items to be discussed at the meeting.
3. Publish reports, other relevant documents and minutes of meetings on the Council's website.
4. Through the Councils Finance team, ensure that the Forum is informed of any proposed changes in legislation that will impact upon the work of the Forum.

5. Provide appropriate training and induction to new Forum members and provide appropriate on-going training to Forum members to ensure they are able to effectively discharge their responsibilities.
6. Present formal budget proposals for approval at one meeting in the autumn term to enable informed strategic decisions and prioritisation. Ad hoc budget proposals may be presented at other points in the year providing there is a budget contingency set by the Forum or if additional funding becomes available.
7. Keep the Forum informed of strategic developments and service issues which may result in a request for additional funding where the financial impact would fall to be met from the Schools Budget.
8. Facilitate and support workshops and working groups necessary to support both the consultative and decision-making responsibilities of the Forum.

ELECTION PROCEDURES

- 1.1 Primary Headteachers
 - Agenda item at meeting of Stockton Primary Headteachers Association (SPHA), identifying category of Schools Forum vacancy i.e. Community or Voluntary Aided;
 - Self-nominations to be sought from the representative group;
 - Open vote if more than one nomination.

- 1.2 Secondary Headteachers
 - Agenda item, identifying category of Schools Forum vacancy i.e. Community or Voluntary Aided, at meeting of Secondary Heads and Principals Group;
 - Self-nominations to be sought from representative group;
 - Open vote if more than one nomination.

- 1.3 Special Schools
 - Self-nominations to be sought from the Special School Headteachers.

- 1.4 Primary Governors
 - School and Governor Support Service to write to governors of representative group i.e. Community or Voluntary Aided inviting self-nominations;
 - Vote, to the appropriate group, if more than one nomination.

- 1.5 Secondary Governors
 - School and Governor Support Service to write to governors of representative group i.e. Community or Voluntary Aided inviting self-nominations;
 - Vote, to the appropriate group, if more than one nomination.

- 1.6 Academies
 - Self-nominations to be agreed by Academy Boards.

- 1.7 Pupil Referral Unit
 - Self-nomination.

- 1.8 Diocesan Representative
 - Self-nomination to be agreed by Diocesan Boards

- 1.9 14-19 Partnership Representative
 - Self-nomination to be sought from the representative group.

- 1.10 Trade Unions
 - Self-nominations to be sought from the Trade Union Joint Consultative Group;
 - Open vote if more than one nomination.

- 1.11 Early Years Private Voluntary Independent Representative
 - Self-nomination to be sought from the representative group.

- 1.12 Local Authority Representative
 - Nomination sought from political groups and confirmed by Full Council.

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Schools Forum – Governing Body Membership and Vacancies

Governing Body	Type	Start Date	End Date
Mr Jason * Faulkner	14 - 19 Representative	04/07/2024	03/07/2026
Mrs Emma Higgins	Diocesan Representative	29/04/2024	28/04/2026
Cllr Carol Clark	LA Representative	03/09/2023	02/09/2027
Mrs Julia Armstrong	Primary Academy Headteacher Representative	01/04/2021	31/03/2025
Ms Susan Richardson	Primary Academy Headteacher Representative	01/04/2021	31/03/2025
Mrs Helen Gregory	Primary Headteacher Representative	23/06/2023	22/06/2025
Mr Edwin Squire	Primary Headteacher Representative	24/04/2024	23/04/2026
Mrs Judith Stanyard	Primary Headteacher Representative	23/06/2023	22/06/2025
Mrs Andrea Swift	Primary Headteacher Representative	23/06/2023	22/06/2025
Mr Andrew McCLurg	Primary School Governor Representative	22/08/2023	21/08/2025
Mr Ryan Powner	Primary School Governor Representative	22/08/2023	21/08/2025
Miss Kay Wilkinson	Primary School Governor Representative	22/08/2023	21/08/2025
Mrs Claire Humble	Secondary Academy Headteacher Representatives	11/01/2023	10/01/2025
Mr Ray Parkinson	Secondary Academy Headteacher Representatives	01/08/2024	31/07/2026
Mrs Louise Spellman	Secondary Academy Headteacher Representatives	11/02/2024	10/02/2026
Mr Colin Wilkinson	Secondary School Governor Representative	23/06/2023	22/06/2025
Mr Richard Henderson	Secondary School Headteacher Representative	13/04/2023	12/04/2025
Mr Michael Little	Special School Representative	13/04/2023	12/04/2025
Mrs Caroline Thomas	Special School Representative	22/08/2023	21/08/2025
Mr Lester Russell	Trade Union Representative	23/06/2023	22/06/2025
Ms Helen Danby	Additional Posting	01/09/2022	
Mr David Leane	Additional Posting	02/06/2023	
Cllr Lisa Evans	Observer	05/06/2019	
Mr Andrew Bryson	Officer	01/09/2020	
Mrs Vanessa Housley	Officer	02/07/2024	
Mr Eddie Huntington	Officer	01/09/2020	
Mrs Majella McCarthy	Officer	01/05/2024	
Mr Graham Waller	Officer	01/09/2018	

Position	Type
Ms Susan Richardson	Chair

Establishment	Term	Required	Governors	Vacancies
14 - 19 Representative	2 Years	1	1	0
Diocesan Representative	2 Years	1	1	0
LA Representative	4 Years	1	1	0

Establishment	Term	Required	Governors	Vacancies
Primary Academy Headteacher Representative	2 Years	2	2	0
Primary Headteacher Representative	2 Years	4	4	0
Primary School Governor Representative	2 Years	3	3	0
Pupil Referral Representative	2 Years	1	0	1
PVI Representative	2 Years	1	0	1
Secondary Academy Headteacher Representatives	2 Years	3	3	0
Secondary School Governor Representative	2 Years	1	1	0
Secondary School Headteacher Representative	2 Years	1	1	0
Special School Representative	2 Years	1	2	0
Trade Union Representative	2 Years	1	1	0
TOTAL		21	20	2

Previous Appointments	Type	Start Date	End Date
Mr Tristan Keates	Pupil Referral Representative	23/06/2023	31/07/2024
Mrs Lindsay Oyston	Secondary Academy Headteacher Representatives	06/10/2023	31/07/2024
Ms Lesley Graham	14 - 19 Representative	06/03/2024	30/06/2024
Ms Elaine Redding	Officer	21/07/2023	30/04/2024
Ms Lesley Graham	14 - 19 Representative	22/01/2022	21/01/2024
Mr Simon White	Secondary Academy Headteacher Representatives	11/10/2021	10/10/2023

Schools Forum

Governing body regulations (maintained schools)

- As stated in the DfE's "Maintained schools governance guide", the core functions of the governing body are as set out in (regulation 6) and include, but are not limited to ensuring:
 - that the vision, ethos and strategic direction of the school are clearly defined
 - that the headteacher performs their responsibilities for the educational performance of the school
 - the sound, proper and effective use of the school's financial resources
- Governors are appointed/elected as follows:
 - Co-opted - appointed by the governing body
 - Foundation - appointed by the Diocese (or the PCC if appropriate - there may also be provision in the Instrument of Government for the parish priest to be ex-officio)
 - Headteacher - ex-officio
 - Local Authority - appointed by the governing body, following approval of the 'nomination' by the LA
 - Parent/Staff - elected by parents/staff respectively
- Governing bodies must have at least seven governors, including the Headteacher; one and only one Local Authority governor; one and only one Staff governor; at least two Parent governors; and for Voluntary Aided schools, there must be exactly two more Foundation governors than all other categories combined.
- The total number of Co-opted governors who are also eligible to be elected as Staff governors, when counted with the Staff governor and the Headteacher, must not exceed one third of the total membership of the governing body.
- The term of office for any governor shall be four years (unless otherwise stated in the Instrument of Government), save that this time limit shall not apply to any post which is held ex officio. Associate Members can be appointed for between one and four years. Parent governors may serve out their term of office when their child leaves the school, but Staff governors must resign when they leave the school.
- Associate Members and governors who are members of staff cannot be Chair or Vice-Chair. Associate Members also do not count towards a quorum and do not have voting rights for governing body meetings (but can be appointed with voting rights on committees).
- The governing body must hold at least three meetings in every school year, and the quorum for a meeting of the governing body and for any vote on any matter at such a meeting, is one half (rounded up to a whole number) of the membership of the governing body, i.e. the number of governors in post at the date of the meeting.
- Every question to be decided at a meeting of the governing body is to be determined by a majority of the votes of the governors present and voting on the question, and where there is an equal division of votes the Chair, or as the case may be, the person who is acting as Chair for the purposes of the meeting (provided that such person is a governor), will have a second or casting vote (the governing body may approve alternative arrangements for governors to participate or vote at meetings of the governing body including but not limited to by telephone or video conference).

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AGENDA ITEM 9

REPORT TO SCHOOLS FORUM

8th OCTOBER 2024

DELEGATION – DEDELEGATION 2025/26

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 2025/26.
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 12th 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	£9,585	£2.17 per child (NoR)	£3,535	£2.33 per child (NoR)	£13,120
Support to Schools Partnership Fund	£22,115	£5.00 per child (NoR)	£8,537	£5.63 per child (NoR)	£30,652
Staff costs supply cover – Union facilities time	£6,688	£1.51 per child (NoR)	£2,546	£1.68 per child (NoR)	£9,234
Behaviour and Support Services	£41,605	Low Att Total Primary Units	£25,446	Low Att Total Secondary Units	£67,051
Free school meals eligibility	£0	No longer de-delegated	£3,985	£2.63 per child (NoR)	£3,985
School Improvement Functions	£16,198	£3.66 per child (NoR)	£5,552	£3.66 per child (NoR)	£21,750
TOTAL	£96,191		£49,601		£145,792 *

*above takes account of schools known to be converting to academy status before 4th January 2025.

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

Primary Schools	-	15
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 2024-25 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 figure requested has now been reduced to £21,750 which is 50% of that requested last financial year (2024/25 £43,500) to reflect the service requirement and also to account for further academisation in Stockton.

18. **National Copyright Licences:** 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 2025/26 figure will be provided by DFE as part of the DSG budget in December 2024 (2024/25 £155k). The licences covered under this arrangement in 2025/26 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 de-delegated 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 NASUWT 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 as maintained school convert to academy trust status and indeed when academy school change trusts. 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 2024

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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**