

West Northants Schools Forum: 14 December 2021
Agenda Item 5 - Annex E
De-delegations for Maintained Schools 2022-23

1 Background

- 1.1 Maintained members of Schools Forum can decide on behalf of all maintained schools to de-delegate funding for the Authority to provide services to all maintained schools.
- 1.2 Funding cannot be de-delegated from academies however they can choose to procure these services from the Authority or an alternative provider.
- 1.3 The Authority's proposals for de-delegation for maintained primary schools for 2022-23 are:
 - a) De-delegation for Trade Union Facility Time
 - Each school may provide some facility time to employee trade union representative(s) from within their workforce for matters specific to that school.
 - Through de-delegation of budget for facility time, schools collectively fund senior employee representatives who operate across all schools within the shared arrangement. These representatives may also participate in centralised Education and Schools engagement and consultation (JCNF, DCF, H&S Forums etc.).
 - The forecast outturn for trade union activities in the current year is a surplus of £43k. The forecast financial requirement for 2021-22 is £108k. If the rate is kept at £2.10 per pupil, then this gives an estimated budget of £28k from maintained schools and £37k from academies. This will leave a small, estimated surplus of £23k. Any surplus at year end will be ring fenced to TU facility time in 2023-24.
 - b) De-delegation for School Improvement Grant (SIG)
 - The school standards and effectiveness (SSE) team are funded from the central block of the dedicated schools grant. However, this is supplemented by funding from maintained primary schools (there are no maintained secondary schools) in order to support and challenge primary schools 'of concern' as defined by the DfE's 'schools causing concern' guidance.
 - The SIG is an essential source of funding that enables the school effectiveness team to broker support for maintained schools requiring support.

c) De-delegation for redundancy support

- The redundancy costs for maintained schools de-delegation enables maintained schools to collectively manage redundancy situations that are unaffordable for individual schools. It provides a means for maintained primary schools to access financial support when restructuring for the purpose of bringing their budget into balance.
- This gives some protection to schools that need to adjust their staffing structures in order to manage their financial circumstances, potentially preventing them from incurring deficits and compounding their financial circumstances.

1.4 The proposed de-delegation rates are below:

	2021-22 per pupil	2022-23 per pupil
Trade Union Duties	£2.10	£2.10
School Improvement Grant (SIG)	£7.50	£7.50
Redundancy costs for Maintained Schools	£1.50	£5.00 or £8.00
Total	£11.10	£14.60 or £17.60

1.5 Schools Forum members will note that as a result of reviewing the consultation responses, the proposed rate per pupil for c): de-delegation for redundancy support has £5 added into the vote as well as original suggestion of £8.

2 Responses from the consultation

a) De-delegation for Trade Union Facility Time:

There were 9 responses to the consultation and six responses to the TU de-delegation. 5 responses agreed with continuing at the rate of £2.10 set out in the consultation paper. None disagreed. 1 responded with "other". The comment attached to "other" was that they were an academy and that this was for Maintained Schools. However, we do have academy schools buying into this de-delegation service.

b) De-delegation for School Improvement Grant (SIG)

There were six responses to the TU de-delegation. 3 responses agreed with continuation at the same rate of £7.50 set out in the consultation paper. 3 responded with "other". The comments attached to "other" were that this was for maintained primary schools to comment only (we have never been approached to provide this for academies). Another commented to ask if the carry forward could be used to reduce the rate being proposed for 2022-23. The reason for not

reducing the rate is because there are a higher number of schools needing support in 2021-22 than we've seen for a number of years and we believe we may need all of the balance from 2020-21 to fund this.

c) De-delegation for redundancy support:

There were seven responses to the redundancy support de-delegation questions. 4 responses agreed with continuation but at the rate of £8.00 set out in the consultation paper. 3 responded with "other". Two comments were that this was for maintained schools only and the other said they supported the de-delegation but at a rate of £5 and not £8. As a result of this feedback, we have included both rates for maintained schools forum members to vote upon.

3 Recommendations for Schools Forum

3.1 That members agree to the proposed de-delegations

- a) trade union duties de-delegation should be continued with the suggested scheme and rate of £2.10 per pupil, as outline above,
- b) School Improvement Grant (SIG) de-delegation should be continued with the suggested scheme and rate of £7.50 per pupil, as outline above and
- c) redundancy de-delegation should be continued with the suggested scheme and rate of £5 or £8 per pupil, as outline above.

4 Financial implications

- 4.1 Should schools forum agree any or all of the proposed de-delegations, primary maintained schools will have the corresponding deductions from the age weighted pupil unit (AWPU).
- 4.2 Without the Trade Union de-delegation schools and academies would have to employ and fully fund their own facility union rep for the time they need, their own redundancy costs and any additional support if facing a school causing concern notice. All are likely to be more expensive purchasing directly than through the de-delegation.

5 Legal implications

- 5.1 Under schools forum regulations, the responsible local authority has the power to de-delegate funding from maintained schools, following agreement of its schools forum, or any direction by the secretary of state for education.
- 5.2 The legislation on time off for trade union duties and activities applies to all employers, including those responsible for maintained schools, academies and free schools. The continuation of de-delegation enables schools to meet these requirements.

6 Risks

- 6.1 If trade union facility time is not organised centrally, each trade union can press for the release of a union representative at each individual school. The training requirement for these representatives could be significant, given the new role they would be expected to fulfil. This represents a risk of increased disruption in the school, for example, releasing a teacher from the classroom to accompany a member in a formal disciplinary/grievance/performance/individual consultation meeting.
- 6.2 If schools forum does not agree the School Improvement Grant (SIG) de-delegation, the authority may not have the resources required to support and challenge schools of concern. This is likely to result, at best, in standards failing to improve or, at worst, poorer pupil progress and achievement.
- 6.3 That the redundancy support budget is not sufficient to support all schools that are restructuring due to financial difficulties. This could be mitigated by agreeing to carry forward any overspends to the following year to fund from the budget set for 2023-24.