

Shared Services Joint Committee

Wednesday 13th July 2022

Report Title	School Swim Service – IAA Variation Notice
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Executive Member	WNC Cllr Adam Brown, Portfolio Holder for Housing, Culture and Leisure. NNC Cllr Helen Howell, Portfolio Holder for Sport, Leisure and Tourism.

Key Decision	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the decision eligible for call-in by Scrutiny?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there public sector equality duty implications?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information (whether in appendices or not)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Applicable paragraph number/s for exemption from publication under Schedule 12A Local Government Act 1972	

Contributors/Checkers/Approvers

Approver	Officer Name	Date Officer Approved Report
North MO West MO	Adele Wylie Catherine Whitehead	9 th June 2022
North S151 West S151	Janice Gott Martin Henry	9 th June 2022
Other Director/SME	Lisa Hyde	9 th June 2022

List of Appendices

None

1. Purpose of Report

- 1.1 This report seeks approval that recommends rather than disaggregating the School Swimming Service provided by North Northamptonshire Council (NNC) and West Northamptonshire Council (WNC), that all schools should access swimming lessons directly with pools/leisure providers, as the majority of schools within Northamptonshire already do. The School Swimming Service is one of several providers of swimming lessons, this change would mean that the Councils were no longer providers. This change would be effective from 31 December 2022 but still with a completion date within the 2022/ 2023 financial year as per the Disaggregation Blueprint timeline.
- 1.2 The School Swimming Service is a traded service offered to schools. It is a non-statutory function for local authorities, as it is the responsibility of individual schools to provide swimming services for its students.
- 1.3 It has been identified that there is no requirement for the Councils to deliver the service as schools can access swimming lessons directly with pool/leisure providers and receive a better service, with 66% already currently doing so. The Councils will ensure that alternative service providers and schools are aware of the change and ensure minimal disruption to service delivery.

2. Executive Summary

- 2.1. Prior to vesting day (1st April 2021), the Council's School Swimming Service was provided by the former Northamptonshire County Council as a county wide centralised service providing swimming lessons to schools. In addition, other leisure providers also provided swimming lessons directly to local schools. The Council is just one of several providers facilitating swimming lessons.
- 2.2. On 24th September 2020, the North Northamptonshire Shadow Executive Committee approved and adopted a Disaggregation Blueprint. The Disaggregation Blueprint identified that post vesting day the School Swimming Service would be hosted by NNC and would be disaggregated by October 2022.
- 2.3. Since the launch of the two new unitary authorities in April 2021, the School Swimming Service has been hosted by NNC and delivers the service for both NNC and WNC. The day-to-day management of the service is managed by Northamptonshire Sport on behalf of NNC.
- 2.4. A detailed disaggregation fact check, options appraisal and impact assessment have been undertaken by the service leads and the NNC Transformation Team, the outcome of which have led to the recommendations noted in this report. Section 5 of this report highlights the key risks that were identified as part of the fact checking and impact assessment process and details the benefits of the recommended option. The original Blueprint proposed disaggregation of the Service by 30 September 2022. This report

seeks approval of a change request that recommends instead of disaggregating the service that all schools should access swimming lessons directly with pools/leisure providers from 31 December 2022. This will mitigate some of the risks that have been identified and deliver the Blueprint requirements in a different but safe and legal way. The Council is one of multiple service providers and therefore schools will be able to continue accessing the services they require with pool/leisure providers but with a more streamlined process and better overall service.

- 2.5. This change would be effective from 31 December 2022 but still with a completion date within the 2022/ 2023 financial year as per the Disaggregation Blueprint timeline. There is little time remaining within the academic year 2021/2022, prior to the school summer holidays, for the schools to make alternative arrangements. Moving the completion date to the 31 December 2022, which is the end of the school term, would provide schools with an extra full term to make alternative arrangements.
- 2.6. If the change request is approved the recommendation within this report seeks approval to action that change request by 31 December 2022, within 2022/23 financial year which is in line with the agreed Blueprint regarding timelines.

3. Recommendations

3.1. That the Shared Services Joint Committee:

- a) Approve the change request recommendation that all schools should access swimming lessons directly with pools/leisure providers and no longer access lessons via the Council provided School Swimming Service. The School Swimming Service is one of several providers of swimming lessons, this change would mean that the Councils were no longer providers. This change would be effective from 31 December 2022.

Subject to approval of recommendation (a) above:

- b) Approve the recommendation that the Councils, NNC and WNC, are no longer providers of school swimming lessons effective from 31 December 2022.
- c) Grant delegated authority to the Monitoring Officers for North and West Northamptonshire Councils to put into place a deed of variation to the Inter Authority Agreement (IAA) for the service to exit the IAA.
- d) Approve that both WNC and NNC will act in accordance with Service Plans, Exit Plans, and any Collaborative Working Agreements agreed by both WNC and NNC service leads and approved by Monitoring Officers until such time as a formal Deed of variation has been completed.

3.2. Reason for Recommendations:

- To allow schools to deal directly with pool providers to negotiate pool space and times that are accessible to them.
- To ensure schools are able to access pools that are nearest to them.
- Improve communication between schools and pool providers without having to go through a Council managed system.
- Pool operators can ensure that instructors used to teach swimming to schools are qualified to the facilities standards.
- Swim Instructors will be trained by pool providers in their Normal Operational Procedures and Emergency plans.
- To ensure that a quality service for school swimming is provided for schools across Northamptonshire.
- To ensure that the service does not run at a loss for NNC and WNC.

3.3. Alternative Options Considered:

- Option 1 – The option to remain as a hosted service was considered but it is recognised that this option does not align to the Disaggregation Blueprints agreed by the Shadow Executives in September 2020.
- Option 2 – to disaggregate the service and create two School Swimming Services, one for NNC and one for WNC.
- Option 3 – To delay disaggregation, however this option does not align to the Disaggregation Blueprints agreed by the Shadow Executives in September 2020.
- Option 4 – One Council, either NNC or WNC, to take responsibility for the Service as a Lead authority model, which also does not align to the Disaggregation Blueprints agreed by the Shadow Executives.

4. Report Background

- 4.1 Since the formation of the two new unitary authorities in April 2021, the School Swimming Service has been a North hosted, traded service offered to schools. It is a non-statutory function for local authorities, it is the responsibility of individual schools to provide swimming services for their students. Swimming and water safety is a statutory element of the national curriculum for physical education in England, all primary schools must provide swimming and water safety lessons in Key Stage 1 or 2.
- 4.2 Schools decide how they secure their curricular school swimming either via direct arrangements with local pools or otherwise outsourcing from the countywide School Swimming Service. The School Swimming Service currently links schools with pools and swimming instructors, to deliver

swimming lessons at a pool in their area. Northamptonshire Sport currently undertakes this work and contacts local pools to determine what pool space is available, at what times, and then tries to match up a swimming instructor who may be available to deliver the session for the school. Thus, making a convoluted process.

- 4.3 There are mixed models of how invoicing for the School Swimming Service is completed with a combination of some pools invoicing schools per child for pool space as well as the Council service invoicing for instructor costs. There are currently 34% of Northamptonshire Schools utilising the service through the Council scheme with the remaining schools already dealing directly with their local pool provider and leisure centres.
- 4.4 Currently, there are 3.60FTE staff employed to provide the centralised Service comprising of nine swimming instructors 2.60FTE, two of which are on zero-hour contracts, and one School Swimming Manager, 1FTE. The School Swimming Manager is currently on secondment to country parks until March 2023 and one of the instructors is covering the Swimming Manager post but only for 12 hours per week, alongside their original duties until March 2023. Therefore, the service currently runs operationally on 2.87FTE, nine swimming instructors 2.60FTE and one Interim School Swimming Manager 0.27FTE who is also a swimming instructor covering two roles.
- 4.5 The service had run on a break-even basis for many years. Schools are charged for the instructor's time plus any charge for the facility hire (in some cases the pool provider invoices separately). In recent years there has been a decline in demand for the Council School Swimming Service from schools, which has meant the service has not always achieved a balanced budget. The service has run at a loss in 2021/22 and has forecast a deficit of £32,474. It has struggled to cover its costs over the last few years as schools have moved across to dealing with pool providers directly with 66% now accessing swimming lessons in this way.
- 4.6 In addition, since March 2020 the closure of pools due to Covid-19 has had a significant effect on the service delivery, which continued beyond April 2021. Relevant factors include not only the easing of government restrictions but also, the capability of pools to open quickly and the ability for schools to restart lessons which determined how soon the service reopened. The budget information is shown in the table below:

Year	Expenditure (£)	Actual Income (£)
2017 – 2018	134,765	135,311
2018 – 2019	156,183	144,568
2019 – 2020	128,954	131,943
2020 – 2021	104,918	9,351*

2021 – 2022	118,255	85,781
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*In 2020-21 due to the Covid impact there was a financial loss to the service which was partially covered through Covid grant funding and reduced the deficit from £95,567 to £43,625.61.

- 4.7 A detailed disaggregation fact check and impact assessment have been completed, and options about the future of the School Swimming service have been considered. The outcome of this work has led to the recommendations noted in this report.
- 4.8 The fact check highlighted several key risks associated with the original proposal to disaggregate the service and has led to a recommendation that schools access swimming lessons via alternative means such as directly with pool/leisure providers. This change would be effective from 31 December 2022 but still with a completion date within the 2022/ 2023 financial year as per the Disaggregation Blueprint timeline.
- 4.9 The main risk associated with the disaggregation of the service relates to quality and consistency of service delivery to local schools. This is highlighted in more detail in the next section.
- 4.10 The impact of the Council no longer being a provider of swimming lessons has not been factored into the 2022/23 School Swimming budget. However, the service has run at a loss in 2021/22 and has forecast a deficit of £32,474.

5. Issues and Choices

- 5.1 The Impact Assessment considered five main options detailed below, the key benefits and dis-benefits of these options are summarised in Table 1:
- 1) Option 1 - Remain as a hosted service.
 - 2) Option 2 – Disaggregate the service.
 - 3) Option 3 – To delay disaggregation.
 - 4) Option 4 – Lead Authority model.
 - 5) Option 5 – Schools access lessons directly with pools/leisure providers.

5.2 Table 1

Option	Benefits	Dis-benefits
Option 1 – Remain as a Hosted Service	<ul style="list-style-type: none"> • No disruption to current service or change for schools. • Ensures consistency and continuity of training provision. 	<ul style="list-style-type: none"> • Does not align to agreed Blueprints for hosted service disaggregation. • A requirement to recruit to vacancy levels in both Councils and evaluation of the service delivery and cost model. • The income generated has not enabled a balanced budget for several years currently forecasting a deficit of £32,474 for 2021/22.
Option 2 – Disaggregate 50/50%	<ul style="list-style-type: none"> • Aligns to the Corporate Plan and agreed Blueprint for each organisation. • Enables each Council to redesign their delivery model in line with budgetary requirements, more difficult when hosted. 	<ul style="list-style-type: none"> • The service is already short staffed, disaggregating would leave the service unable to provide sufficient delivery for demand. • Staff may feel unhappy and leave, leaving the service short of staff. • The income generated has not enabled a balanced budget for several years currently forecasting a deficit of £32,474 for 2021/22.
Option 3 – Delay Disaggregation	<ul style="list-style-type: none"> • No disruption to current service or change for schools for the delayed period. • Ensures consistency and continuity of training provision for the delayed period. 	<ul style="list-style-type: none"> • Does not align to agreed Blueprints for hosted service disaggregation. • A requirement to recruit to vacancy levels in both Councils and evaluation of the service delivery and cost model. • The income generated has not enabled a balanced budget for several years currently forecasting a deficit of £32,474 for 2021/22.
Option 4 – Lead Authority Model	<ul style="list-style-type: none"> • No disruption to current service or change for schools. • Ensures consistency and continuity of training provision. • Existing staff can continue ‘as is’ although they may need to TUPE to another employing authority. • Enables the lead Council to redesign their delivery model in line with budgetary requirements, more difficult when hosted. 	<ul style="list-style-type: none"> • Does not align to agreed Blueprints for hosted service disaggregation. • A requirement to recruit to vacancy levels and evaluation of the service delivery and cost model. • The income generated has not enabled a balanced budget for several years currently forecasting a deficit of £32,474 for 2021/22. • As a lead authority it would be their responsibility to balance the

		budget against a reducing demand.
Option 5 – Schools access Lessons Directly with Pool/Leisure Providers	<ul style="list-style-type: none"> • Allows schools to deal directly with pool providers to negotiate pool space and times that are accessible to them. • Ensures schools can access pools that are nearest to them. • Improves communication between schools and pool providers without having to go through a Council managed system, streamlining the process. • All managed on-site providing a better, more hands-on service for the schools. Issues can be dealt with at the time. • Ensures that a quality service for school swimming is provided for schools. • Ensures that the service does not run at a loss for NNC and WNC. 	<ul style="list-style-type: none"> • Potential redundancy costs of approximately £46,604.54 and pension strain costs of approximately £4,394.57. • Reputational risk – managed by assisting schools to facilitate alternative provision.

5.3 Option 1 to Remain Hosted, Option 3 to Delay Disaggregation and Option 4 the Lead Authority model do not align with the disaggregation Blueprint to deliver separate Swimming School Services from NNC and WNC.

5.4 One of the choices that has been considered in depth is to continue with the disaggregation of the service. As a result of a detailed analysis of the service offer, it has become evident that commencing disaggregation does not deliver the best offer for the schools (the customer). It also poses a significant risk to the delivery of the service. The Councils would also require additional service budget to cover the annual loss incurred through service delivery and staff salaries, to manage and deliver swim lesson teaching.

5.5 Retaining swimming instructors has been an issue for the School Swimming Service. The number of instructors has reduced over the last two years and in just the last six months has reduced by 0.27FTE covering the service. The impact of which has affected the capacity for delivery. Disaggregating the service would only further exacerbate this issue with approximately 1.80FTE staff resource for each authority to deliver the service in their geographical area, which is not sufficient. This takes into account substantive posts of the seconded manager role and the interim cover for the role. The service has already approached local pools/leisure providers to access their staff to cover the services staffing shortfall. Bringing together the School Swimming Service and pools public swim programmes presents a more attractive option for instructors as it could result in more contracted hours.

- 5.6 The current School Swimming Service is detached from pool provision and the management of the service is not on site to be able to deal with any issues that may arise. Accessing swimming lessons directly with pool/leisure providers would ensure that it is all managed at the place of activity, providing a better, more hands-on service for the schools.
- 5.7 In addition, the following considerations also have an impact on the Service:
- Future School Demand: The Service depends on generating sufficient demand from schools to cover costs. Fees are set against external market rates. Despite swimming lessons being a requirement of the National Curriculum there has been a slight decrease year-on-year in terms of schools buying in to the Council run service, with more accessing swimming services via local pools/leisure providers. Currently 66% access services directly with local pools/leisure providers. The process of booking directly with pools is more streamlined than with the School Swimming Service so there is little scope to increase the demand for the Council run service for no benefit to the schools.
 - Pool Availability: The service is also very dependent on water space / pool availability. Some pools currently utilised are not owned by the Council but owned and operated by other organisations which can limit what we can offer.
- 5.8 The process of booking swimming lessons through the Council run service is more complex due to the Council not owning and working from all of the pools. The school will contact the Council School Swimming Service who will then contact a pool to find out availability, they will then match the session to a swimming instructor and contact the school back to advise. Schools can bypass and streamline this process by accessing the swimming lessons directly with pool providers for the same cost.
- 5.9 The School Swimming Service does not currently cover its costs with an approximate deficit of £32,474 for 2021/22. It is also difficult to factor in different pool cost arrangements and differing rates of instructor and management costs for the service.
- 5.10 Considering the points raised above the benefits of the change request would enable schools to be able to liaise directly with their local pools to negotiate more accessible pool times and space at a facility that is local to them. Having a direct relationship with the pool management will support schools having the service that is more responsive to their needs. Pool providers will be able to ensure that any instructors that deliver teaching for schools are qualified to their required standards and have been inducted into their Normal Operational Procedures and Emergency Action plans for their facility.
- 5.11 If we change to an all pool/leisure provider service there would be potential redundancies from within the service provided by the Council. Any staff who were at risk of redundancy from the service could be offered alternative suitable employment within NNC or WNC. Pool providers may also be looking

to recruit instructors to support not only delivery of their school swimming provision but also their general swimming programme.

- 5.12 Option 5 is the recommended option, as endorsed by the Joint Officers Board on 9th June 2022.
- 5.13 As a joint project between North and West Northamptonshire Councils, it has been agreed that the North Transformation Team provide a lead Project Manager. Enabler resource across both authorities will also be required to support to the project within the expected timescales.
- 5.14 Any options listed here will be reflected in the Decisions and Minutes published after the meeting.

6. Next Steps

- 6.1 Engagement and formal consultation with in-scope staff and recognised union representatives will take place following approval of the recommendations in this report.

7. Implications (including financial implications)

7.1 Resources and Financial

- 7.1.1 The impact of the change to the School Swimming Service has not been factored into the 2022/23 School Swimming Service budget. However, the service is running at a loss in 2021/22 with a forecasted deficit of £32,474 and it has struggled to break even over the last few years as schools have moved away from sourcing their school swimming through the service and have gone to pool operators directly.
- 7.1.2 The current approximate potential redundancy liability for all staff is £46,604.54, plus there will be pension strain costs for three members of staff approximately £4,394.57 as a one-off payment. These figures were calculated based on a completion date for the change of 30 September 2022, and an effective date for calculations ranging from November-December 2022 taking into account staff notice periods. Following endorsement from the Joint Officers Board on 9th June 2022 the completion date was moved to 30 December 2022 in order to provide a sufficient notice period to schools.
- 7.1.3 The financial implication of moving the completion date from 30 September 2022 to 31 December 2022 would be an approximate deficit of £3,000 per month in running costs. The redundancy and pension strain costs were calculated until November-mid December 2022, taking into account staff notice periods, so there would likely be some minor increase in these figures extending the completion date until 31 December 2022.

7.1.4 The WNC Inter Authority Agreement (IAA) is in place for 2022-23 for the School Swimming Service. This will cease along with and at the same time as the service if the recommendation is approved by the Shared Service Joint Committee.

7.1.5 As stated within the IAA all additional costs/deficits are shared between NNC and WNC, therefore any redundancy and pension strain costs will be shared 50/50% between the two authorities.

7.2 Legal and Governance

7.2.1 The School Swimming Service, which provides a traded service is currently hosted by NNC and provided to WNC. Upon the termination of this hosted Inter Authority Agreement, an Exit Strategy will be put in place.

7.2.2 As part of ceasing the provision of the Council run service, employees will undergo a consultation period of a minimum of 30 days.

7.3 Relevant Policies and Plans

7.3.1 All schools must provide swimming instruction either in key stage 1 or key stage 2 as part of the National Curriculum for Physical Education.

7.4 Risk

7.4.1 There are no significant risks arising from the proposed recommendations in this report. Any project management risks will be managed through the project governance process.

7.4.2 There is a reputational risk to the Council no longer being a provider. The majority of schools in Northamptonshire do not currently use the Council managed service and go directly to the pool/leisure providers. The Councils will ensure that schools currently using the service will be introduced to local pool operators so they can build a direct relationship. In addition, the service has requested an additional three months to be added to the original timeline, in order to provide a sufficient notice period to schools, ending on 31 December 2022.

7.5 Consultation

7.5.1 If the change request is approved the consultation with affected employees and recognised trades unions will commence in July 2022 for a minimum period of 30 days subject to the approval to proceed by the Shared Services Joint Committee.

7.6 Consideration by Executive Advisory Panel

7.6.1 Not applicable

7.7 Consideration by Scrutiny

7.7.1 Not Applicable

7.8 Equality Implications

7.8.1 Any equality impacts will be considered as part of the formal employee consultation process.

7.9 Climate Impact

7.9.1 Not Applicable.

7.10 Community Impact

7.10.1 Community impact is limited and mitigated by the Councils introducing schools to pool operators directly. Creating a local direct link has a benefit to engagement between pool providers and local communities.

7.11 Crime and Disorder Impact

7.11.1 Not Applicable.

8. Background Papers

8.1 Not Applicable.