

Education Resources Group
Schools Forum

Meeting Date 28 November 2023
Meeting Date 6 December 2023

Subject: Central Services School Block and De-delegation
Cabinet Member: Cllr Abdullahi
Report Number: 13

Item: 5c

Purpose of Report

1. This report:
 - Provides information on the planned use of the Central Schools Services block (CSSB);
 - Requires maintained schools representatives to consider and agree the central services available for de-delegation.

Recommendations

2. (a) The Forum is asked to confirm their approval for the continuation of the central services detailed in paragraph 5 and listed in Table 1.

(b) The maintained schools members are asked to consider and approve the de-delegated services as detailed in paragraph 6 and listed in Table 2. It is recommended if any service is not agreed for de-delegation, then the change is implemented from September 2024.

Relevance to the Council's Corporate Plan

3. The Council has oversight and responsibility for statutory duties for all schools and de-delegated services for maintained schools. To enable the Council to deliver statutory duties to all schools, it is important to maintain the use of resources listed in this report.

The changes in school funding regulations has led to removal of all funding to support the Council's responsibilities for maintained schools. To access any funding from the Schools Block to support these functions, maintained schools must agree to de-delegate funding. If this is not forthcoming, then the Council will expect individual schools to take over responsibility for these functions, but there will be a cost to the Council for monitoring and any follow up actions to ensure this was being done. Any change in services being de-delegated could lead to redundancies resulting in additional costs for the Council.

Consideration for the Schools Forum

4. Background

- 4.1 In previous years, the Schools Forum has been provided with information on the central services funded from the DSG. In line with the regulations, the Forum has then been asked to either confirm or provide a view on the proposed use.

In their latest guidance the DfE has confirmed, for 2024/25, there are no changes to the responsibilities covered by the Central Schools Services block (CSSB).

- 4.2 The CSSB was introduced as part of the school funding reforms and brought together funding for:
 - Retained duties for all schools, academies and free schools element of the Education Services Grant (ESG);
 - Ongoing central statutory functions, such as admissions (for all maintained schools)
 - Historic commitments for all schools, academies and free schools.

The CSSB does not include funding for the Authority's general regulatory duties for maintained schools that were previously funded from the ESG. These services can continue but have to be provided as de-delegated services. Appendix A provides a summary of the statutory and regulatory duties.

4.3 The DfE has recently published the indicative allocations for 2024/25. The remainder of this report details the allocation and outlines potential changes for 2024/25.

5. Funding

5.1 The CSSB is made up of two elements: statutory duties and historic commitments. For 2024/25, the two elements will be funded as follows:

(a) Statutory Duties:

Funding is allocated to LAs based on a national funding formula. The proxy factors used for formula are pupil numbers and Ever 6 free school meals eligibility.

Enfield's per pupil percentage change for ongoing statutory duties was an increase of 1.75%. However, if pupil numbers recorded on the October 2023 Census decrease at the same rate as October 2022, then there per pupil increase will reduce. As the funding mainly pays for staff, the increase is insufficient to meet cost pressures such as pay awards, etc.

(b) Historic Commitments:

Funding for historic commitments was original introduced to provide services that benefitted and enabled pupils to continue to access education. Following the introduction of the school funding reforms, this element was removed from the regulations. Since the removal of historic commitments from the regulations, the DfE has implemented a year on year 20% reduction in funding with a view that all support for historic commitments will cease when the funding reforms are fully implemented or when contractual arrangements such as prudential borrowing come to an end. Children's Services will continue to assess and manage the on-going reduction in funding for historical commitments and adapt the services accordingly.

Table 1 details the services the Authority plans to fund from the CSSB.

Table 1: Planned Use of CSSB

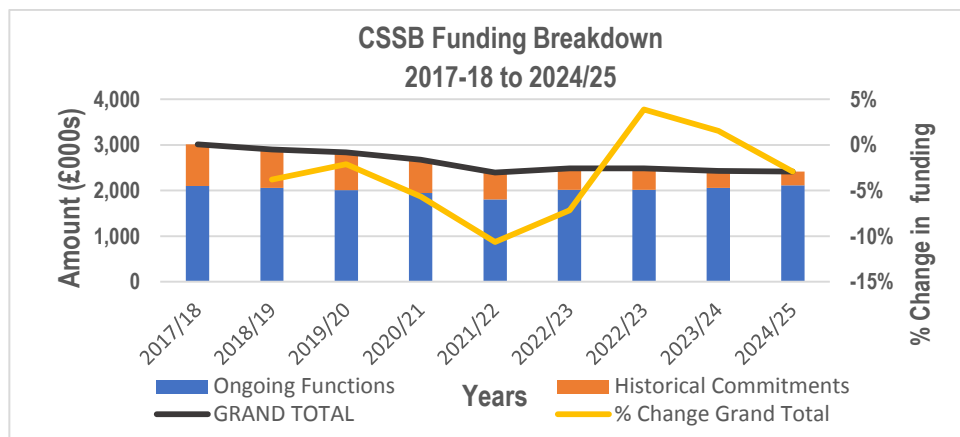
Areas of Funding	2022/23	2023/24	2024/25	Var	Comments
	Actual		Indicative	Var	
	£000s				
Education Welfare	385	385	385	0	
Admissions	515	515	515	0	
Appeals	139	139	139	0	
Central Licenses	226	226	226	0	
Management & support	664	702	759	44	
Place Planning	90	90	90	0	
Ongoing Functions	2,019	2,057	2,114	44	
Prudential Borrowing	227	218	207	-11	Annual repayments reduction
Joint Services for Disabled Children	23	23	23	0	
Out of School Activities	37	37	37	0	
Parenting Support Service	104	20	0	-20	
Adolescent Support Ser.	76	76	32	-20	
Historical Commitments	467	373	299	-75	
GRAND TOTAL	2,486	2,430	2,413	-31	

It should be noted that the on-going duties are based on an indicative allocation. The final budget settlement will be adjusted to reflect October 2022 Pupil Census data.

Graph 1 illustrates actual and indicative funding since the CSSB was introduced in 2017/18. As will be seen, from 2017/18 to 2023/24, there is potential decline of -1.5% in overall funding. This

is because when there has been an increase in the formula factor rates, it has been offset by a reduced amount being provided to reflect declining pupil numbers.

Table 1: Funding for the CSSB



5.2 The Forum is asked to confirm their agreement to these services continuing to be funded.

6. De-delegated Services for Maintained Schools (2023/24)

6.1 Previously, the Education Support Grant (ESG) funded general duties provided to maintained schools. When ESG funding ceased, local authorities were required to seek approval for money to be de-delegated from maintained schools to continue to provide services covered by ESG. The regulations require annual approval for de-delegation. It should be noted that academies are not included in this process and may buy these services from the Local Authority from their allocated budget share

6.2 Since 2021/22, the primary sector has chosen not to de-delegate a number of services and therefore primary schools are responsible for managing the activities covered by these services.

6.3 With regards the individual de-delegated services, detailed below is an update on the service and arrangements for 2024/25:

(a) CLEAPSS: All schools are required to subscribe to this service. In line with the anticipated annual increase by CLEAPSS, for 2024/25, it is proposed to increase the per pupil rate by 1p for all schools. Separately, secondary schools will be charged for radiation protection adviser at £60 per school.

(b) Long Service Awards: For 2024/25, the Council is proposing to cease provision of long service awards from 1 April 2024. Therefore, this service will no longer be available for de-delegation.

(c) Trade Union Facilities Time: The report, attached at appendix A, summarises an update on the service provided to schools. As will be seen from this report, the cost of the service has not changed for a couple of years. In addition, the GMB union have requested that they would like an allocation of facilities time for their members. Both these changes add a further financial pressure on the current budget. For 2024/25, it is proposed that the funding released from cessation of long awards is redirected to support the increase in cost for facilities time. This will result in an increase to £3.46 per pupil, which is an increase of 30p per pupil. However, this change would not add an additional burden on maintained schools.

(d) School Improvement Support: This section provides an update on how the de-delegated funds are managed by the Service:

- A. E27 expenditure for the nine maintained secondary schools;
- B. School improvement;
- C. Schools in difficulty fund.

This expenditure is for the financial year 2023/24. There has been no spend yet, as it is used within the academic year 2023/24.

- A. E27 is an expenditure code in consistent financial reporting (CFR) and attached to school improvement work. This money is discussed with the school's link adviser and a commissioning plan is drawn up to spend that money on appropriate school improvement activity. This process creates opportunities for school to school support and linking into borough priorities. Each school spends the money that was put in, and this is tracked via the commissioning plan. Working this through the LA allows for more opportunities for joint work and school to school support.
- B. This budget support the core work of the service and the increased number of visits by the link adviser to the LA maintained secondary schools.
- C. The "school in difficulties fund" can be likened to insurance. Should there be an issue in one of these schools, this fund allows the School Improvement Service to respond with extra support from council officers or external experts. Secondary schools that are rated as amber or red in the categorisation process will be given extra support paid for from this fund. A commissioning plan will be used to track expenditure.

In consultation with the nine schools a commissioning plan will be drawn up to spend any unspent money from this fund, across the nine schools. This will enable economy of scale and joined up improvement work between the LA and the schools. Innovative projects, supporting, the schools' and borough priorities will be planned.

- (e) General Data Protection Regulation (GDPR): The Service has requested a slight increase from £3.13 per pupil to £3.20 per pupil for 2024/25. This is to meet additional costs associated with the pay award.

6.4 Table 3 summaries the de-delegated services and cost per pupil agreed by the primary and secondary sectors for 2023/24 and proposed costs for 2024/25.

Table 2: De-delegated Services

Areas of Funding	Sector	2023/24	2024/25	Comment
		Amount PP / FSM	Amount PP / FSM	
		£	£	
Licenses & Subs - CLEAPPS	Prim & Sec	0.16	0.18.5	Statutory requirement
Free School Meals Eligibility	Prim & Sec	6.4	6.4	
NQT Recruitment Support & Applicant Tracking System	Secondary	0.87	0.00	Not available for de-delegation
Union Duties	Prim & Sec	3.16	3.46	
School Improvement Service	Secondary	4.31	4.31	
School Improvement Service	Secondary	11.94	11.94	
Support for Schools in Difficulties	Secondary	4.31	4.31	
General Data Protection Regulation	Prim & Sec	3.13	3.20	Statutory requirement
Long Service Awards	Prim & Sec	0.30	0.00	Not available for de-delegation

- 6.5 Whilst de-delegation is mechanism used for mainstream schools, it should be noted for special schools there is no such requirement and funding as per the schedule above is charged to the High Needs Block.
- 6.6 The maintained school representatives are asked to confirm the central services to be de-delegated from 1 April 2024. It should be noted where a service is not de-delegated, then any existing de-delegation arrangements will cease on 31 August 2024.

Report Author: Sangeeta Brown

Date of report October 2023

Background Papers: Previous Schools Forum reports, DfE guidance documents and regulations governing school funding.

TRADE UNION FACILITIES TIME - DE-DELEGATION

What does facilities time pay for?

The monies which is de-delegated or paid into by Academies under an SLA pay for the release costs of local representatives of teaching and support staff unions to support their members in investigation meetings, and attendance at disciplinary hearings, sickness capability hearings, grievance investigations and other staffing issues within schools. They also are able to participate in statutory and collective consultation, together with supporting resolution in individual cases.

Why participate in Facilities time?

Trade union representatives have a statutory right to reasonable paid time off from employment to carry out trade union duties, and to undertake trade union training. Therefore, rather than have staff in every school who are released for this purpose, the centralised function allows the staff who are released to be reduced, and for those who are carrying out the role to learn the policies and procedures and understand the role of the Union support for colleagues.

- provides access to an effective route for statutory and collective consultation and bargaining
- access to branch officials from NEU, NASUWT, UNISON and GMB unions
- access to a framework and structure for schools to manage industrial relations
- promotes and maintains partnership working, best practice and consistency
- facilitates early resolution and reduces risk of disputes and Employment Tribunal claims
- eliminates and reduces the need for schools to establish, agree and co-ordinate release arrangements and paid time off for duties and training
- eliminates or reduces cover and supply costs and resource implications
- reduces the disruption to lessons and children's education caused by releasing school-based representatives for meetings
- reduces the demands on local or workplace representatives.

Were the service not to be provided trade union representatives employed within the school would be entitled to undertake the full range of functions and training from their respective union. It is estimated that a school-based representative for a school would need cover for approximately 8 days of training per official, and there could be at least one representative per union, potentially more.

What if we do not participate in Facilities time?

Additional staff would be recruited to be union representatives within schools requesting time off for training. As stated, as part of the ACAS code staff have a right to be given reasonable time off for union training. There is no definition of 'reasonable', however a well-informed representative is potentially more helpful to employee relations than a poorly informed one, hence it could be as many as 8 days a year.

From other Authorities, where there is no facilities time central agreement there have frequently been found to be difficulties. Either a) the school representative steps up to provide support or b) the regional area provides support.

In a) the issues are that the representative needs to be given time for training, they are not as experienced and are not remote from the school. The combination of the above means that they are less likely to resolve the situation quickly or amicably, for example any agreement that may speed up process or settlement agreements.

In b) it is often that this is not swift, which means that schools either have to try to progress with limited support, putting the school at risk of challenge of an unfair process, or they have to wait, which delays for all and causes additional stress for all involved.

Following these issues most authorities have then reinstated the facilities time for all to spread the cost and allow the expertise outside the school

What is the Trade Union Allocation?

The time allocation for representatives as agreed by Schools Forum a number of years ago is as follows:

Number of members	No. of Days per week paid time off
2000+	5 days
1500-1999	4 days
1000-1499	2.5 days
750-999	2 days
500-749	1.5 days
250-499	1 day
100-249	0.5 days
<100	0

And in addition, half days for Health and Safety for the largest unions of NEU, NASUWT and Unison, half days for Union Learning Representation for NEU and NASUWT

The current allocation is therefore:

Trade Union	No. of Days per week paid time off
NEU (2000+)	6 days
Unison (1500+)	4.5 days
NASUWT (1000+)	3.5 days
Voice the Union (<100)	0
NAHT (<100)	0
GMB (unknown)	0
ASCL (<100)	0

Additionally, to ensure that there was no detriment to any Headteacher/School releasing a representative under facilities time, it was agreed that the full cost should be re-imbursed, not a fixed amount up to a maximum.

What's the cost for the Financial Year 2024/25?

Unfortunately, there are still a few parameters that cannot be finalised, and some which will always have to be estimated, such as salary increase and who the representatives will be in Sept 2024.

The per pupil charge has been held for a couple of years whilst there have been different representatives but also increasing numbers of academies buying into the SLA and hence spreading the cost of the representatives. Sadly in the current financial year, the monies are likely to be slightly under that which was required.

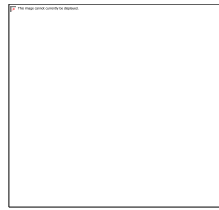
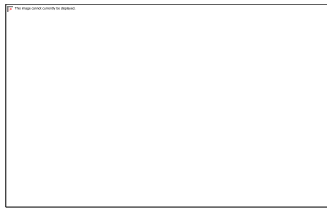
Therefore, due to the increased costs of salaries the charge will need to rise to £3.30 per pupil in primary and secondary (KS3 and KS4) with post-16 being invoiced separately for the same charge, based on the Oct 23 census.

However, there has been a request from GMB that they use their allocated facilities time. Current membership numbers have been requested but they have suggested that they could be due 2.5 days term time as their allocation based on their estimates. If this were to be the case then the cost may need to rise to £3.62 per pupil, but this would be confirmed.

Whilst these may seem like high rises in these difficult times the amounts have been compared, both in terms of release time and with regards to amount per pupil with other authorities. It has been found that the release time is in line with or lower than other Boroughs and the per pupil cost is significantly lower in some cases.

What is the unions position with regards to de-delegation?

Below is a letter from 3 of the unions which they have asked to be passed onto Schools Forum setting out their rationale as to why de-delegation support all schools



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**

Statutory and regulatory duties

Responsibilities held for all schools	Responsibilities held for maintained schools only
<p>Director of children’s services and personal staff for director (Sch 2, 15a)</p> <p>Planning for the education service as a whole (Sch 2, 15b)</p> <p>Revenue budget preparation, preparation of information on income and expenditure relating to education, and external audit relating to education (Sch 2, 22)</p> <p>Authorisation and monitoring of expenditure not met from schools’ budget shares (Sch 2, 15c)</p> <p>Formulation and review of local authority schools funding formula (Sch 2, 15d)</p> <p>Internal audit and other tasks related to the authority’s chief finance officer’s responsibilities under Section 151 of LGA 1972 except duties specifically related to maintained schools (Sch 2, 15e)</p> <p>Consultation costs relating to non-staffing issues (Sch 2, 19)</p> <p>Plans involving collaboration with other LA services or public or voluntary bodies (Sch 2, 15f)</p> <p>Standing Advisory Committees for Religious Education (SACREs) (Sch 2, 17)</p> <p>Provision of information to or at the request of the Crown other than relating specifically to maintained schools (Sch 2, 21)</p>	<p>Functions of LA related to best value and provision of advice to governing bodies in procuring goods and services (Sch 2, 56)</p> <p>Budgeting and accounting functions relating to maintained schools (Sch 2, 73)</p> <p>Functions relating to the financing of maintained schools (Sch 2, 58)</p> <p>Authorisation and monitoring of expenditure in respect of schools which do not have delegated budgets, and related financial administration (Sch 2, 57)</p> <p>Monitoring of compliance with requirements in relation to the scheme for financing schools and the provision of community facilities by governing bodies (Sch 2, 58)</p> <p>Internal audit and other tasks related to the authority’s chief finance officer’s responsibilities under Section 151 of LGA 1972 for maintained schools (Sch 2, 59)</p> <p>Functions made under Section 44 of the 2002 Act (Consistent Financial Reporting) (Sch 2, 60)</p> <p>Investigations of employees or potential employees, with or without remuneration to work at or for schools under the direct management of the headteacher or governing body (Sch 2, 61)</p> <p>Functions related to local government pensions and administration of teachers’ pensions in relation to staff working at maintained schools under the direct management of the headteacher or governing body (Sch 2, 62)</p> <p>Retrospective membership of pension schemes where it would not be appropriate to expect a school to meet the cost (Sch 2, 75)</p> <p>HR duties, including advice to schools on the management of staff, pay alterations, conditions of service and composition or organisation of staff (Sch 2, 63); determination of conditions of service for non-teaching staff (Sch 2, 64); appointment or dismissal of employee functions (Sch 2, 65)</p> <p>Consultation costs relating to staffing (Sch 2, 66)</p> <p>Compliance with duties under Health and Safety at Work Act (Sch 2, 67)</p> <p>Provision of information to or at the request of the Crown relating to schools (Sch 2, 68)</p> <p>School companies (Sch 2, 69)</p> <p>Functions under the Equality Act 2010 (Sch 2, 70)</p> <p>Establish and maintaining computer systems, including data storage (Sch 2, 71)</p> <p>Appointment of governors and payment of governor expenses (Sch 2, 72)</p>

Education welfare

Responsibilities held for all schools	Responsibilities held for maintained schools only
<p>Functions in relation to the exclusion of pupils from schools, excluding any provision of education to excluded pupils (Sch 2, 20)</p> <p>School attendance (Sch 2, 16)</p> <p>Responsibilities regarding the employment of children (Sch 2, 18)</p>	<p>Inspection of attendance registers (Sch 2, 78)</p>

Asset management

Responsibilities held for all schools	Responsibilities held for maintained schools only
<p>Management of the LA's capital programme including preparation and review of an asset management plan, and negotiation and management of private finance transactions (Sch 2, 14a)</p> <p>General landlord duties for all buildings owned by the local authority, including those leased to academies (Sch 2, 14b)</p>	<p>General landlord duties for all maintained schools (Sch 2, 76a & b (section 542(2)) Education Act 1996; School Premises Regulations 2012) to ensure that school buildings have:</p> <ul style="list-style-type: none"> appropriate facilities for pupils and staff (including medical and accommodation) the ability to sustain appropriate loads reasonable weather resistance safe escape routes appropriate acoustic levels lighting, heating and ventilation which meets the required standards adequate water supplies and drainage playing fields of the appropriate standards <p>General health and safety duty as an employer for employees and others who may be affected (Health and Safety at Work etc. Act 1974)</p> <p>Management of the risk from asbestos in community school buildings (Control of Asbestos Regulations 2012)</p>

Central support services

Responsibilities held for all schools	Responsibilities held for maintained schools only
<p>No functions</p>	<p>Clothing grants (Sch 2, 52)</p> <p>Provision of tuition in music, or on other music-related activities (Sch 2, 53)</p> <p>Visual, creative and performing arts (Sch 2, 54)</p> <p>Outdoor education centres (but not centres mainly for the provision of organised games, swimming or athletics) (Sch 2, 55)</p>

Premature retirement and redundancy

Responsibilities held for all schools	Responsibilities held for maintained schools only
<p>No functions</p>	<p>Dismissal or premature retirement when costs cannot be charged to maintained schools (Sch 2, 77)</p>

Monitoring national curriculum assessment

Responsibilities held for all schools	Responsibilities held for maintained schools only
No functions	Monitoring of National Curriculum assessments (Sch 2, 74)

Therapies

Responsibilities held for all schools	Responsibilities held for maintained schools only
No functions	This is now covered in the high needs section of the regulations and does not require schools forum approval

Other ongoing duties

Responsibilities held for all schools	Responsibilities held for maintained schools only
<p>Licences negotiated centrally by the Secretary of State for all publicly funded schools (Sch 2, 8); this does not require schools forum approval</p> <p>Admissions (Sch 2, 9)</p> <p>Places in independent schools for non-SEN pupils (Sch 2, 10)</p> <p>Remission of boarding fees at maintained schools and academies (Sch 2, 11)</p> <p>Servicing of schools forums (Sch 2, 12)</p> <p>Back-pay for equal pay claims (Sch 2, 13)</p> <p>Writing to parents of year 9 pupils about schools with an atypical age of admission, such as UTCs and studio schools, within a reasonable travelling distance (new addition to CSSB, to be included in 2018 to 2019 regulations)¹</p>	No functions

Historic commitments

Responsibilities held for all schools	Responsibilities held for maintained schools only
<p>Capital expenditure funded from revenue (Sch 2, 1)</p> <p>Prudential borrowing costs (Sch 2, 2(a))</p> <p>Termination of employment costs (Sch 2, 2(b))</p> <p>Contribution to combined budgets (Sch 2, 2(c))</p>	No functions