

## **SCHOOLS FORUM**

**DECEMBER 4 2012**

### **FUNDING TRADE UNION FACILITY TIME**

#### **Purpose of this Report**

1. This report is presented to Schools Forum to set out the background to the decision to delegation of funding for Trade Union facility time and responds to a second request from the Joint Consultative Committee (JCC) for Schools Forum to reconsider this position.

#### **Recommendations**

2. That Schools Forum determine whether the decision taken to delegate funding for Trade Union facilities time should be reversed.

#### **Background**

3. Under school funding reform local authorities are required to delegate funding for school budget contingencies, in Leicestershire this is where the funding used to support Trade Union facilities time is reported.
4. For Academies whilst Leicestershire continues to fund these activities they receive funding through LACSEG, hence Leicestershire is double funding this area of activity and by default maintained schools are subsidising academy activity as local authorities have no responsibility for providing this service to academies.
5. Phase 1 consultation identifies to schools that facility time was included in schools budget contingency as shown at Appendix 1. The outcome of the consultation was support for delegation and Phase 2 consultation asked schools to confirm this course of action;

*Extract from School Funding Reform Report to Schools Forum – 7 September 2012*

#### *Phase 1 Consultation*

13. *Phase 1 consultation was launched following school briefings on funding reform. It sought to collect views from all schools in Leicestershire on two elements essential for the revised formula;*

13a) *Items for ‘de-delegation’*

*The following budgets are required to be delegated unless schools, collectively through each school phase, agree that they should be centrally retained (this is termed de-delegation);*

- 1) school budget contingencies,*
- 2) assessment of free school meals eligibility,*
- 3) public, employers and fidelity insurance,*
- 4) licences and subscriptions and*
- 5) behaviour support services.*

*Only 22 responses were received (18 primary and 4 secondary). Of these responses the following conclusions have been drawn;*

*Secondary Schools – given the number of secondary academies who already receive this funding through LACSEG all budget areas should be delegated.*

*Primary Schools – there is support for school budget contingency, insurance and behaviour support funding to be delegated whilst that for free school meal eligibility and licences and subscriptions to be centrally retained.*

*Phase 2 Consultation Question 1: Do you agree with the proposal for delegation of items 1 – 5?*

6. This outcome was confirmed through Phase 2 consultation delegation and delegation of this funding is included within the formula proposals submitted to the EFA in October. At the Joint Consultative Committee meeting on 27 September the local authority was asked to consult Schools Forum to confirm that they were aware of the decision taken and confirm that decision. Subsequently an email was sent to Schools Forum Members asking for this decision to be reconsidered (Appendix 2)
7. 11 Schools Forum members responded to the question.
  - 3 primary members confirmed delegation
  - 2 primary member confirmed de-delegation
  - 4 secondary members confirmed delegation
  - 1 secondary member had no firm view
  - 1 response was received from a non schools member

The meeting of JCC on November 8<sup>th</sup> was advised that the original decision was unchanged.

8. Members of JCC again challenged this position based upon a view that Schools Forum members had insufficient information upon which to make a decision and schools were unaware of the consequences of delegation. It was

agreed that Forum would be formally presented to Forum again for further consideration.

9. Of the £305,103 delegated for school budget contingencies £198,000 is used to support union facilities. Funding is provided across unions for a total of 7FTE posts. Delegation will result in individual schools considering whether they would wish to continue to provide funding for this purpose and whether they would wish to pool resources to continue facility time.
10. Using the same snapshot of the location of pupils used to update the constitution of the Schools Forum this funding equates to £2.15 per pupil, £93,804 of the budget can be attributed to maintained schools and £103,965 to academies who are double funded. As more schools convert more of this funding will be attributed to academies and DSG received for maintained schools will be supporting activities within academies who gain this funding through LACSEG.
11. JCC have asked for the decision on delegation to be reconsidered for a second time and have produced a letter for Forum members to present their position (Appendix 3).
12. The fourth paragraph of the letter refers to this budget falling under the same heading as the costs of maternity leave, long term sick leave and secondments, these areas are no longer funded as these budgets were removed in response to the need to find savings within Dedicated Schools Grant.

Officer to Contact

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**Extract from Phase 1 School Funding Reform Consultation****Budgets Required to be Delegated 2013/14**

Under the current funding reform proposals 'School funding Reform: Next steps towards a fairer system' issued by the Department of Education in March. The following budgets are required to be delegated in 2013/14. However the consultation document recognises that for maintained schools it may be more effective for these to be centrally pooled in order to achieve economies of scale.

The budgets as funded from the Schools Block must be delegated to all schools in the first instance but should maintained schools in each phase collectively agree through the Schools Forum, they can be provided centrally by returning funding to the local authority. The outcome of this can be:

- Delegation to all primary and secondary schools who would be responsible for all future costs of service and absorbing financial risk.
- Delegation one of either primary or secondary school, return to local authority by other. The school phase accepting delegation would become fully responsible for meeting costs of service and absorbing financial risk, for schools returning budgets to the local authority the financial risk would fall to be met from local authority through DSG.
- Return to the local authority of budgets related to both school phases. The local authority would remain responsible for service delivery and absorb financial risk through DSG.

It should be noted that this delegation is for primary and secondary schools only, special schools will be funded on a place basis for 2013/14, this needs to be considered in determining the appropriate level of delegation.

In terms of implications for academies should maintained schools wish to see these budgets delegated, this will not result in additional funding for academies. With these budgets delegated the element of GAG based upon the formula of the local authority will increase but will be offset against a reduction in LACSEG.

The budgets required to be delegated by the DfE are shown in the following table which details whether funding is currently centrally retained and potential method of delegation are;

<b>Budget Heading</b>	<b>Potential Delegation Method</b>
Support for schools in financial difficulties	Not applicable to Leicestershire schools, no funding centrally held
Contingencies  (please note that this budget contains commitments for meeting the costs of union duties for 2012/13)	£ per pupil – basic pupil entitlement
Free school meals (FSM) eligibility	£ per paid meal
Insurance – Public & employers liability, fidelity, premises	£ per pupil – basic pupil entitlement
Licences & Subscriptions  (please note this budget contains apportionments of subscriptions that may need to be categorised as Statutory Duties)	£ per pupil – basic pupil entitlement
Staff Costs – supply cover	Not applicable to Leicestershire schools, budget was withdrawn April 2012
Support for minority ethnic pupils or underachieving groups  (please note that the service reduction action plan removes all budget allocation from September 2012, hence no budget allocation)	Not applicable to Leicestershire schools, budget withdrawn September 2012
Behaviour support services	£ per pupil – basic pupil entitlement
Library and museum services	Not applicable to Leicestershire schools, no funding centrally held

Email to School Forum Members 27 September 2012

All

Following a meeting this morning with unions we have agreed to contact members of the Schools Forum regarding the decision to de-delegate funding, specifically the trade unions facilities funding which is included within the Leicestershire school contingency budget required to be delegated from 2013/14 unless schools choose to de-delegate.

Phase 1 consultation asked schools whether schools wished this budget to be de-delegated, Phase 2 consultation stated the recommendation to delegate and that recommendation was approved by primary and secondary members on Sept 20th. The unions are concerned that it has not been more specific that delegation of this element of the funding would leave no funding centrally to enable the local authority to continue to support union activities and that schools have not been fully aware that this arrangement would not continue and they would need to consider what individual arrangements they would need to make to continue this activity should they wish to do so. The consultation response were silent on this issue.

As a result of this discussion I would like to ask specifically whether you would wish to see funding for union facility time to be delegated to schools or to be de-delegated and held centrally. For academies this funding will remain in LACSEG, the local authority would need to consider its approach to supporting academies as to do so from a centrally retained budget would result in double funding.

Please can you confirm by return whether;

- a. Funding should be delegated. This would result in the decision taken on September 20th being unchanged
- b. Funding should be de-delegated. This would change the September 20th decision.

Jenny

Jenny Lawrence

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**Letter from JCC to Schools Forum Members****FUNDING FOR TRADE UNION FACILITIES TIME**

Dear colleague,

You will be aware of Schools Forum discussions on the future treatment of funding for supply costs. This letter sets out the reasons why central retention of funding by the local authority for the costs of supply cover relating to trade union facilities time is in the interests of school leaders as well as teachers generally.

As representatives of all recognised educational trade unions and professional associations in Leicestershire, we would support the views expressed in a recent email by the Local Authority on this matter, and the views expressed at regular intervals by school leaders and county councillors. All have commented positively on the valuable work carried out as a result of the current arrangements for facilities time. National research has confirmed these benefits, both in financial terms and in terms of positive industrial relations.

There is absolutely no doubt that disrupting the current arrangements for facilities time, under which the local authority retains a centralised budget to reimburse schools, would create significant additional costs and workload for schools and academies. The arrangement has worked well in ensuring that local authorities and schools meet their statutory responsibilities to provide paid time off for trade union duties and allowing trade union representatives to attend meetings and hearings during normal working time. If the funding for these arrangements was to be delegated to schools, school and academy leadership teams would encounter greater difficulty in ensuring that employees have access to the trade union representation to which they are entitled and would inevitably find themselves obliged to convene and attend more meetings outside school hours and into the evening.

Currently, this funding falls under the same budget head as other supply cover costs. The pooling of funding between all schools within the local authority area allows for more flexibility for schools in providing for the costs of maternity leave, long term sick leave, secondments and trade union and public duties. It allows trade union representatives who understand the local context to deal with issues arising within schools, without necessarily being a member of staff of the particular school. It also allows experienced trade union reps to seek to resolve problems at an early stage, often informally. Trade union reps help to support morale, reduce staff turnover and lower recruitment costs.

The above examples illustrate the extent to which changed or reduced support for the work of trade union representatives would greatly disrupt the working of Leicestershire schools and academies.

It is also vital that the LA produces a series of costings for different models so that Forum Members have a clear understanding of how this decision might actually impact on their budgets, rather than leaving this as a matter of speculation. It is equally important that Forum members have an understanding of how these costings have been arrived at.

We hope you will agree that it is in the interests of everyone at your school, and the generality of Leicestershire schools, that the current arrangements are maintained, and that you will support a position of de-delegation at the Schools Forum when this issue is discussed.

Yours sincerely

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