

**Agenda Item
6**



Report Status

For information/note
For consultation & views
For decision

Report to Haringey Schools Forum – 6th December 2018

Report Title: Dedicated Schools Budget Strategy 2019-20

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Purpose:

1. To inform members of the outcome of consultation on the 2019-20 Schools Funding Formula.
2. To note the financial implications of each funding option.
3. To inform members of the Finance subgroup recommendations.

Recommendations:

1. School Forum notes the outcome of the consultation process.
2. School Forum notes the financial implications for each option of transferring funds from schools Block to high Needs Block and agrees to one of the three options A, B or C.
3. That Schools Forum agree to allocate £0.8m for the Growth Fund.
4. Members representing primary maintained schools agree to de-delegate Attendance and Welfare Service.
5. Members representing secondary maintained schools agree to de-delegate Attendance and Welfare Service.
6. Members representing primary maintained schools agree to de-delegate a Contingency for Schools in Financial Difficulty.
7. Members representing secondary maintained schools agree to de-delegate a Contingency for Schools in Financial Difficulty.
8. Members representing primary maintained schools agree to de-delegate funding for Trade Union Facilities Time.
9. Members representing secondary maintained schools agree to de-delegate funding for Trade Union Facilities Time.

2 Introduction.

- 2.1 Schools Forum on 18th October 2018 recommended consulting schools on three proposed options to use in running Haringey Schools' 2019-20 Schools Funding Formula.
- 2.2 This report brings the outcomes of the 2019-20 Schools Funding Formula consultation with Haringey Schools, the amended proposals for Growth Fund, proposed schools top-slice and Minimum Funding Guarantee options for the Haringey Schools Funding Formula for 2019-20.
- 2.3 Maintained Schools Forum members are asked to consider and approve the de-delegation of:
 - a) Attendance and Welfare Service
 - b) Contingency for Schools in Financial Difficulty
 - c) Trade Union Facilities Time

3 Haringey School Funding Formula 2019-20.

Recommendation 1: School Forum notes the outcome of the consultation process.

- 3.1 Following the Schools Forum on 18th October, all schools in Haringey were consulted on the proposed change to the Haringey 2019-20 Schools Funding Formula with a deadline of 1 pm 20th November 2018 for responses from Head-teachers and Chairs of Governors.
- 3.2 By the deadline, 17 responses had been received and these are summarised below:

Question: Which is your preferred option?	Option A +0.4% MFG and 0% transfer to HNB	Option B +0.2% MFG and 0.25% transfer to HNB	Option C - 0.1% MFG and 0.5% transfer to HNB
Headteacher Votes	10	5	
Chair of Governors Votes	1		1
Total Votes	11	5	1

- 3.3 The returns showed a preference in favour of Option A, which recommends running Haringey's 2019-20 Schools Funding Formula after deducting £971k for Growth Fund, transferring nil out of Schools Block to High Needs Block. Whilst allocating the remainder of Schools Block to all schools using +0.4% Minimum Funding Guarantee. Comments included:

We have agreed option A as The HNB is chronically underfunded. Although our own school may benefit from adding additional monies to this fund, it will not solve the underlying funding issue.

Given the limited funds available to schools, it is impossible to continue to fund HNB, as this is a statutory responsibility, it should be funded by ESFA.

Recommendation 2: School Forum notes the financial implications of each option and decide upon option A, B or C.

- 3.4 To consider the options of transferring either (A) 0%, (B) 0.25% or (C) 0.5% out of School Block allocation into the High Needs Block.
- 3.5 It should be noted that the High Needs Block is currently under severe financial pressure and would from the perspective of balancing the budget perspective would benefit from agreement to either options (B) or (C).
- 3.6 To consider the options for the Minimum Funding Guarantee (MFG), which are (A) +0.4%, (B) +0.2% or (C) +0.1%.
- 3.7 Whilst the higher level of MFG would support higher increases in schools budgets, it would limit the sums made available to support the High Needs Block and the potential to deliver a balanced dedicated schools budget.

Recommendation 3: That Forum agree to allocate £0.8m for the Growth Fund

- 4 In 2018-19 Schools Forum set aside £0.8m¹ to be allocated to schools and academies meeting the following criteria:
 - (i) Planned new form of entry approved by the Local Authority:
 - (Classroom funding based on 7/12 months) x (appropriate basic per pupil entitlement) x (expected number in class); plus
 - A set-up allocation of £500 for each pupil in a standard class size for the relevant setting.
 - (ii) In-year bulge class:
 - Start up and classroom costs as above;
 - (iii) Ghost funding guarantee KS1:
 - Minimum basic per-pupil funding for 24 pupils in a bulge class established in a previous year: and
 - (iv) KS1 classes forced to exceed 30 pupils as a result of appeals (further details of this criteria are set out in the Appendix 1):
 - A lump sum equivalent to the funding of a main-scale1 teacher £32.8k pro-rata to the part of the year.
- 4.1 For the 2019-20 year it is expected that Haringey's Growth Fund will be needed for:

¹ Clawback from academies will increase the total growth fund to just over £1 million.

- a) The ongoing permanent expansion of Bounds Green Infant and Junior School;
 - b) Ongoing payments for any oversized KS1 class(es);
 - c) Bulges within our secondary schools for additional year 7 capacity
- 4.2 In future years the fund will be called on to address current bulge classes that are working their way through some of our primary schools and into our secondary schools.

De-Delegated Budgets.

Recommendation 4: Members representing primary maintained schools agree to de-delegate Attendance and Welfare Service.

Recommendation 5: Members representing secondary maintained schools agree to de-delegate Attendance and Welfare Service.

Recommendation 6: Members representing primary maintained schools agree to de-delegate a Contingency for Schools in Financial Difficulty.

Recommendation 7: Members representing secondary maintained schools agree to de-delegate a Contingency for Schools in Financial Difficulty.

Recommendation 8: That Members representing primary maintained schools agree to de-delegate funding for Trade Union Facilities Time.

Recommendation 9: That Members representing secondary maintained schools agree to de-delegate funding for Trade Union Facilities Time.

- 5.1 Local authorities can also seek Forum’s approval to de-delegate funding from the school budget shares of maintained schools. Services provided through de-delegated funding are therefore only available to maintained schools, although academies and free schools may buy into some services.
- 5.2 De-delegation for the following services is sought; maintained school representatives would be asked to vote by phase on each item.
- 5.3 **Attendance and Welfare Service (£122,000).**

The three future roles for LAs envisaged in the White Paper ‘Education Excellence Everywhere’ are:

- a) Ensuring every child has a school place.
- b) Ensuring the needs of vulnerable pupils are met.
- c) Acting as champions for all parents and families.

The Attendance and Welfare Service plays an important role in ensuring the needs of vulnerable children are met and the Council wishes to secure the continuation of this service through de-delegation.

5.4 Contingency for Schools in Financial Difficulty. (£179,000)

In the past Schools Forum agreed the retention of a contingency to support schools in financial difficulty. Although it is incumbent on all schools to manage their resources efficiently and effectively, there are particular circumstances in which schools find themselves in need of support from their colleagues.

The local authority proposes to de-delegate this budget to continue to support those schools deemed by the panel to meet the agreed criteria for supporting schools in financial difficulty.

5.5 Trade Union Facilities Time. (£117,000)

Haringey Council, like other Local Authorities recognises a number of trades unions. For school employees these are:

Union	Staff Represented
ASCL	Teachers
ATL	Teachers
GMB	Support Staff
NAS/UWT	Teachers
NAHT	Teachers
NUT	Teachers
Unison	Support Staff
Unite	Support Staff

As part of this recognition the LA grants a fixed amount of facilities time to each trades union to enable them to give full or part time release to senior officials. In addition, “as and when time off” is granted to workplace representatives in order for them to undertake appropriate trade union duties.

Prior to April 2013, the cost of this time off for schools was funded from a centrally retained DSG budget. The 2013 reforms required the delegation of this budget to schools and academies but with an option for maintained schools to de delegate this back to the LA via agreement by Schools Forum.

De-delegation can only be through one of the locally agreed schools formula funding factors; in Haringey, this is the basic per pupil element, also known as the Age Weighted Pupil Unit (AWPU).

Subject to the Schools Forum agreeing to de-delegate facilities time for maintained schools, a draft contract and supporting Employment Relations Protocol for 2018-19 is set out as Annexes 1 and 2 in Appendix 3. The contract is largely unchanged from the version that was issued for 2018/19.

In 2018-19, the cost of the service was identified as £173k of which £152k was attributable to maintained schools and academies and £117k de-delegated from former at a rate of £4.90 per pupil. The same will be sought for 2019-20 but the amount per pupil may change slightly once the October 2018 census data is available.

It is also proposed that if de-delegation is approved by maintained schools, academies will also be invited to buy into these services, at that time and on the same basis as the delegation, i.e. all schools would be charged identically. Academies that decide to use the service at a later date would be charged a different rate reflecting both the actual costs of the service requested but also recognising that at times other than the point of de-delegation additional costs will have to be incurred to meet the additional demand.

Appendix 1

Circumstances in which KS1 oversize class funding will be provided.

The legal position is:

Infant class size – *Infant classes (those where the majority of children will reach the age of 5, 6 or 7 during the school year) **must not** contain more than 30 pupils with a single schoolteacher. Additional children may be admitted under limited exceptional circumstances. These children will remain an 'excepted pupil' for the time they are in an infant class or until the class numbers fall back to the current infant class size limit. The excepted children are:*

- a) children admitted outside the normal admissions round with statements of special educational needs specifying a school;*
- b) looked after children and previously looked after children admitted outside the normal admissions round;*
- c) children admitted, after initial allocation of places, because of a procedural error made by the admission authority or local authority in the original application process;*
- d) children admitted after an independent appeals panel upholds an appeal;*
- e) children who move into the area outside the normal admissions round for whom there is no other available school within reasonable distance;*
- f) children of UK service personnel admitted outside the normal admissions round;*

In these circumstances, therefore, it is not necessary to take on an additional teacher; however, it has been the practice in Haringey, and other councils, to continue to provide funding for KS1 classes forced to exceed 30 pupils. The DfE in its allowable criteria recognises this practice and we recommend that it continue as an incentive to schools to willingly accommodate these pupils at the start of their school career. Our recommendations are:

- That class size funding continues in the circumstances shown above.
- That KS1 class size funding recognises the local arrangement that requires a school to take a twin even when this puts the school over number.
- That only one enhancement is made per school even if more than one KS1 class is over-size.

Appendix 2.

Education Welfare Service.

The Education Welfare Service (EWS) undertakes the Local Authority's statutory duty to ensure children registered at our schools attend on a regular basis (as per sections 436 – 447 of the 1996 Education act and subsequent amendments). The service offers additional and discretionary casework with referred families and in a preventative capacity in order to improve school attendance. The service also offers advice and guidance to maintained schools in order to support and challenge to ensure schools fulfil their statutory obligations in relation to school attendance.

EWS has received increasing numbers of referrals (missing children, irregular attenders and EHE). Total number of referrals to EWS in 2017-18 was 995. Partly as a result of this work, pupil absence has decreased over recent years

EWS budget also funds the LA's Elective Home Education Advisory Teacher who assesses the quality of education of EHE children, and contributes significantly to safeguarding by ensuring that these children are "seen" and any concerns reported to Children's' Social Care. Withdrawal of funding may therefore have a significant impact on our ability to safeguard this very vulnerable cohort.

A reduction in EWS budget would result in a reduced offer to schools in relation to support to improve pupil attendance. Significant reduction in EWS budget would result in the service offering statutory duties only. This would necessarily be restricted to:

**Enforcement (court action)
Enforcement (penalty notices)
Child licencing
Working jointly with schools to locate missing children**

Due to Education Services Grant ceasing, for the last 2 years the service has requested £122,000 from Schools Forum in order to continue to provide a viable service to schools.

The service comprises a team manager, 6.5 Education Welfare Officers, 0.5 Child Performance Licencing Officer, 1 Administration Officer and a part time Elective Home Education Advisory Teacher.

Reduced funding for the service would result in experienced EWOs leaving the Council, a loss of expertise and experience and would necessarily reduce the amount and range of work undertaken by the remaining EWOs on behalf of schools. This would have an impact on individual pupil attendance, as EWS focus would have to be on fulfilling the LA's statutory duties rather than on casework and support to

individual families. This would have a knock-on impact on whole school attendance levels, in addition to a negative impact on the LA's ability to safeguard vulnerable children and to the Early Help offer to our families.

Appendix 3. Trade Union Facilities Time.

Annex 1 Draft contract – with x academy school and TUs

1. Description of the Service

1.1 The service is provided to academies to pay for the provision of Trades Union representation for employees in their school.

1.2 By entering into the contract

- Accredited trade union representatives will provide trade union representation for staff on individual and collective basis for a single charge to the school.
- The school will have access to experienced and skilled representatives who will work with the school to promote good employee relations.

2. The terms governing the contract are as follows:

2.1 The school will recognise Haringey trade union representatives for trade union duties as specified in the relevant legislation and ACAS Codes of Practice including Health & Safety duties.

The trades unions concerned are as follows:

Teaching	Support Staff
NUT	Unison
NASUWT	GMB
NAHT	Unite
ASCL	
ATL	

2.2 Trade union representatives will focus the use of their time, where possible, on statutory consultation and representation requirements that benefit both the employer and unions.

3. Agreed Protocols

- 3.1 From time to time, the school/Local Authority and trades unions may take differing stances on particular issues; the disagreements will be dealt with professionally, focusing on the issue under discussion. A protocol including an agreed protocol for addressing concerns (Annex 2) guides practice.
- 3.2 Accredited trade union representatives will have appropriate access to facilities in order to conduct their duties.

4. Costs

- 4.1 Those academies and free schools that sign the contract within three weeks of its issue will be charged at the de-delegation rate of £4.69 for the LA's financial year April 2019 to March 2020 and at the same rate as for maintained schools for the LA's financial year 2019-20.
- 4.2 Where an academy or free school has not agreed to make the necessary contribution to the Central Fund, it will be for the academy or free school to make its own arrangements as centrally funded representatives will not be funded by the Council to provide these services. Academies that decide to use the service at later date would be charged a different rate reflecting both the actual costs of the service requested but also recognising that at times other than the point of de-delegation additional costs will have to be incurred to meet the additional demand.

5. Arrangements

- 5.1 Full time facilities time arrangements will continue for existing representatives. However, newly elected representatives will not normally be released on a whole time basis for trade union duties. This will ensure that there is a balance between work and trade union duties and those representatives understand the workplace they are representing.
- 5.2 In the event that a trade union official granted seconded time off regularly fails to attend meetings or engage with managers or HR staff as required, the seconded time off will be reviewed and may be withdrawn at the discretion of the Council, following discussion with the relevant regional officer;
- 5.3 Time off arrangements will be reviewed on an annual basis, or more frequently if necessary, depending upon available funding, operational experience, etc.

Annex 2

Employment Relations Protocol for Teaching Associations/ Unions and Support staff unions

1. Introduction

Good employment relations are the cornerstone of managing change and people successfully in any organisation. This protocol sets out the principles for communications and engagement between stakeholders involved in running our schools. The aim is to secure a good education for our children and young people and to provide good working conditions for staff.

This protocol is not designed to replace the industrial relations frameworks and time off agreements that are already in place but they do supplement them.

2. Principles for engagement

Relevant stakeholders to this protocol recognise that effective employment relations takes place in an atmosphere of mutual respect for the professional expertise and a recognition and understanding of the various responsibilities, of those involved.

It is important for managers to have positive working relationships with employees, based on good communications. It is at this basic level that many issues are raised and resolved informally, without the need to invoke formal procedures. Employee representatives provide an additional channel for employees to communicate with managers, and vice versa.

Employee representatives should improve understanding, lead to better decision making and improve employment relations. Representatives should help to develop trust and cooperation, improve the quality of decisions and encourage employees to feel more responsible for the performance of a school, helping to understand and manage change.

To this end, all stakeholders agree that any level of communication and engagement must be conducted in a way that is relevant and necessary, accurate and factual, fair and balanced, and not offensive in any way.

Communication and engagement should be conducted using appropriate communication lines and recognise the relevant hierarchies involved before considering escalation of an issue to a different stakeholder.

3. Stakeholder roles

In adhering to the principles, it is important for each stakeholder to this protocol to understand the respective roles and accountabilities that each party plays. The key roles of head teachers and unions are summarised below.

Trade unions are independent bodies certified by a statutory independent committee. Unions have a number of legal rights under statute/ employment law as follows:

- Disclosure of information by the employer for collective bargaining purposes, including hours, pay and benefits information; policies on recruitment, redeployment, training, equalities, appraisal, health & safety; numbers employed by grade, department, location, age; financial cost structures.
- Reasonable time off, with pay, for union officials to carry out union duties concerned with negotiations on terms and conditions of employment; engagement, non-engagement, termination, suspension of workers; allocation of work or duties; matters of discipline or grievance.
- Reasonable time off, with pay, for union reps to undergo training in aspects of industrial relations relevant to carrying out their trade union duties.
- Consultation prior to redundancy
- Consultation prior to business transfers (TUPE)

Note – the law provides workers with the right to be accompanied at disciplinary related hearings or grievance hearings. The worker may choose a companion or a trade union official to accompany him/her. The worker chooses the companion and the union chooses its officials. The employer has no right to choose who the particular companion or union rep is.

Head teachers have responsibility for managing the school including developing policy, goals and objectives for the adoption by the school governors. Head teachers are also responsible for providing detailed plans, procedures, schedules and specifications for daily operations in the school and actions to be taken by school staff.

4. Stakeholders – roles and accountabilities

Stakeholder	Role	Accountability
Teacher Association/ Unions reps	Trade unions are independent bodies certified by a statutory independent committee. Unions have a number of legal rights under statute/ employment law as follows:	To their union members/ regional/ national bodies.
Support staff union reps	<ul style="list-style-type: none"> • Disclosure of information by the employer for collective bargaining purposes, including hours, pay and benefits information; policies on recruitment, redeployment, training, equalities, appraisal, health & safety; numbers employed by grade, department, location, age; financial cost structures. • Reasonable time off, with pay, for union representatives to carry out union duties concerned with negotiations on terms and conditions of employment or the physical 	For issues of misconduct to their employer.

	<p>conditions in which workers are required to work; the engagement, non-engagement, termination, suspension of workers; allocation of work or duties; matters of discipline or grievance.</p> <ul style="list-style-type: none"> • Reasonable time off, with pay, for union reps to undergo training in aspects of industrial relations relevant to carrying out their trade union duties. • consultation prior to redundancy • consultation and negotiation prior to business transfers (TUPE) • trade union membership – recruiting and organising. 	
<p>Head Teachers/ School leaders</p>	<p>Developing policy, goals and objectives for the adoption by the school governors. Providing detailed plans, procedures, schedules and specifications for daily operations in the school and actions to be taken by school staff.</p> <p>More specifically the school teachers pay and conditions document provides that Head teachers should:</p> <ul style="list-style-type: none"> • Provide overall strategic leadership and, with others, lead, develop and support the strategic direction, vision, values and priorities of the school. • Develop, implement and evaluate the school's policies, practices and procedures. • Lead and manage teaching and learning throughout the school. • Promote the safety and well-being of pupils and staff. • Ensure good order and discipline amongst pupils and staff. • Lead, manage and develop the school workforce, including appraising and managing performance. • Organise and deploy resources within the school. • Promote harmonious working relationships within the school. • Maintain relationships with organisations representing teachers and other members of the school's workforce. • Lead and manage the school's workforce with a proper regard for their well-being and legitimate expectations, including the expectation of a healthy balance between 	<p>To the Governing body.</p>

	<p>work and other commitments.</p> <ul style="list-style-type: none"> • Promote the participation of staff in relevant continuing professional development. • Participate in arrangements for the appraisal and review of other teachers and support staff. • Decide whether a teacher at the school who applies for a post-threshold teacher assessment meets the relevant standards. • Consult and communicate with the governing body, staff, pupils, parents and carers. 	
School Governors	<p>Provide a strategic view for the school by establishing a vision, purpose and aims. Agree school improvement strategy, including statutory targets and appropriate budget/ staffing structures. Monitor and evaluate school performance.</p> <ul style="list-style-type: none"> • The role is NOT to get involved in the day-to-day operations/ running of the school. 	<p>To the LA/DfE for the way the school is run. And acting in the best interests of all the pupils in the school</p>
<p>Councillors and the</p> <p>Lead Member for Children's Services (a statutory role)</p>	<p>Responsible for the Local Authority vision for schools within the borough. Deal with policy matters for the local authority.</p> <p>The Lead Member for Children's Services has responsibility for children and young people receiving education or children's social care services in their area and all children looked after by the local authority or in custody (regardless of where they are placed).</p> <ul style="list-style-type: none"> • No councillor should get involved in operational matters related to the running of the school. 	<p>All members act on behalf of the Local Authority</p> <p>The Lead Member holds political responsibility for children's services</p>
<p>Director of Children's Services (DCS) [a statutory role]</p> <p>and other DCS lead managers</p>	<p>The DCS is appointed for the purposes of discharging the education and children's social services functions of the local authority. This includes (but is not limited to) responsibility for children and young people receiving education or children's social care services in their area and all children looked after by the local authority or in custody (regardless of where they are placed). This includes ensuring that the safety and the educational, social and emotional needs of children and young people are central to the local vision.</p>	<p>Accountable for operational matters within Children's services to the council and Chief Executive.</p>

	Other relevant managers (usually reports to the DCS) also hold the above responsibilities.	
Human Resources	HR advisors advise managers within the service how to conduct people management interventions and follow best practice in relation to people management.	HR advisors take professional responsibility for advice given but decision making needs to be held by relevant school leaders

5. Agreed protocol for addressing concerns

CONCERNS RAISED BY A HEADTEACHER

Level one – Informal Process

Where the headteacher has a concern over the conduct of a borough level union representative when acting in his or her capacity as a trade union representative, as a first step, the headteacher will meet with that trade union representative to discuss those concerns with a view to reaching a resolution. By agreement, the parties may contact a paid trade union official or an official of the local authority or any other relevant party to assist in reaching a resolution.

Where the headteacher has a concern over the conduct of a school based union representative when acting in his or her capacity as a trade union representative, as a first step, the headteacher will meet with that trade union representative to discuss those concerns with a view to reaching a resolution. That school-based representative may choose to be accompanied to the meeting by a trade union colleague.

All meetings will take place as soon as possible.

Level Two – Formal Process

Where it has not been possible to reach a resolution under Level one, then as a second step in any process. The head teacher will refer the concern to the Chair of the Schools Forum, Head of HR, Assistant Director Schools and Learning, who will consider the merits of the complaint and, if appropriate, refer it to a paid official of the trade union. The official will meet with a designated Governor to reach a formal resolution. The head teacher and elected trade union official may attend the meeting. By agreement, the resolution could include (but not limited to):

- mediation, including involvement of an external mediator;
- a recommendation as to the future conduct of the trade union representative;

- a recommendation as to the future management of issues arising between the headteacher and the trade union representative;
- no further action taken.

CONCERNS RAISED BY A TRADE UNION REPRESENTATIVE

Level one – Informal Process

Where a borough level or school based union representative has a concern over the conduct of a headteacher or a governor, which has arisen out of relations with that trade union, then as a first step this will be raised with the headteacher or governor to discuss. By agreement, the parties may contact a paid trade union official or an official of the local authority or any other relevant party to assist in reaching a resolution.

All meetings will take place as soon as possible.

Level two – Formal Process

Where it has not been possible to reach a resolution under Level one, then as a second step in any process. The head teacher will refer the concern to the Chair of the Schools Forum, Head of HR, Assistant Director Schools and Learning, who will consider the merits of the complaint and, if appropriate, refer it to a paid official of the trade union. The official will meet with a designated Governor to reach a formal resolution. The head teacher and elected trade union official may attend the meeting. By agreement, the resolution could include (but not limited to):

- mediation, including involvement of an external mediator;
- a recommendation as to the future conduct of the headteacher;
- a recommendation as to the future management of issues arising between the trade union representative and the headteacher (or his or her representative);
- no further action taken.