

**Agenda Item  
6**



**Report Status**

For information/note ☒  
For consultation & views ☐  
For decision ☒

**Report to Haringey Schools Forum – 7th December 2017**

**Report Title: Dedicated Schools Budget Strategy 2018-19**

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**Purpose:**

To inform members of the outcome of consultation on the 2018-19 Schools Funding Formula.

**To request:**

- a) the central retention of £600,000 for the Growth Fund from the Schools Block
- b) the transfer of 0.25% from the Schools Block to the High Needs Block
- c) the use of +0.5% or lower Minimum Funding Guarantee in the 2018-19 Schools Funding Formula
- d) the de-delegation of funds from maintained schools Post MFG Budget.

**Recommendations:**

1. Schools Forum recommends using Option C for amending the 2018-19 Schools Funding Formula which is based on transferring 0.25% of the Schools Block allocation to the High Needs Block, deducting £1.1m for increasing the Growth Fund and operating the formula using a +0.21% Minimum Funding Guarantee.

However, as the need for the Growth Fund is reduced to £600,000 it is proposed the Minimum Funding Guarantee is set at +0.5% or lower depending on Schools Block Funding Settlement in December 2017.

2. That Schools Forum agree to allocate £600,000 for the Growth Fund.
3. That Schools Forum agree the transfer of 0.25% of Schools Block allocation out of Schools Block into the High Needs Block.
4. That Schools Forum agree to operating the 2018-19 Schools Funding Formula using a Minimum Funding Guarantee set at +0.5% or lower depending on Schools Block Funding Settlement in December 2017. In the event of any surplus funding left after allocating a maximum of +0.5% MFG it is recommended this surplus is added to the Growth Fund.
5. That Members representing primary maintained schools agree to de-delegate Attendance and Welfare Service.
6. That Members representing secondary maintained schools agree to de-delegate Attendance and Welfare Service.
7. That Members representing primary maintained schools agree to de-delegate a Contingency for Schools in Financial Difficulty.
8. That Members representing secondary maintained schools agree to de-delegate a Contingency for Schools in Financial Difficulty.
9. That Members representing primary maintained schools agree to de-delegate funding for Trade Union Facilities Time.
10. That Members representing secondary maintained schools agree to de-delegate funding for Trade Union Facilities Time.

## 1 Introduction.

- 1.1 Schools Forum on 14th November 2017 was recommended to consult schools on which of the four proposed options to use in running Haringey Schools' 2018-19 Schools Funding Formula.
- 1.2 This report brings the outcomes of the 2018-19 Schools Funding Formula consultation with Haringey Schools, the amended proposals for Growth Fund and Minimum Funding Guarantee and recommends changes to Haringey Schools Funding Formula for 2018-19.
- 1.3 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

## 2 Haringey School Funding Formula 2018-19.

- 2.1 Following consultation with the Schools Forum on 14<sup>th</sup> November, all schools in Haringey were consulted on the proposed change to the Haringey 2018-19 Schools Funding Formula with a deadline of 1 pm 29<sup>th</sup> November 2017 for responses from Headteachers and Chairs of Governors.
- 2.2 By the deadline 32 responses had been received of which 2 were from School Business Managers who were not eligible to vote. The remaining 30 are summarised below.

Question: Which is your preferred option?	Option B	Option C
Headteacher Votes	2	16
Chair of Governors Votes	1	11
Total Votes	3	27

- 2.3 The returns were overwhelmingly in favour of Option C which is to run Haringey's 2018-19 Schools Funding Formula by deducting £1.1m for Growth Fund, transferring 0.25% out of Schools Block to High Needs Block and allocating the remainder of Schools Block to all schools using +0.21% Minimum Funding Guarantee on the ESFA's Authority Proforma Tool.
- 2.4 The following comments were made by responders who chose Option C:

*We have agreed option C as being the fairest of the 4 alternatives but are extremely concerned at the cuts in school funding being imposed by government.*

*Reduce the growth fund of £1.1M. Either leave this with schools or transfer to HNB.*

*I would also suggest that the growth fund is reduced from £1.1m. This has not been spent previously and there are less calls on this fund for 18/19.*

*Seems to be the fairest option.*

*We agree with the recommendation of Option C on the basis that it protects funding levels for schools while providing vital funding for the high needs block.*

*The schools forum works tirelessly to seek solutions that best meet the needs of all Haringey pupils – I am happy to follow their recommendation.*

*This seems the best option to ensure continued support for children with additional needs.*

**Recommendation 1: Schools Forum recommends using Option C to Haringey Council for amending the 2018-19 Schools Funding Formula which is transferring 0.25% of Schools Block allocation out of Schools Block into the High Needs Block, deducting £1.1m for Growth Fund and running the formula using a +0.21% Minimum Funding Guarantee. However, as the need for Growth Fund is reduced down to £600,000 it is proposed the Minimum Funding Guarantee is set at +0.5% or lower depending on Schools Block Funding Settlement in December 2017.**

### **3 Growth Fund**

- 3.1 Local authorities may request Forum's permission to top-slice funding from the Schools Block of the DSG. In general, these budgets are capped at the level funded in previous years. The top-slicing occurs before the funding formula is calculated and impacts on maintained schools, free schools and academies. All state financed schools are therefore eligible to receive the services so funded.

The growth fund provides funding for the following categories:

- Basic need growth where schools are expanding
- Bulge classes where temporary growth is required
- Furniture and equipment for new and expanding schools
- Short Term Viability
- Key Stage 1 Class Sizes

- 3.2 In 2017-18 Schools Forum set aside £1.1m 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-scale 1 teacher £32.8k pro-rata to the part of the year.
- 3.3 For the coming year it is expected that Haringey's Growth Fund will be needed for:
- a) The ongoing permanent expansion of Bounds Green Infant and Junior School;
  - b) Ongoing payments for any oversized KS1 class(es);
- 3.4 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.
- 3.5 It is therefore proposed that the growth fund is reduced down from £1.1M to £600,000 for 2018-19.

**Recommendation 2: That Forum agree to allocate £600,000 for increasing the value of the Growth Fund.**

#### **4 Transfer of 0.25% out of Schools Block allocation into the High Needs Block.**

- 4.1 The Schools Forum Schools Funding Review Group recommended Option C because it provides a balance between increasing budgets for all schools and making a contribution to the High Needs Block which is under severe pressure.
- 4.2 This 0.25% contribution from Schools Block to High Needs Block will help address some of the increasing pressures the High Needs Block currently faces in supporting the numbers of children with additional needs and disabilities in our local schools. Any new spending will be informed by the high needs review of levels and types of provision available for children in the local schools, and also by feedback from schools about what resources are needed to effectively support children with special educational needs and disabilities.

**Recommendation 3: That Schools Forum agree the transfer of 0.25% of Schools Block allocation out of Schools Block into the High Needs Block.**

**5 Adopt a Minimum Funding Guarantee of +0.5% or lower depending on the December 2017 DSG Schools Block Funding Settlement and transfer any surplus funds to Growth Fund**

- 5.1** Following the 2018-19 Schools Funding Formula Consultation, Schools Forum Funding Review Group recommends that with the reduction in Growth Fund to £600,000 from £1.1m previously that the Minimum Funding Guarantee is increased to the maximum of +0.5% or lower depending on the December 2017 DSG Schools Block Funding Settlement with any surplus funds added to the Growth Fund. The Minimum Funding Guarantee is therefore revised up from +0.21% in the consultation to a maximum of +0.5% or lower.

**Recommendation 4: That Schools Forum agree to running the 2018-19 Schools Funding Formula using a Minimum Funding Guarantee set at +0.5% or lower depending on Schools Block Funding Settlement in December 2017. In the event of any surplus funding left after allocating a maximum of +0.5% MFG it is recommended this surplus is added to the Growth Fund.**

**6 De-Delegated Budgets.**

- 6.1** 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.

- 6.2** De-delegation for the following services is sought; maintained school representatives will be asked to vote by phase on each item.

**6.3 Attendance and Welfare Service (£122,000).**

- 6.3.1** 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.

- 6.3.2** 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. A description of the service can be found in Appendix 2.

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

**Recommendation 6: That Members representing secondary maintained schools agree to de-delegate Attendance and Welfare Service.**

**6.4 Support to underperforming ethnic minority groups and bilingual learners. (£Nil)**

6.4.1 Historically, the LA received an element of Ethnic Minority Achievement Grant (EMAG) that was used to provide centrally managed support to schools in respect of raising the attainment of pupils from ethnic minority groups. Following the demise of EMAG, the Forum at its meeting on 17 January 2011 agreed to continue to support this work, approving funding through the DSG. The Council is not seeking to continue with the de-delegation of this budget in 2018-19 as it will now be traded by Haringey Education Partnership from September 2018.

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

6.5.1 Schools Forum has in the past 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. Two examples are new management teams with inherited deficits and exceptional circumstances. 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. This would only apply to maintained schools where the phase had agreed to de-delegation. The de-delegated sum in 2017-18 was £179k and the same sum is sought for 2018-19.

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

**Recommendation 8: That Members representing secondary maintained schools agree to de-delegate a Contingency for Schools in Financial Difficulty.**

## 6.6 Trade Union Facilities Time. (£117,000)

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

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



- 6.6.2 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.
- 6.6.3 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.
- 6.6.4 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).
- 6.6.5 Subject to the Schools Forum agreeing to de-delegate facilities time for maintained schools, a draft contract and supporting Employment Relations Protocol for 2017-18 is set out as Annexes 1 and 2 in Appendix 3. The contract is largely unchanged from the version that was issued for 2016/17.
- 6.6.6 In 2017-18 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 £4.66 per pupil. The same will be sought for 2018-19 but the amount per pupil may change slightly once the October 2017 census data is available.
- 6.6.7 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.

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

**Recommendation 10: That Members representing secondary maintained schools agree to de-delegate funding for Trade Union Facilities Time.**

## 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 school teacher. 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. This practice is recognised by the DfE in its allowable criteria 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 in order to improve attendance with both referred families and in a preventative capacity. The service also offers advice, guidance and register inspections to maintained schools in order to support and challenge schools to ensure schools fulfil their statutory obligations in relation to school attendance.

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

The service is currently part-funded by funds from Schools Forum:  
£294,000 (De-delegated £122,000 + centrally retained £172,000) plus  
£177,000 from high needs block plus income from trading (£130,000) =  
£601,000

Current income generated through trading £100,000+

Due to pressure on SEN budget there is no guarantee that EWS would have continued access to £177,000

Restructuring the service and resulting inability to achieve significant income through trading would further reduce the service's budget.

Working to improve the attendance of our pupils is a key aspect in ensuring that our children receive the best start in life. Research has clearly demonstrated links between irregular school attendance and lower academic achievement even with relatively low levels of absenteeism. This is evident in SATs and GCSE results. There is also clear evidence of links with poor life outcomes, such as involvement in crime and anti-social behaviour, teenage pregnancy, drug and alcohol misuse and in the perpetuation of cycles of deprivation and poverty.

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. Education Welfare Officers are allocated to schools that trade with the service, and will undertake to improve individual pupil attendance through casework. Where this is unsuccessful, cases are progressed to consideration of enforcement actions in order to persuade parents to ensure that their children attend school regularly. This includes the issuing of penalty notices and legal proceedings through the courts.

Specifically, EWS conducts 'missing child' enquiries prior to deletion from registers; investigates reasons for absence and undertakes agreed actions accordingly; undertakes safeguarding home visits in relation to children missing from school; home visits to investigate reasons for absence and will work with schools to offer preventative early help casework. Additionally, EWS will provide information, advice and guidance in relation to deletions from registers in order to remain compliant with legislation; provide information, advice and guidance in relation to use of register codes in order to remain compliant with legislation; provide support and advice in relation to school strategies to address specific periods of absence; attend professionals' meetings (including child protection conferences) as and when required; work to improve whole school attendance, including: participation at whole school assemblies and parents evenings; 'late gate' checks to address punctuality problems and early intervention attendance clinics. EWS also offers whole school data analysis; supporting schools to implement whole school attendance and absence policies and procedures; training sessions for attendance staff; training for governors and pre-Ofsted support (this list is not exhaustive).

The service cannot make the claim that attendance at Haringey's schools has improved over the years solely due to the work of the EWS, as the service works in partnership with attendance staff at schools, but the service has made a significant and valuable contribution to improving attendance, at both whole school and individual pupil level, and continues to do so. The Education Welfare Service also contributes significantly to ensuring that our pupils are safeguarded. This includes conducting enquiries into the whereabouts of pupils that are reported as missing by schools. Missing pupil referrals represent approximately 50% of all referrals to the service.

The data for the past 5 years indicates an increase in the numbers of pupils referred as irregular attenders or as missing from education. In total, over the last 5 years, 2,917 pupils have been formally referred to the Education Welfare Service, in addition to work on behalf of schools that did not require a referral. The number of referrals to the service 2012-2013 to 2016-2017:

Year	Poor Attendance	Missing/Non- returners	Totals
2012-2013	292	268	560
2013-2014	268	248	516
2014-2015	296	247	543
2015-2016	323	309	632
2016-2017	303	363	666
Totals	1482	1435	2917

This represents an average of 584 referrals to the Education Welfare Service per year. The average number of referrals received per Education Welfare Officer for each of the last 5 years is therefore 90 referrals per officer per year. The average number of poor attendance referrals per officer is 46 per year. This is work that would otherwise have to be undertaken by school staff if the Education Welfare Service had to cease.

Of these referrals to the service, the following enforcement actions resulted:

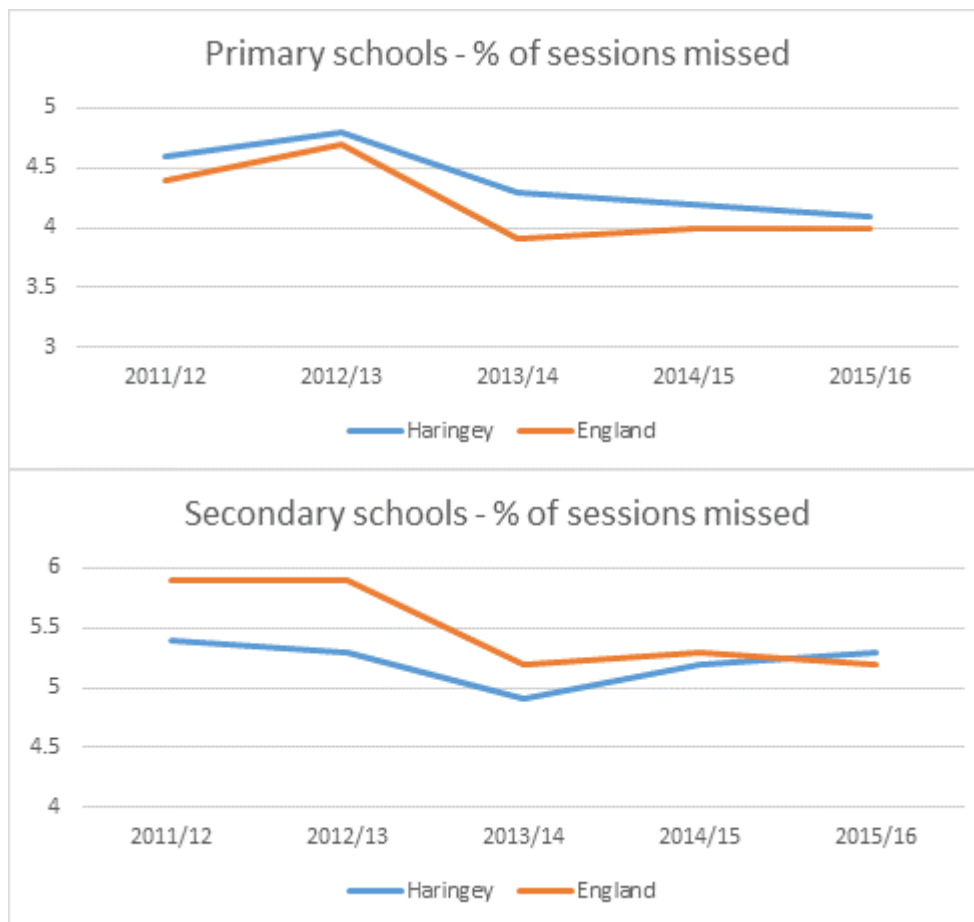
Year	Court Cases	Court Assessment Meetings	Fixed Penalty Notices
2011-2012	74	138	21
2012-2013	115	154	79
2013-2014	88	135	140
2014-2015	74	126	132
2015-2016	89	160	125
2016-2017	100	152	191
Totals	540	865	688

This totals 2,093 individual enforcement actions during the last 6 years, an average of 349 enforcement actions per year on behalf of Haringey's schools during this period.

To add some attendance data to this information, here are the attendance percentages for the last 5 full years (most recent that are available from DfE for 6 half terms):

	Haringey Primary	National Primary	Haringey Secondary	National Secondary
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2011-2012	95.4%	95.6%	94.6%	94.1%
2012-2013	95.2%	95.3%	94.7%	94.1%
2013-2014	95.7%	96.1%	95.1%	94.8%
2014-2015	95.8%	96.0%	94.8%	94.7%
2015-2016	95.9%	96.0%	94.7%	94.8%



Potential consequence if Schools Forum chose not to continue to de-delegate EWS funding:

Reduced funding for the service would necessarily 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. The more extensive levels of support, currently traded to some schools, would have to cease as EWOs would no longer have the capacity to dedicate large amounts of time to schools; rather, their focus would have to be on more entrenched cases. 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.

An end to the funding of the Education Welfare Service would result in officers undertaking statutory duties only. This would mean school staff undertaking

the large swathe of attendance work as detailed above. Additionally, any enforcement action that entailed legal action would require school staff to complete the required court paperwork, and where necessary, to attend court to provide live evidence during trials. This is currently work undertaken by the Education Welfare Service.

## **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 an 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:

<b>Teaching</b>	<b>Support Staff</b>
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 2018 to March 2019 and at the same rate as for maintained schools for the LA's financial year 2018-19.
- 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 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.

## **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**

<b>Stakeholder</b>	<b>Role</b>	<b>Accountability</b>
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"> <li>• Disclosure of information by the employer for collective bargaining purposes, including hours, pay and benefits information; policies on recruitment, redeployment, training, equalities, appraisal, health &amp; safety; numbers employed by grade, department, location, age; financial cost structures.</li> <li>• 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</li> </ul>	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"> <li>• Reasonable time off, with pay, for union reps to undergo training in aspects of industrial relations relevant to carrying out their trade union duties.</li> <li>• consultation prior to redundancy</li> <li>• consultation and negotiation prior to business transfers (TUPE)</li> <li>• trade union membership – recruiting and organising.</li> </ul>	
Head Teachers/ School leaders	<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"> <li>• Provide overall strategic leadership and, with others, lead, develop and support the strategic direction, vision, values and priorities of the school.</li> <li>• Develop, implement and evaluate the school's policies, practices and procedures.</li> <li>• Lead and manage teaching and learning throughout the school.</li> <li>• Promote the safety and well-being of pupils and staff.</li> <li>• Ensure good order and discipline amongst pupils and staff.</li> <li>• Lead, manage and develop the school workforce, including appraising and managing performance.</li> <li>• Organise and deploy resources within the school.</li> <li>• Promote harmonious working relationships within the school.</li> <li>• Maintain relationships with organisations representing teachers and other members of the school's workforce.</li> <li>• 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</li> </ul>	To the Governing body.

	<p>work and other commitments.</p> <ul style="list-style-type: none"> <li>• Promote the participation of staff in relevant continuing professional development.</li> <li>• Participate in arrangements for the appraisal and review of other teachers and support staff.</li> <li>• Decide whether a teacher at the school who applies for a post-threshold teacher assessment meets the relevant standards.</li> <li>• Consult and communicate with the governing body, staff, pupils, parents and carers.</li> </ul>	
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"> <li>• The role is NOT to get involved in the day to day operations/ running of the school.</li> </ul>	<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"> <li>• No councillor should get involved in operational matters related to the running of the school.</li> </ul>	<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 headteacher 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. That meeting may be attended by the headteacher and elected trade union official. The resolution could include by agreement (but is 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 trade union representative will refer the concern to the full time official at a regional level, who, if appropriate will liaise with 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 designated governor. The governor will meet with a paid trade union official to reach a formal resolution. That meeting may be attended by the headteacher and the trade union representative. The resolution could include by agreement (but is 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.