

# ROYAL BOROUGH OF WINDSOR & MAIDENHEAD SCHOOLS FORUM

Date:	<b>22 October 2014</b>	<b>AGENDA ITEM: 7</b>
Title:	<b>De-delegation 2015-16</b>	
Responsible officer:	David Scott, Head of Education, Strategy and Commissioning	
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## 1 SUMMARY AND PURPOSE

- 1.1 This paper sets out proposed de-delegation rates for 2015-16 for certain specified services provided centrally to maintained schools. De-delegation rates determine the amount and the way that funding is deducted from maintained schools' budget shares to provide a central budget for these services. Schools Forum approval is required for each de-delegated service.

## 2 RECOMMENDATION

- 2.1 Maintained primary school members and maintained secondary schools members on the Schools Forum are recommended:
- To separately, by sector, approve the proposed 2015-16 de-delegation method, rate, and indicative amount, for each of the services set out in tables 3 to 7 in the paper.
- 2.2 The decision of primary and secondary representatives will be binding on all maintained schools in the relevant sector.

## 3 BACKGROUND

- 3.1 Funding for de-delegated services must be allocated through the formula but can be de-delegated for maintained mainstream primary and secondary schools with Schools Forum approval. De-delegation enables the LA to provide services centrally where there is evidence that economies of scale can be achieved or there is an opportunity to pool risk across a larger number of schools.
- 3.2 De-delegation is not an option for academies, special schools, nurseries or PRUs. Where de-delegation has been agreed for maintained primary and secondary schools, these services may be provided on a buy-back basis to those schools and academies which are not covered by the de-delegation. In the case of special schools and PRUs, the funding to buy such services will be included in any top-up payments.
- 3.3 De-delegation decisions made in 2014-15 relate to that year only. New decisions are required for any service to be de-delegated in 2015-16. Schools forum members for primary maintained schools and secondary maintained schools must decide separately for each phase whether the service should be provided centrally and the decision will apply to all maintained mainstream schools in that phase. Middle schools are treated according to their deemed phase, i.e secondary in RBWM<sup>1</sup>. Funding for these services will then be removed from the formula before school budgets are issued. There may be different decisions for each phase.

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<sup>1</sup> For example, if the secondary sector agree to de-delegate a service but the primary sector do not, RBWM's maintained middle schools will have their formula allocation reduced for all of their pupils at the agreed secondary school rate.

- 3.4 If relevant members of the Schools Forum choose not to approve any of the de-delegation proposals, schools which still want to secure these services will need to purchase them either from external providers, or internally on a traded basis.
- 3.5 Where a school converts to academy during the year, the LA can retain any de-delegated funding until 1 September 2015 if the conversion takes place on or before 1 September, or until 31 March 2016 for later conversions. This is to help services to plan their future operations. After these dates, the academy will receive the full formula allocation, and this will be recouped from the LA.

#### 4 DE-DELEGATED SERVICES

- 4.1 Regulations allow the following services to be de-delegated but not all of these are currently de-delegated in RBWM:

- Contingencies including schools in financial difficulties and deficits of closing schools
- Behaviour support services
- Support to underperforming ethnic groups and bilingual learners
- Licences/subscriptions
- Staff costs supply cover (e.g. maternity, long term sick, trade union and public duties)
- Free school meals eligibility
- Insurance
- Museum and library services

- 4.2 In 2014-15 members of the Forum agreed to de-delegate £0.514m for the services shown in table 1. (**Annex A** provides detailed information on the services provided). A number of changes are proposed for 2015-16, which are discussed in more detail below, resulting in an indicative de-delegated total of £0.638m (table 1).

**Table 1 Proposed de-delegation amounts**

	2014-15 £000	2015-16 £000	2014-15 rate	2015-16 rate
Contingency for exceptional unforeseen costs	£80	£122	£6.25 per pupil	£10.25 per pupil
Behaviour Support	£96	£110	£31 per IDACI pupil	£38 per IDACI pupil
Ethnic minority	n/a	£91	n/a	£5 per pupil plus £25 (Pri) / £75 (Sec) per EAL pupil
Licenses / subscriptions	£20	£18	£1 per pupil plus £150 per school	£1 per pupil plus £150 per school
Staff costs– maternity and union duties	£318	£297	£25 per pupil	£25 per pupil
<b>Total</b>	<b>£514</b>	<b>£638</b>		

- 4.3 Figures discussed in this paper are based on October 2013 maintained pupil numbers but take account of the schools which are expected to be academies by April 2015. The transfer of pupils from maintained schools to academies results in a reduction in the total amount of de-delegated funding. The de-delegation rates proposed in this paper are not likely to change, but as final budgets will be based on October 2014 pupil numbers, the total amount of funding generated by these rates for each service will be different. Table 2 shows the impact of converting schools on the pupil units used to calculate de-delegation amounts:

**Table 2 Pupil units used in de-delegation model**

Units	Service	2014-15		2015-16	
		Primary	Secondary	Primary	Secondary
Pre 16 pupils	Contingency Licenses Staff costs Ethnic minority	8,580	4,145	7,992	3,906
Pupils in IDACI bands	Behaviour Support	1,835	1,252	1,672	1,221
Maintained Schools	Licenses	41	8	37	7
EAL pupils	Ethnic Minority		895		116

### School contingencies

4.4 Regulations specify that contingency funding can only be de-delegated for a limited range of circumstances:

- Exceptional unforeseen costs which it would be unreasonable to expect governing bodies to meet – Schools in RBWM have previously approved contingency for this purpose.
- Schools in financial difficulties – not used in RBWM<sup>2</sup>.
- The writing-off of school deficits – would only be used where a school closure is imposed by the DfE.

4.5 Schools in RBWM have previously approved de-delegation for contingency funding. Allocations to individual schools are determined by the School Contingency Panel. It is proposed to increase the de-delegation amount for both primary and secondary maintained schools from April 2015 from £6.25 per pupil to £10.25 per pupil. This will increase the total budget available for contingency applications in light of a high number of applications from schools in 2014-15 that have resulted in an expected overspend of £40k against this budget in 2014-15. The increase in the de-delegation rate would increase the total amount from £79,528 to £121,955.

**Table 3 School Contingency**

Contingency for exceptional unforeseen costs	2014-15		2015-16	
	How is funding taken out?	Total	How is funding taken out?	Total
Primary	£6.25 per pupil	£53,622	£10.25 per pupil	£81,918
Secondary	£6.25 per pupil	£25,906	£10.25 per pupil	£40,037
<b>Total</b>		<b>£79,528</b>		<b>£121,955</b>

### Behaviour Support

4.6 Behaviour Support consists of a small team of Specialist Outreach Support Workers with knowledge and experience of working with children and young people with social, emotional and behavioural difficulties. Some of the children and young people are at risk of exclusion or struggling to attend school regularly. The team works in partnership with schools, through training and more direct interventions, to support these vulnerable children and their families to have a positive school experience.

4.7 The service is currently composed of three term-time only outreach workers. There has been an increase in requests to support children and young people with emotional and behavioural difficulties around ADHD. To address this, the service would like to employ an additional member of staff, with a mental health background, to support children in school with ADHD. The model will be similar to the BS model, responding flexibly to provide the most effective support for the child, their family and the school. An increase in the de-delegation rate of £7 per IDACI pupil, from £31 per pupil in an IDACI band to £38 per pupil in an IDACI band, would be required from schools to fund the additional budget required for this enhancement to the service provided.

**Table 5 Behaviour Support**

Behaviour Support	2014-15		2015-16	
	How is funding taken out?	Total	How is funding taken out?	Total
Primary	£31 per pupil in IDACI band	£56,874	£38 per pupil in IDACI band	£63,549
Secondary	£31 per pupil in IDACI band	£38,816	£38 per pupil in IDACI band	£46,398

<sup>2</sup> Some local authorities use contingency funding, often in the form of officer time rather than financial compensation, to support schools in financial difficulties but only where such difficulties do not arise as a consequence of management decisions. RBWM schools have not previously supported using contingency funding for schools in financial difficulties, as this has been seen to be potentially divisive and undermines efforts to manage effectively.

<b>Total</b>		<b>£95,690</b>		<b>£109,947</b>
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### **Ethnic Minority and Travellers Services**

- 4.8 In April 2012 the delivery of services for ethnic minority pupils moved to a fully bought back provision to give individual schools choice about whether or not to buy into a centrally provided service. Most local authorities provide an ethnic minority service that is within the scope of the de-delegated arrangements rather than through a bought back arrangement as this enables managers to take a much more strategic and targeted approach to deliver services to those schools with the greatest need. De-delegation also improves the ability of the central team to plan services from a position of greater certainty. Our recommendation to maintained schools is therefore to bring the delivery of the ethnic minority service within the scope of the de-delegation arrangements from April 2015.
- 4.9 The service works with schools to ensure the inclusion and improve the educational outcomes for pupils from Black, Asian and Minority Ethnic (BAME) and Gypsy Roma Traveller (GRT) heritages. Schools receive specialist advice, guidance, training and teaching to help raise attainment and reduce the performance gap for these pupils. A more detailed breakdown of services that could be provided is included in Annex A. This could be also tailored to meet specific needs in consultation with schools.
- 4.10 The de-delegation rate would be based on £5 per pupil plus £25 per EAL3 primary pupil, and £75 per EAL3 secondary pupil. This differential reflects the proportion of funding that EAL3 pupils currently attract under the funding formula - £323 per primary EAL pupil, and £988 per secondary EAL pupil, see table 7. The use of a per pupil amount as well as a per EAL pupil amount takes account of the fact that ethnic minority services can benefit children for whom English is their first language but are disadvantaged in other ways.

**Table 7 Ethnic Minority services**

Ethnic minority services	2014-15		2015-16	
	How is funding taken out?	Total £000	How is funding taken out?	Total £000
Primary	Not de-delegated		£5 per pupil plus £25 per EAL3	£62,327
Secondary	Not de-delegated		£5 per pupil plus £75 per EAL3	£28,249
<b>Total</b>				<b>£90,576</b>

- 4.11 A decision in favour of de-delegation for ethnic minority services would bind all maintained schools into the arrangement, including those which do not currently buy into the service or procure services externally. The service could continue to be offered to academies on a buy-back basis.

### **Licenses**

- 4.12 Under simplified arrangements for 2014-15 which will continue into 2015-16, the DfE purchases a number of licenses on behalf of all state funded primary and secondary schools including academies, special schools and PRUs. The licenses<sup>3</sup> covered by this arrangement are required by the vast majority of schools:

- Copyright Licensing Agency license
- The School Printed Music Licence (Music Publishers Association)
- The Newspaper Licensing Agency Schools Licence
- The Educational Recording Agency licence
- The Public Video Screening Licence (Filmbank Distributors Ltd)
- The Motion Picture Licensing Company licence.

<sup>3</sup> Further information on what these licenses cover can be found on the DfE's "Copyright Licensing Factsheet" at <https://www.gov.uk/copyright-licences-information-for-schools>.

- 4.13 The EFA recharges LAs for the cost of these licenses and LAs are allowed to hold this funding centrally from funding in the Schools Block rather than include it in schools' budgets. This means that the amount of de-delegated funding required to cover any remaining licenses for maintained schools is relatively small. These include the Performing Rights Society License, Fisher Family Trust subscription, Christian Copyright Licensing Limited, the Performance Rights Society License and others. We do not propose to change the de-delegation rates for 2015-16.

**Table 4 Licenses**

Licenses	2014-15		2015-16	
	How is funding taken out?	Total	How is funding taken out?	Total
Primary	£1 per pupil plus £150 per school	£14,730	£1 per pupil plus £150 per school	£13,542
Secondary	£1 per pupil plus £150 per school	£5,345	£1 per pupil plus £150 per school	£4,956
<b>Total</b>		<b>£20,075</b>		<b>£18,498</b>

**Staff costs - Maternity and Public Duties**

- 4.14 This de-delegated budget covers the additional cost to schools of teachers who take maternity leave and of staff who are engaged in public duties such as union duties on behalf of all schools. Although these costs vary from year to year, overall they have increased in the last few years. The de-delegation rate was adjusted upwards in 2014-15 to take account of higher costs. As a result the 2014-15 de-delegation rate will remain unchanged for 2015-16.

**Table 6 Staff costs – maternity and public duties**

Staff costs – maternity and public duties	2014-15		2015-16	
	How is funding taken out?	Total	How is funding taken out?	Total
Primary	£25 per pupil	£214,488	£25 per pupil	£199,800
Secondary	£25 per pupil	£103,625	£25 per pupil	£97,650
<b>Total</b>		<b>£318,113</b>		<b>£297,450</b>

- 4.15 New Shared Parental Leave (SPL) Regulations 2014 come into effect on 1 December 2014 and apply to babies due on or after 5 April 2015. RBWM elected members will be considering the impact of this new legislation in November.
- 4.16 A proportion of this central de-delegated funding, around £35k or £3 per pupil, is used to reimburse schools for staff who are engaged on union duties on behalf of all schools. Academies receive funding in their delegated budgets for union duties time, and they can use this funding to buy back into LA arrangements. We would expect academies to pay into this this central fund by way of the same contribution of £3 per pupil as made by maintained schools through de-delegation, unless academy schools are specifically excluded from the scope of the work carried out by the relevant union representatives. The unions have written to the Director of Children's Services on this issue, and have asked for their letter to be copied to Schools Forums. This is attached at Annex B.

## Central Services provided by De-delegated funding 2015-16

Service	Description of service and functions	Benefits of a centrally managed service	Pooled Funding Primary	Pooled Funding Secondary	De-delegation Method for primary and secondary
Contingency for exceptional and unforeseen costs	<p>Allocations from the contingency fund are determined by the School Contingency Panel, consisting of two head teachers, the Head of Finance, and the Director of CS or her representative.</p> <p><b>Included:</b></p> <ul style="list-style-type: none"> <li>• Unexpected and unavoidable costs in schools, which it would be unreasonable to expect governing bodies to meet from their delegated budget, and where the amount required and the circumstances giving rise to the additional costs were unknown at the time of setting the budget.</li> <li>• Correction of formula errors</li> <li>• Allocations under the 'suspended teachers' policy.</li> <li>• The deficits of closing maintained schools.</li> </ul> <p><b>Not included:</b></p> <ul style="list-style-type: none"> <li>• Funding for schools in financial difficulties.</li> </ul>	<p>Main benefits include:</p> <ul style="list-style-type: none"> <li>• Ability to correct errors in allocations from the Funding Formula</li> <li>• Safety net to allocate additional funding for unexpected and unavoidable costs.</li> </ul>	£81,918	£40,037	£10.25 per pupil
Behaviour Support	<p>Funding to cover central Behaviour Support Team providing support to young people, as well as helping schools manage behaviour more effectively:</p> <ul style="list-style-type: none"> <li>• Providing 1:1 support for children and young people.</li> <li>• Observation and assessments as appropriate.</li> <li>• Advice and training to families and schools.</li> <li>• Evidence-based programmes for groups of pupils, such as Nurture groups, 'Friends for Life'.</li> <li>• Transition and anti-bullying programmes for vulnerable groups and whole class level.</li> <li>• Support to develop strategies to manage difficult</li> </ul>	<p>Main benefits include:</p> <ul style="list-style-type: none"> <li>• Positive change for children and young people.</li> <li>• Bespoke training.</li> <li>• Dissemination of effective practice across schools.</li> <li>• The ability to manage resources on a needs basis and to respond to the individual needs of a school at short notice.</li> <li>• Ability to flexibly support staff in the workplace.</li> </ul>	£63,549	£46,398	£40 per deprived pupil in IDACI Band 1-6)

	<p>behaviour.</p> <ul style="list-style-type: none"> <li>• Regular monitoring and support for ELSAs.</li> <li>• Promoting the social and emotional skills that underpin effective learning.</li> </ul>	<ul style="list-style-type: none"> <li>• Expertise in understanding of the social and emotional aspects of emotional or challenging behaviour.</li> <li>• Suitably qualified and experienced staff available on a needs basis.</li> <li>• Responsive and supportive service.</li> </ul>			
Ethnic Minority services	<p>The ethnic minority and traveller services works with schools to ensure the inclusion and improve the educational outcomes for pupils from Black, Asian and Minority Ethnic (BAME) and Gypsy Roma Traveller (GRT) heritages.</p> <p><b>Included:</b></p> <ul style="list-style-type: none"> <li>• specialist advice, guidance, training and specialist teaching support for EAL pupils to help raise attainment</li> <li>• Initial English language assessments for new arrivals</li> <li>• training for teachers and support staff on meeting the needs of new arrivals</li> <li>• support with identifying, tracking, monitoring and raising the attainment of underachieving BAME/EAL/GRT pupils</li> <li>• outreach work with families, training on equality and diversity for schools including the Equality Act 2010</li> </ul>	<p>Main benefits include:</p> <ul style="list-style-type: none"> <li>• Better outcomes for low attaining children.</li> <li>• Bespoke training</li> <li>• Ability to flexibly support staff in the workplace.</li> <li>• Sharing best practice</li> <li>• Strategic and targeted approach to service delivery.</li> </ul>	£62,327	£28,249	£5 per pupil plus £25 per Primary EAL / £75 per secondary EAL
Licenses and Subscriptions	<p>Licenses are procured by the central contracts team on behalf of maintained schools. The list below is not a comprehensive list.</p> <p><b>Included:</b></p> <ul style="list-style-type: none"> <li>• annual C.L.E.A.P.S.S licence fees (an advisory service providing support in science and technology for a consortium of local authorities and their schools)</li> <li>• church music</li> <li>• Fisher Family Trust</li> <li>• Performing rights licenses</li> </ul> <p><b>Not included:</b></p> <ul style="list-style-type: none"> <li>• CAPITA software maintenance support.</li> <li>• Corporate health charges which are recharged to schools</li> </ul>	<p>Main benefits include:</p> <ul style="list-style-type: none"> <li>• More cost effective by paying one invoice on behalf of all schools rather than schools invoiced individually at potentially higher cost.</li> <li>• Experienced staff to ensure the correct and most economical pricing</li> <li>• Specialist expertise.</li> </ul>	£13,542	£4,956	£1.00 per pupil plus £150 per school

	<ul style="list-style-type: none"> <li>Licenses purchased by DfE on behalf of all schools and recharged to LA (CLA, MPA, NLA, ERA, PVSL, MPL). Note that schools do not need to purchase these separately as they are funded from the central Schools Budget.</li> </ul>				
Maternity Cover / Trade Union Duties	Funding for eligible staff costs when there is an absence from school for official reasons. The main areas are: maternity, trade union duties, magistrates and jury service. Schools need to ensure sufficient staff are in place to meet their responsibilities. The incidence of these costs tends to be uneven, by year and by school.	Main benefits include: <ul style="list-style-type: none"> <li>Schools pick up the costs for cover only, LA funds cost of substantive post.</li> <li>Schools avoid double costs of substantive post and supply cover</li> <li>scheme shares risk, eliminates unpredictability, and helps financial management.</li> </ul>	£199,800	£97,650	£25 per pupil
<b>TOTAL</b>					





Strategic Director of Childrens Services  
Town Hall  
St Ives Road  
Maidenhead  
Berkshire  
SL6 1RF

24 September 2014

Dear Director

We are writing on behalf of all employees working within the boundaries of your local authority area who are members of ATL, NAHT, NASUWT and NUT.

You will recall that, from last April, local schools agreed through your Schools Forum to 'de-delegate' funding for supply cover costs, including for trade union facilities time. We believe that this was the right decision – and a very big majority of Schools Forums made the same decision.

We believe that the central retention and distribution of the fund 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 again 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 1997.

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ATL, NAHT, NASUWT and NUT 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 continued de-delegation, we are seeking your agreement for the local trade union funding arrangement to be formally extended to academies within your local authority boundaries.

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 the 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 boundaries will have received funding for trade union facilities time in their budgets and they are entitled 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.

We urge you, therefore, to support the de-delegation funding for supply cover costs and to continue or establish (if you did not do so previously) a mechanism whereby academies within your boundaries 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.

Yours sincerely

Mary Bousted  
Russell Hobby  
Chris Keates  
Christine Blower