

Dudley Schools Forum - 10 December 2013

Report of the Director of Children's Services

Union Facilities Time in Schools Funded by the Dedicated Schools Grant

Purpose of Report

1. To update Schools Forum in respect of a review of the funding of the school related union facilities time arrangements and to recommend the methodology for allocating funding for 2014/15.

Budget Working Group Discussed

2. Yes – 16 October 2013. With recommendations as detailed at paragraph 19 of this report.

Schools Forum Role and Responsibilities

3. As part of the 2013/14 school funding reforms the DfE prescribed which additional services were to be delegated to schools from 2013/14.
4. However, recognising that authorities had centrally retained these services for the greater good of all schools, the DfE allowed any of these delegated services to be 'de-delegated' where maintained mainstream schools agree that a service should be provided centrally on the grounds of economies of scale or pooled risk.
5. De-delegation is only available to maintained mainstream schools. Academy schools will have their funding delegated automatically and can buy back the services of the local authority independently outside of the de-delegation arrangements for maintained schools.
6. It is the responsibility of Schools Forum, in a phase of primary or secondary school members, to collectively agree if any of these services are to be provided centrally and the funding 'de-delegated'. Thus mainstream maintained schools agreement is to return their funding to the local authority on an annual basis.
7. The final delegated budget available to each school will then exclude these amounts and the services would be administered centrally through the Director of Children's Services together with any income from Academy or Special school's buying the service.

Action for Schools Forum

8. To note the report and the recommendations of the Director of Children's Services.

Ian McGuff
Assistant Director Children's Services
15th November 2013

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Purpose

1. To update Schools Forum in respect of a review of the funding of the school related union facilities time arrangements and to recommend the methodology for allocating funding for 2014/15.

Background and Context

2. The funding of union facility time enables trade unions to represent the interests of their members either individually or collectively on matters such as:
 - a. Terms and conditions of employment;
 - b. Health, safety, welfare, and other issues relating to the working environment;
 - c. Policies and procedures on matters affecting employment including matters of discipline;
 - d. Changes to services, functions and structures that have direct or indirect implications for working arrangements for employees;
 - e. Any other matters which either side may reasonably wish to bring.

(Dudley MBC Trade Union Recognition Agreement January 2012)

3. Arrangements for funding union facility time in Dudley have evolved over many years. The context is becoming increasingly complex as a result of changes to legislation and guidance surrounding the dedicated schools grant and academies. Therefore Dudley Schools Forum and its Budget Working Group have requested that the local authority provide a report about possible options for future funding arrangements.
4. The Department for Education have instigated a national review of the funding of union facilities time within schools with the aim of securing the best possible value for money. The consultation period closed in October 2013 and we are advised that the government's response will be published during December 2013 or early in 2014.

DfE Funding Arrangements from 2013/14 – Additional Delegation

5. From 1 April 2013 it was a DfE statutory requirement that the schools' union facility time budget of each local authority, funded by the Dedicated Schools Grant, be delegated to all mainstream and special schools, with nursery school funding being centrally retained.
6. However, there is permission within the Schools Finance Regulations which allows maintained mainstream schools to de-delegate the funding back to the local authority.
7. The process of de-delegation allows the local authority to administer the service collectively, on behalf of that sector of schools, if agreed by Schools Forum. The process of de-delegation is not allowed in respect of funding delegated to Academy Schools and Special Schools, but these schools can trade with the local authority and buy back the service at a cost, if they decide. This change in the funding arrangements from 2013/14 has made the administration of services, such as union facilities time, more complex to manage effectively and therefore a process review was necessary.

Local Comparison of the School Related Union Facility Time Arrangements

8. The budget to fund this activity is provided by the Dedicated Schools Grant; for 2013/14, Dudley estimated that the cost of the service based on 2012/13 with all schools buying the service would be £280,051.
9. Table 1 provides statistical data in respect of union membership together with the estimated funding required from Dudley Schools.
10. It is difficult to gain comparable figures from other similar authorities as:
 - a. They are reluctant to provide such information; and
 - b. The methods used to calculate relevant figures are not consistent.
11. In recent years media reports appear to have indicated that some public bodies spend much less on this type of activity than Dudley. However, on close scrutiny it becomes apparent that published figures do not provide reasonable comparisons as some of the organisations that have been included have much smaller overall budgets and far fewer employees.
12. However from the limited figures that we have been able to ascertain it would seem that Dudley's Directorate of Children's Services is broadly in line with some other metropolitan children's services directorates in the West Midlands e.g. Wolverhampton and Birmingham, whilst we invest more than certain others e.g. Coventry and Solihull. Current figures are heavily influenced by the number of academies in each authority and whether or not they are buying into the service provided or not.

Table 1 – 2013/14 Estimated Funding Required for Union Facility Time and Membership Data

<p>The allocation to each Union is historic. The details for 2013/14 are as follows:</p> <p>UNION</p>	<p>FTE</p>	<p>Membership at March 2013</p>	<p>Total Estimated Budget 2013/14 – full buy back all schools</p>
<p>NASUWT</p> <p>NUT</p> <p>ASCL</p> <p>ATL</p> <p>NAHT</p> <p>GMB</p>	<p>2.0</p> <p>1.4</p> <p>0.2</p> <p>0.8</p> <p>0.2</p> <p>1.11</p>	<p>1,920</p> <p>1,155</p> <p>82</p> <p>699</p> <p>211</p> <p>1,650</p>	<p>£</p> <p>103,399</p> <p>66,612</p> <p>18,465</p> <p>30,676</p> <p>17,754</p> <p>24,640</p>
<p>Union Total</p>	<p>5.71</p>	<p>5,717</p>	<p>261,546</p>
<p>Teacher Reps</p>	<p>0.4</p>		<p>18,505</p>
<p>Overall Total</p>	<p>6.11</p>	<p>5,717</p>	<p>280,051</p>

Funding Available For 2013/14 Financial Year

13. At the commencement of the financial year there were five Academy Schools in Dudley of which four agreed to purchase the service for the 2013/14 financial year; therefore the overall cost of the service, initially estimated at £280,051, would be short by £10,681.
14. Since April 2013 there has been a further five schools convert to Academy status. Table 2 indicates that part year funding, which totals £10,261, has been allocated directly to these schools from September 2013. These schools may choose to purchase the service from 1 September and discussions are now underway.
15. Table 2 indicates that if all schools return their funding in respect of union facilities time then the allocation of funding to each union would be in line with column 1. However, as one Academy School has already notified the local authority that they will not be buying the service for 2013/14 this reduces the allocation to the union to the amounts detailed in column 2. Furthermore, if all of the recent Academy Schools converting decided not to buy back the service from September 2013, then the funding available to the unions would be as detailed in column 3.

Table 2 – Union Facilities Time Funding Options for 2013/14

			<u>1</u>	<u>2</u>	<u>3</u>
The allocation to each Union is historic. The details for 2013/14 are as follows:			<u>Total Estimated Budget 2013/14 – full buy back</u>	<u>Revised budget due to Windsor not purchasing service</u>	<u>Revised Budget if other Schools non buy back (Full Year impact)</u>
<u>UNION</u>	<u>FTE</u>	<u>Membership at March 2013</u>			
			£	£	£
NASUWT	2.0	1,920	103,399	99,455	95,667
NUT	1.4	1,155	66,612	64,071	61,631
ASCL	0.2	82	18,465	17,760	17,084
ATL	0.8	699	30,676	29,506	28,382
NAHT	0.2	211	17,754	17,076	16,426
GMB	1.11	1,650	24,640	23,700	22,797
Union Total	5.71	5,717	261,546	251,568	241,987
Teacher Reps	0.4		18,505	17,802	17,122
Overall Total	6.11	5,717	280,051	269,370	259,109
Memo Note Reductions:					
Windsor – full year				£10,681	
Redhill – Sept					£5,146
Bramford - Sept					£1,212
Bishop Milner – Sept					£2,658
St Chads RC- Sept					£604
St Josephs RC Dudley – Sept					£641

16. Table 2 above demonstrates that continuation of funding union facilities time at the current level is dependent upon all Dudley schools including Academy Schools returning their funding to the local authority each year.

17. Therefore, as the budget available may fluctuate and is likely to reduce during the financial year there is a need to agree a clear approach to funding arrangements in order to ensure that the budget allocation is not overspent.

The Options

Methodology for Allocating the Budget Available for School Union Facilities Time

18. Options considered are as follows:

- a. Allocating the budget proportionate to membership;
- b. Allocating a proportion of the budget based on a fixed sum (e.g. 80%) with the balance being proportionate to membership;

- c. Retaining the status quo but with a pro rata reduction as a result of academies not buying back (recommended by HTCF-BWG 16 October meeting).
- d. Once the overall sum for facilities time is determined asking the trade unions themselves to determine how it is distributed.

Outcomes from 16 October 2013 Meeting

19. At the 16 October meeting it was a recommendation from the Budget Working Group that option c, as stated in paragraph 18 above, be adopted for 2014/15.

Process for Advising Union Representatives of the Funding Allocation Available

20. Once we have agreed the basis of allocation it is proposed that each Union is advised on a monthly basis:

- a. The budget available to support the union representation; and
- b. The expenditure incurred to date with a forecast of expenditure to the end of the financial year.

21. This will ensure that budgetary fluctuations which arise as a response to Academy schools non buy back can be reported to the Unions quickly for their remedial actions.

22. Overspending will not be permitted, unless Schools Forum agree that this is necessary and approve a top slice of funding from the following year's allocation.

23. Any under spend in respect of de-delegated funding will be carried forward to the next financial year as an earmarked element of the Dedicated Schools Grant reserve and returned to the contributing schools in the new financial year.

Finance

24. The funding of schools is prescribed by the Department for Education (DfE) through the Schools and Early Years Finance (England) Regulations 2012.

25. Schools Forums are currently regulated by the Schools Forums (England) Regulations 2012.

26. From 1st April 2006, the Schools Budget has been funded by a direct grant: Dedicated School Grant (DSG).

Law

27. Councils' LMS Schemes are made under Section 48 of the School Standards and Framework Act 1998. The Education Acts 1996 and 2002 also have provisions relating to school funding.

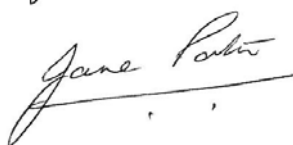
Equality Impact

28. The Council's Equal Opportunities Policy is taken into account when considering the allocation of resources.

Recommendation

29. Schools Forum to note that:

- a. The local authority will await the publication of the government's response to the national consultation about union facilities time in schools. It would not be sensible to take action at this stage without the benefit of being able to consider any advice or regulations published by the DfE.
- b. Therefore in principle for 2014/15 financial year the basis of allocation (FTE of Union representatives) and the overall sum provided from the Dedicated Schools Grant will remain at the 2013/14 level i.e. £280,051 (plus relevant inflation). However this will be subject to review once the DfE consultation response is published. The timing of any local changes in light of the consultation response will be dependent upon the date of its publication.
- c. In addition it is important to note that the actual budget available to the local authority to administer the Union Facilities Time arrangement for schools could be less than the original budget delegated to schools. If individual Academies and Special schools do not agree to buy in to the service, the overall figure will be reduced by the relevant amount across each trade union budget pro-rata to the original allocation (paragraph 18c refers). The rationale for this proposal is based upon several factors e.g.
 - i. Apart from the loss of funds due to the increasing number of academies there has been no significant additional reduction in the DSG;
 - ii. The functions and activities that are carried out as a result of the provision of funding for union facilities time are important to the interests of schools, the local authority and individual employees. It is difficult to discharge all the necessary business on the basis of the existing funding – any diminution may cause serious problems;
 - iii. No viable alternative method of funding the activity has been found. For example it is reported that in some authorities the allocation to each union is driven by a formula that places a major emphasis upon union membership numbers. However if adopted this method would seriously disadvantage “head teacher unions” or any organisation with relatively low membership numbers, thereby disadvantaging those members;
- d. Each union will be expected to work within a defined cash sum, as notified monthly by the local authority, and must decide which of its officers will be accredited representatives with paid facility time funded by the authority. The local authority will monitor spending closely and once the specified amount has been exhausted no further expenditure from this source will be forthcoming. In all cases unions may supplement the facility time budget from their own funds.



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