



Schools Forum Meeting Agenda

Thursday, 6 December 2012 at 9.00 am
to be held in Churston Room, Town Hall, Torquay, TQ1 3DR

1. **Apologies/Changes to Membership**
2. **Minutes** (Pages 1 - 5)
To confirm as a correct record the minutes of the meeting held on 11th October 2012
3. **Matters Arising**
4. **Increased delegation of Dedicated School Grant in 2013/14.** (Pages 6 - 38)
Mr John Cornish National Union of Teachers Representative in attendance
School Forum to decide on de-delegation and central expenditure
5. **School Budget Returns** (Pages 39 - 51)
Forecast outturn of 2012/13 Dedicated Schools Grant
School Forum to note
School Forum to be consulted on possible changes to Section 3.1.5 of the Torbay Scheme for Financing Primary and Secondary schools
6. **Forecast outturn of 2012/13 Dedicated Schools Grant** (Page 52)
School Forum to note
7. **Revised School Forum Terms of Reference.** (Pages 53 - 60)
School Forum to discuss and agree amendments to the terms of reference.
8. **Future Meeting Dates**
Thursday 7 February 2013
Thursday 21 March 2013

For information relating to this meeting or to request a copy in another format or language please contact:

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Minutes of the Schools Forum 11th October 2012

Present:

Roger Hughes (Chairman), Iris Butler, Russell Green, Ann Henderson, David Theobald Maurice Codd, Sue Foot, Colin Kirkman, Mike Lock, Debbie Main, Frances Ward, Lyndsey Kings and Damien Rees

(Also in attendance: Matt Redwood, Lisa Finn, Rob Butler, Susan Moses)

1. Apologies/Changes to Membership

Apologies were received from Gill Battye, Cathy Gilfillan (who was represented by Daneian Rees), Roy Pike (who was represented by Lynsey Kings) and Mike Lock (who was represented by James Evans). The Chair also welcomed Suzie Franklin, Head of Schools and Councillor Chris Lewis, Executive Lead for Schools, Families and Communities

2. Minutes

The Minutes of the meeting of the Schools' Forum held on 27th September 2012 were confirmed as a correct record and signed by the Chairman.

3. Matters Arising

No matters arising from previous minutes (27/09/12).

4. Report on the consultation to changes for the primary and secondary schools funding formula for 2013/14- report to be tabled at the meeting

The Head of School Commissioning presented a paper outlining the amalgamated responses, completed by schools and other consultees, to questions about possible changes to the Torbay schools funding formula 2013/14. The School Forum were asked to consider the responses.

The Forum were advised that 16 responses had been received from primary schools; Sherwell Valley; Oldway; Collaton St Mary; St Marychurch; Roselands; Sacred Heart; Preston, Barton, Priory, Upton St James, Queensway, Furzeham and a joint response from Watcome and Kings Ash. 1 secondary school replied – St Cuthbert Mayne and 1 from Prospect Academy Trust.

The Forum considered and debated each of the questions and responses in turn and agreed to endorse the following recommendations to the changes to the funding as:-

Recommendation 1. To use the EYFSP as the proxy data for SEN in primary schools

After significant debate the Forum considered the guidance from the DfE alongside the responses from schools and decided to agree the proposal to use prior attainment in the formula with the Early Years Foundation Stage Profile data used for primary schools.

Recommendation 2. Proposals to distribute the current inclusion sub formula funding 33.3%, IDACI 33.3%, and Prior Attainment 33.3%.
Forum considered this point and agreed the recommendation.

Recommendation 3: the use of eligible FSM numbers to distribute in the formula not Ever 6 not 'over 6'. Forum agreed the proposal to the use of eligible FSM numbers in the formula
Forum considered the case and school responses and decided that eligible FSM numbers be used in the new formula rather than 'ever 6'

Recommendation 4: the use of IDACI banding .
Forum agreed the proposal that IDACI banding is used in 5 bands.

Recommendation 5: The allocation of funding in the current formula against non admissible factors reassigned to new criteria.
Forum agreed the reassignment of funding to the new criteria as outlined in appendix 7 of the Schools Consultation document.

Recommendation 6: That pupil mobility and LAC are not used as distribution factors within the new formula.
This was agreed by Forum

Recommendation 7: The distribution methodology for new delegated funding was discussed and agreed by Forum as outlined in appendix 14 of the schools funding consultation paper.

Recommendation 8: Distribution of SEN/statementing funding 15% pupil entitlement, 15% FSM, 25% IDACI and 45% Prior Attainment..

It was proposed by Roger Hughes (Chair) and seconded by Debbie Main and Maurice Codd. Forum agreed this % split within the new formula

Recommendation 9: The Forum were asked to consider the general themes that emerged from the responses relating to schools in deprived areas losing under the proposed changes, differences in funding for statemented pupils and transitional funding.

The Forum were advised that under the proposed changes some schools serving less advantaged areas do have a reduced allocation under one element of the formula, as a result of the removal of the use of transience and replacing it with FSM, IDACI and Prior Attainment. However whether a school gains or loses under

the formula changes is not related solely to the area they serve but is often a combination of circumstances that are particular to individual schools such as site area, number of statemented pupils and numbers of post threshold teachers.

Forum discussed the changes to statementing funding and not all schools in deprived areas lose due to the difference between statementing funding allocated to individuals and formula SEN funding. This is a national change which will affect many schools.

Changes to transience affect a small number of schools but an analysis shows that it is often a combination of specific and individual school factors that are leading to large changes in funding rather than one particular element of the formula.

Transitional protection will be provided to schools by the MFG. Schools that gain due to formula changes will have to have gains capped to ensure affordability within the overall DSG allocation.

Action:

- i) **A summary of the Consultation responses to be circulated to schools (Matt Redwood)**

5. Report on the consultation to changes for the special schools and PRU funding formula for 2013/14-report to be tabled at the meeting

The Head of School Commissioning presented a paper outlining the responses received from Combe Pafford and the Torbay PRU to proposed changes in the special school funding formula. The School Forum were asked to consider the responses.

The Forum discussed proposals to replace all BESD places with 1BESD place with an appropriate change in top up funding and concerns about the 'commissioning' of places at schools to match the need against places purchased.

The Forum agreed that the issue of the PRU representation will be resolved in future with changes to School Forum representation

The Forum :-

- i) endorsed the general principles of special school and PRU funding
- ii) agreed the removal of BESD2 banding and changes to BESD 1 banding
- iii) noted that further meetings with special schools and requested further reports on the progress of these meetings

6. Central budget funding of services and de delegation of funding 2013/14

The Head of School Commissioning outlined a paper about the changes to funding for April 2013/14 for further delegation to schools of a range of budgets that have previously been spent centrally by Children's Service on providing services to schools.

The Forum were advised that services were often inter-dependant and removal of one can have a knock on effect to other budget lines and services.

The Forum were advised on services which could not be de- delegated but schools can buy into service and services which could be de-delegated for maintained schools.

The School Forum agreed and voted in their phases on the recommendations, on behalf of maintained schools, that the following funding remains managed centrally.

Budget function	Primary	Secondary	Special and PRU
School Improvement	Y	Y	Y
NNDR contingency	Y	Y	Y
TGA	N	Y	Y
Administration of FSM	Y	Y	Y
School Insurance	Y	Y	Y
Support for Gypsy, Roma and Traveller service	Y	Y	Y

The Forum also agreed to retain centrally funding for:
 Funding for Significant pre 16 growth for named schools £82k
 Co-ordinated Admissions service £94k
 Servicing School Forum £56k
 Carbon Reduction Commitment £90k

School Forum was not at quorate for voting on the capital expenditure from revenue (9k). It was agreed that this would be deferred to the next meeting

Action

- i) Remaining areas for de-delegation are the subject of a report to the December Forum meeting

7. Projected Out turn for the 2012/13 DSG

The Head of School Commissioning informed the Forum that the projected DSG outturn for 2012/13 will be a breakeven or zero position.

It was noted that there were some significant overspends and underspends within the budget.

The Forum considered the overspends in the education other than at school (EOTAS) and SEN budget.

The Forum were advised that these overspends are offset by a NNDR refund. The EOTAs budget was overspending due to an increase in provision for primary age pupils that are not educated in mainstream primary schools which is now based at the primary early intervention centre at Chestnut . The Chestnut centre, as a PRU, will receive a delegated formula allocation from April 2013.

The Forum were advised that the pressures on the independent special schools element of the SEN budget will continue as appropriate provision within Torbay is not available.

The Forum noted the position and were mindful that there will be very little flexibility within the DSG in the future.

8. Future Meeting Dates

The Forum agreed the following future meeting dates:

6th December 2012
7th February 2013
21st March 2013

Chair

Agenda Item 4

School Forum 6th December 2012

As part of the changes to school funding for April 2013/14 there is further delegation to schools of a range of budgets that have in previous years been spent centrally on providing services to schools.

It is important to note that budgets and services are often inter dependant and removal of one can have a knock on effect to other budget lines and services. For example removal of support provided by members of the localities team such as targeted youth workers, family support or behaviour advice can lead to children facing greater problems that lead to a need for alternative provision. If alternative provision has to be made within either EOTAS or Special Education this will be a considerable cost which will fall within the DSG to provide. Therefore provision that is coordinated and provided by resources from the LA, schools delegated budgets and the High Needs block of the DSG may be the most appropriate approach both in terms of appropriate provision for individual pupils and overall value for money.

It is also worth highlighting that if buy back levels are partial this is likely to place the continued provision of the service in doubt

The table below outlines how centrally allocated budgets can now be treated.

(a) Has to be delegated; cannot be de-delegated but schools can buy into service where relevant

1. Threshold and performance pay
2. 14-16 practical learning options
3. Primary/special school meals
4. Extended services

(b) Has to be allocated through formula but can be de-delegated for maintained schools (approval is by the relevant phase members of the schools forum)

1. Contingencies (including previous amounts for schools in financial difficulties)
2. Free school meals eligibility
3. Insurance
4. Licenses /subscriptions
5. Staff costs – supply cover
6. Support for minority ethnic pupils

- and underachieving groups
- 7. Behaviour support services
- 8. Library and museum services

(c) Can be centrally retained before allocating formula with agreement of schools forum

1. Funding for significant pre-16 pupil growth (any underspend has to be added to the following year's formula allocations)
2. Equal pay back-pay
3. Places in independent schools for non-SEN pupils

(d) Can be centrally retained before allocating formula but no new commitments or increases in expenditure from 2012-13 (schools forum approval is required to confirm the amounts on each line)

1. Admissions
2. Servicing of schools forum
3. Carbon reduction commitment
4. Capital expenditure funded from revenue
5. Contribution to combined budgets (including expenditure shown under miscellaneous if appropriate)
6. Schools budget centrally funded termination of employment costs
7. Schools budget funded prudential borrowing costs

(e) Can be centrally retained by agreement of individual schools

Schools can buy into any service with funding from their delegated budget; the service would then be provided by the authority on a buyback basis. This could provide additional income on top of what is centrally retained in boxes (c) and (d) above

The amounts of overall budget and per school delegated sums are included in Appendix 1 for primary and secondary schools and Appendix 2 for special schools

Optional de-delegation for maintained schools

There are some services where the Schools Forum on behalf of maintained schools are able to decide that some funding should be taken out of their pre-16 formula budgets before they receive them and moved to central funding. These are:

- a. contingencies (including support for schools supporting schools networks, KS1 class size contingency and NNDR re evaluations);
- b. administration of free school meals (FSM) eligibility;
- c. insurance;
- d. licences/subscriptions;
- e. staff costs – supply cover (long-term sickness, maternity, trade union and public duties);
- f. support for minority ethnic pupils or underachieving groups;
- g. behaviour support services; and
- h. library and museum services.

For each of these, it is be for the schools forum members in the relevant phase (primary or secondary) to decide whether that service should be retained centrally. The decision will apply to all maintained schools in that phase and will mean that the funding for these services was removed from the formula before school budgets were issued. There could be different decisions made for each phase. Academies would, of course, be free to buy back into local authority services, as is the case for maintained schools where funding remains delegated. There is an issue here that if only some schools buy back a service the delivery of the service may not be viable and will not be available to any schools.

Special schools will not in future have delegated budgets on the same basis as primary and secondary schools. They will get £10,000 per place pre-16, plus top-up funding for each pupil they have, from the commissioner to make up the rest of their budget. The principle of the new system for high needs pupils is to make costs comparable between schools so that they don't distort placements, so de-delegation is not consistent with this framework. Any existing central budgets can be transferred to the high needs block and

form part of the top-up. The schools concerned can of course contribute to pooled arrangements or buy back a service out of their budgets.

B 5. Staff costs – supply cover (long-term sickness, maternity, trade union and public duties).

The only budget funded from this area is the Teacher Unions Facilities funding which releases union representatives to negotiate with the Council to resolve disputes and produce draft school policies.

Please see attached Joint letter from the Teacher Unions and Joint Union submission

B 7. Behaviour support services

This funding will now form part of the current discussion with schools about a range of services and support that they may want to be organized for the 2013/14 financial year.

Progress on this and a necessary decision by Forum will come to a later meeting.

These budgets can be centrally retained before allocating funding through the formula with the agreement of Schools Forum

D 3 Capital Expenditure funded from Revenue £9,000

In 2012/13 there is a budget of £9k . This was used to contribute to the management and delivery of a range of capital initiatives across the whole Children Services (schools) capital Programme. This gives this section the capacity to apply for a range of additional funding such as additional basic need funding which has been just over £500k for each of the last two financial years. The proposal is to allocate the same level of funding for 2013/14

Recommendations for maintained primary, secondary and special schools

1. School Forum agree on behalf of maintained schools for the financial year 2013/14 that the following funding is managed centrally to provide services. Appendix 1 and 2 shows the levels of delegated funding and the data used for delegation across primary and secondary schools and special schools.
 - a. Trade Union Facilities time
 - b. Capital Expenditure contribution



Dear Colleague

You will be aware that the implementation of Government changes to the funding arrangements for supply cover costs are currently being discussed within this local authority.

From April 2013, local authorities will only be able to retain funding for supply cover costs, including for trade union facility time, where schools have agreed through the Schools Forum to “de-delegate” the funding. This poses a serious challenge to arrangements through which employers meet their statutory duties to provide time for union duties, as well as arrangements for maternity and long term sick leave cover. There is now a decision to be made in this local authority, and we want to draw your attention to some important information.

Successive governments have recognised the importance of good industrial relations and have legislated to provide a statutory basis for facility 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 reps’ to carry out relevant **learning activities**

These provisions are contained within the Employment Relations Act 1999 and the Trade Union Labour Relations (Consolidation) Act 1992. In addition, the Safety Representatives and Safety Committees Regulations 1997 require that employers allow

- Paid time for union health and safety reps paid time during working hours to **carry out health and safety functions** such as investigating potential hazards and complaints, attending safety committee meetings and making representations on health and safety matters.

The issue therefore is how facility time is organised, not whether it is available. If facility time is not held centrally then each union can press for release of a union representative at each school. The training requirement for these representatives could be significant given the new role they will be expected to fulfil. Their release from teaching to accompany members to meetings could be more disruptive than the current arrangements where a union rep is released centrally to perform these tasks.

The current arrangements allow trade union representatives who understand the local context to deal with issues arising within schools, without necessarily being a member of staff of the particular school. They also allow experienced trade union reps to seek to resolve problems at an early stage, often informally. Well organised trade union representation helps to support morale, reduce staff turnover and lower recruitment costs.

We believe that cooperation and coordination between schools on these matters assists school leaders and governors in arranging the trade union representation to which staff are entitled. We hope you will agree that it is in the interests of everyone at your school to maintain these advantages, and will carefully consider how any move away from pooling of funding would affect your ability to meet employers' statutory obligations.

In order to ensure that funding continues to be held by the local authority to cover staffing costs for trade union facility time and other civic responsibilities (including service as a magistrate and jury service), please pass this information on to schools members on your School Forum and urge them to vote for de-delegation.

Yours sincerely

Russell Hobby

Chris Keates

Christine Blower

Mary Bousted

Appendix 1. SCHOOLS FORMULA MODELLING FOR 13/14 - NEW DELEGATION

DfE No.	School Name	Pupil Numbers		Nursery or Pre-16	NOR Totals	Eligible FSM No.	Attendance No.	EAL Pupils	Buyback Practical Learning	De-delegated Eligibility	Buyback Premises Repairs & Maintenance	De-delegated Insurance	De-delegated Activities	De-delegated Transport	De-delegated EAL	De-delegated Additional Education	De-delegated Behaviour Support	Retained Class Size	De-delegated School Improvement	De-delegated Rates	Buyback Extended Services	Total Delegation
		Jan-12	Jan-12																			
2407	Frankham Primary & Nursery School	273	194		467	5	43	5	940	10,176	2,105	401	581	581	651	529	1,435	5,552	6,208	1,511	9,365	39,657
2434	Colwyn Farm Primary School	385	271	0	656	10	14	4	1,056	5,363	6,169	536	378	378	2,003	709	4,337	2,086	11,528	2,021	9,288	40,358
2438	White Rock Primary School	420	430		850	4	65	10	528	23,745	3,229	936	656	656	1,001	1,337	2,169	3,644	20,133	3,527	4,819	65,423
2439	White Rock Primary School	412	430		842	2	41	2	2,037	15,656	6,117	432	432	432	1,001	816	1,368	2,402	13,274	2,325	2,813	43,176
2440	Colwyn Primary School	378	378		756	0	15	0	936	14,426	3,284	339	339	339	1,006	461	3,681	2,288	7,724	1,252	6,522	32,258
2454	Hemdale Primary School	204	253		457	1	8	1	357	7,604	2,166	300	210	210	398	1,468	1,468	1,157	6,448	1,129	3,127	24,643
2456	St. Margaret's Academy	356	356		712	96	12	4	780	4,169	681	523	387	387	1,001	681	3,203	2,036	11,252	1,971	6,622	33,415
2460	Walton Primary School	201	201		402	7	3	3	747	4,571	501	285	207	207	501	380	1,150	6,953	3,070	1,113	6,537	32,425
2468	Shephal Valley Primary School	312	312		624	9	12	9	1,142	7,493	2,355	916	641	641	1,210	1,189	3,564	3,564	19,600	3,449	4,619	68,485
2473	Rosedale Primary School	523	287		810	44	4	3	357	2,189	2,189	367	357	357	751	488	1,430	7,801	1,384	1,384	3,127	29,094
2478	St. Columba's Primary School	306	306		612	0	0	0	1,142	1,142	1,142	592	415	415	2,253	783	2,305	12,737	2,231	3,340	1,277	29,094
3103	St. Columba's Primary School	239	235		474	27	1	3	779	7,791	1,941	307	215	215	405	604	1,186	1,186	6,868	1,157	1,619	22,868
3119	Isamham C of E Primary School	176	176		352	17	4	1	259	181	845	181	101	101	1,001	845	567	1,007	5,553	974	1,208	12,868
3120	St. James Primary	92	92		184	34	3	2	276	1,699	342	135	95	95	1,001	179	1,134	526	2,908	509	2,416	14,289
3121	St. James Primary	219	219		438	0	0	0	1,828	1,828	1,828	203	203	203	1,828	1,828	1,828	1,828	1,828	1,828	2,416	14,289
3600	St. Margaret's Catholic Primary School	202	202		404	19	2	3	1,541	944	1,541	297	208	208	1,541	944	1,541	1,155	6,384	1,118	2,509	20,916
3601	St. Margaret's Catholic Primary School	121	121		242	19	5	0	944	4,510	1,178	178	125	125	944	235	634	634	3,624	670	1,350	13,316
3613	St. Margaret's Catholic Primary School	186	178		364	40	1	8	325	1,887	2,088	288	302	302	2,003	381	1,335	1,121	6,195	1,085	2,842	25,070
3614	Queensway Catholic Primary School	180	180		360	36	0	0	292	1,899	1,899	752	196	196	1,087	1,087	1,087	1,087	6,005	1,052	2,688	24,194
3615	St. Mary's Catholic Primary School	259	259		518	60	9	2	487	2,881	965	381	267	267	501	503	2,002	1,482	8,168	1,434	4,384	32,141
3616	St. Mary's Catholic Primary School	259	259		518	60	9	2	487	2,881	965	381	267	267	501	503	2,002	1,482	8,168	1,434	4,384	32,141
3617	Privy Roman Catholic Primary School	183	183		366	39	7	9	317	1,838	682	269	188	188	2,253	355	1,301	1,047	5,784	1,013	2,771	24,058
3618	Tore C of E Primary School	213	202		415	35	9	3	284	1,739	1,739	313	219	219	414	414	1,168	1,218	6,732	1,179	2,487	16,505
3619	St. Columba's Primary School	347	347		694	77	11	2	626	3,626	750	510	357	357	501	674	2,559	1,985	10,987	1,821	5,172	29,407
3751	Eden Park Primary	238	370		608	2	0	0	1,406	8,956	3,259	533	374	374	250	705	5,772	2,076	11,473	2,010	12,393	45,487
5000	Haves School	379	257		636	88	14	2	715	4,272	4,272	555	389	389	501	374	2,886	2,162	11,947	2,083	6,233	32,659
	TOTAL PRIMARY SCHOOLS	6,741	4,610		11,351	1,678	278	224	16,288	204,162	93,303	12,342	9,000	9,021	36,807	16,973	62,659	50,000	276,384	46,391	133,660	862,114
4114	Torquay Grammar School for Girls	602	249		851	18	1	5	1,446	885	89	885	69	69	1,252	1,169	601	1,679	3,333	3,333	1,279	10,412
4115	Torquay Community College	811	811		1,622	215	50	5	1,747	11,922	89	1,192	89	89	8,763	1,515	7,173	0	2,262	4,480	15,278	120,289
4116	Charston Farm Academy	311	303		614	31	1	0	252	1,957	1,957	75	75	75	4,350	1,364	1,004	0	1,816	2,694	2,203	11,204
4118	St. Mary's Technology College	1,006	1,006		2,012	45	1	1	58,690	14,778	1,129	1,129	1,129	1,129	2,550	1,854	4,638	0	2,805	5,599	9,877	84,500
4119	St. Mary's Technology College	1,006	1,006		2,012	45	1	1	58,690	14,778	1,129	1,129	1,129	1,129	2,550	1,854	4,638	0	2,805	5,599	9,877	84,500
4120	St. Mary's Technology College	1,006	1,006		2,012	45	1	1	58,690	14,778	1,129	1,129	1,129	1,129	2,550	1,854	4,638	0	2,805	5,599	9,877	84,500
4121	St. Mary's Technology College	1,006	1,006		2,012	45	1	1	58,690	14,778	1,129	1,129	1,129	1,129	2,550	1,854	4,638	0	2,805	5,599	9,877	84,500
4122	St. Mary's Technology College	1,006	1,006		2,012	45	1	1	58,690	14,778	1,129	1,129	1,129	1,129	2,550	1,854	4,638	0	2,805	5,599	9,877	84,500
4123	St. Mary's Technology College	1,006	1,006		2,012	45	1	1	58,690	14,778	1,129	1,129	1,129	1,129	2,550	1,854	4,638	0	2,805	5,599	9,877	84,500
4124	St. Mary's Technology College	1,006	1,006		2,012	45	1	1	58,690	14,778	1,129	1,129	1,129	1,129	2,550	1,854	4,638	0	2,805	5,599	9,877	84,500
4125	St. Mary's Technology College	1,006	1,006		2,012	45	1	1	58,690	14,778	1,129	1,129	1,129	1,129	2,550	1,854	4,638	0	2,805	5,599	9,877	84,500
4126	St. Mary's Technology College	1,006	1,006		2,012	45	1	1	58,690	14,778	1,129	1,129	1,129	1,129	2,550	1,854	4,638	0	2,805	5,599	9,877	84,500
4127	St. Mary's Technology College	1,006	1,006		2,012	45	1	1	58,690	14,778	1,129	1,129	1,129	1,129	2,550	1,854	4,638	0	2,805	5,599	9,877	84,500
4128	St. Mary's Technology College	1,006	1,006		2,012	45	1	1	58,690	14,778	1,129	1,129	1,129	1,129	2,550	1,854	4,638	0	2,805	5,599	9,877	84,500
4129	St. Mary's Technology College	1,006	1,006		2,012	45	1	1	58,690	14,778	1,129	1,129	1,129	1,129	2,550	1,854	4,638	0	2,805	5,599	9,877	84,500
4130	St. Mary's Technology College	1,006	1,006		2,012	45	1	1	58,690	14,778	1,129	1,129	1,129	1,129	2,550	1,854	4,638	0	2,805	5,599	9,877	84,500
4131	St. Mary's Technology College	1,006	1,006		2,012	45	1	1	58,690	14,778	1,129	1,129	1,129	1,129	2,550	1,854	4,638	0	2,805	5,599	9,877	84,500
4132	St. Mary's Technology College	1,006	1,006		2,012	45	1	1	58,690	14,778	1,129	1,129	1,129	1,129	2,550	1,854	4,638	0	2,805	5,599	9,877	84,500
4133	St. Mary's Technology College	1,006	1,006		2,012	45	1	1	58,690	14,778	1,129	1,129	1,129	1,129	2,550	1,854	4,638	0	2,805	5,599	9,877	84,500
4134	St. Mary's Technology College	1,006	1,006		2,012	45	1	1	58,690	14,778	1,129	1,129	1,129	1,129	2,550	1,854	4,638	0	2,805	5,599	9,877	84,500
4135	St. Mary's Technology College	1,006	1,006		2,012	45	1	1	58,690	14,778	1,129	1,129	1,129	1,129	2,550	1,854	4,638	0	2,805	5,599	9,877	84,500
4136	St. Mary's Technology College	1,006	1,006		2,012	45	1	1	58,690	14,778	1,129	1,129	1,129	1,129	2,550	1,854	4,638	0	2,805	5,599	9,877	84,500
4137	St. Mary's Technology College	1,006	1,006		2,012	45	1	1	58,690	14,778	1,129	1,129	1,129	1,129	2,550	1,854	4,638	0	2,805	5,599	9,877	84,500
4138	St. Mary's Technology College	1,006	1,006		2,012	45	1	1	5													

Agenda Item 4

Appendix 3

Appendix 2. SCHOOLS FORMULA MODELLING FOR 13/14 - NEW DELEGATION

D/E No.	School Name	Pupil Numbers NDR Jan-12	Eligible FSM Nos.	EAL Pupils	14-16 Practical Learning	FSM Eligibility	FSM / Kitchen Repairs & Maintenance	Insurance	Facilities / Union Activities	TAPS / TGA	EAL	Behaviour Support	Rates	Extended Services	Total New Delegation
					£	£	£	£	£	£	£	£	£	£	£
7041	Combe Palford	174	81	4	15,284	658	4,024	11,976	256	179	1,001	2,702	864	5,756	42,801
7042	Wayfield	122	33	1	6,227	288	1,639	8,387	179	126	230	1,101	676	2,345	21,209
7046	Torbay School	50	28	2	5,283	227	1,391	3,442	74	52	501	934	277	1,990	14,170
1106	PRU	48	20	0	3,774	162	984	3,304	71	49	0	667	266	1,421	10,708
	Totals	394	162	7	30,568	1,315	8,048	27,119	579	406	1,753	5,404	2,183	11,512	88,887
S251															
Line															
1.3.4	14-16 Practical Learning	188.69	Amount per eligible FSM pupil												
1.5.2	Free school meals eligibility	8.12	Amount per eligible FSM pupil												
1.5.1 & 1.5.3	FSM / Kitchen Repairs & Maintenance	49.68	Amount per eligible FSM pupil												
1.6.1	Insurance	68.83	Amount per eligible pupil												
1.6.7	Facilities/Union Activities	1.47	Amount per eligible pupil												
1.6.5	TAPS / TGA	1.03	Amount per eligible pupil												
1.4.1	English as an additional Language	250.36	Amount per eligible EAL pupil												
1.3.2	Behaviour Support	33.36	Amount per eligible FSM pupil												
1.1.2	NINDR	5.54	Amount per eligible pupil												
2.0.9	Extended Services	7.106	Amount per eligible FSM pupil												

**THE CASE FOR
MAINTAINING A POOLED
BUDGET FOR
TRADE UNION FACILITY
TIME FOR SCHOOLS**

**PRESENTED BY
ATL; GMB; NAHT; NASUWT; NUT;
UNISON AND UNITE.**

LA Position Statement

For a considerable number of years the LA has supported the 'pooled' funding arrangements for TU Facilities time. This has enabled bay wide trade union representatives to undertake activities supporting schools in the timely and constructive resolution of 'people' issues with minimal disruption to the day to day staffing requirements within maintained schools.

As a consequence of the School Funding Reforms the LA supports the principle of the continuation of primary and secondary maintained schools to 'de-delegate' the funding into a pooled arrangement for TU facilities time.

The LA will also support the special schools and nursery schools to be able to 'buy in' to the pooled arrangement for TU facilities time.

Currently there is no arrangement in place for Academies or non-maintained schools to 'buy in' to the pooled arrangement. However, consideration of such arrangements being put in place could be incorporated as part of any future trading with schools options.

1. Introduction

All LAs have to tell the EFA by end of October this year the methodology for delegating to schools the current pooled budget for trade union facilities time to take effect April 2013. This will be done via a per pupil rate (current facilities budget divided by total no of pupils in all school types.)

A proposal on this matter will be presented to Schools Forum in September.

Schools Forum representatives can make their views known to schools on whether or not the facilities budget should be de-delegated and retained in a pool.

Academies that will have their share of the delegated facilities budget can choose to join pooled arrangement (see below).

50% or more of a phase of schools needs to agree to retain the pooled arrangement before it can be pooled; otherwise it will remain delegated within a school's budget.

If 50% or more agree to retain the pooled budget then all LA maintained schools in that school phase will be part of a pool (i.e. the top-sliced fund from the DSG for LA schools will be retained by the LA).

Academies within a phase of schools where 50% or more have chosen to retain a pooled budget can request to join the pooled arrangement. To achieve this, and upon request to the LA, they will be invoiced by the LA for the amount delegated to

them. A servicing charge of £25 will be made against the amount delegated. The same applies to all special schools.

2. What is at stake?

The future access to local trade union representatives to support staff at all levels of seniority within schools is at stake if the current pooled facilities funds are dispersed rather than held within a pooled arrangement as at present.

3. What are the sums involved in Torbay's pooled facilities budget?

The facilities pooled budget in Torbay currently stands at £23,382. The delegated sums would serve currently 7,060 pupils in Torbay LA schools. Secondary: 882, Primary 6,720 and Special Schools:

4. Who will decide?

The Schools Forum will make recommendations to all schools and seek their views on this issue. It will be headteachers and governors who will individually make the decision as to whether a pooled budget is retained.

If schools do not respond in sufficient numbers then the representative from each phase on the Schools Forum will decide.

5. THE ARGUMENTS IN SUPPORT OF RETAINING POOLED FACILITIES BUDGET

5.1 What activity does the pooled facilities budget support?

This budget enables bay wide representatives of all teacher, management and support staff trade unions to assist and represent their members in schools on issues of conditions of service.

Trade union facility time enables union representatives in workplaces in the public and the private sector to carry out demanding and complex roles, to advise and formally represent members in grievance and disciplinary hearings and negotiate terms and conditions with employers. This amounts to union representatives receiving paid time off work – but usually in work time – for a relatively tightly defined set of trade union duties. The legal basis for these arrangements is set out in the Trade Union and Labour Relations (Consolidation) Act 1992 and the ACAS Code of Practice on “Time off for Trade Union Duties and Activities”.

Where these representatives currently work within a school the pooled budget provides the school with funds to cover the costs of release to undertake these bay wide activities.

This directly refutes the argument that is sometimes made that schools do not need to collectively support local area trade union representation, as the individual trade union membership fees should provide them with all the support that they need via full time paid officials. However, all trade unions operate via their network of local and area-based representatives and employed staff cannot replace that function.

The regional officer for the professional association supporting headteachers and other members of the leadership team has made the following comments on the impact of the non-retention of a facilities budget.

Whilst Regional Officers are not directly funded through facilities agreements, they would be significantly affected by any changes that affected the role of Branch Secretaries and other local officials.

Local officials heavily support Regional Officials. The former not only filter cases but also are often able to offer pastoral and practical support, which the Regional Officer is unable to provide because they are geographically too remote.

In addition, the current RO network would not be able to participate in local consultation meetings, which could, potentially, leave our members vulnerable and disenfranchised in local negotiations. Any reduction of local capacity to support members would also have a huge impact on the workload of Regional Officers at a time when the demands on them are already increasing at an alarming rate.

In short, any cessation of local facilities funding would inevitably adversely affect the nature and type of support available to members leading to greater response times and more remote telephone type support, which would almost certainly be less successful in achieving quality outcomes for members than current arrangements.

The trade union representative has a vital role in working with the employer to achieve the best outcome and resolve issues as locally as possible. That undoubtedly reduces the risks of litigation and is a benefit that assists schools. The case studies (Appendix 1) show clearly that being taken to an employment tribunal is damaging to a school's reputation and costly in both time and money.

Although many of the unions employ regionally based staff to deal with high level cases it is beneficial to all parties to resolve issues at the earliest opportunity. This is why supporting paid time off for local union representatives makes sound business sense.

Under the Trade Union and Labour Relations Act (and Appendix III of the Burgundy Book and Part 2, Section 18 of the Green Book – see Appendix 2), employees are entitled to reasonable time off to carry out trade union duties. This is a principle that has been universally recognised and actively supported by schools across Bristol. Paying into a joint budget for trade union facilities time to enable adequate representation ensures that costs are more predictable. The service received is also much more reliable than paying for release for a Division or Association Secretary on

an ad hoc basis or waiting until a member of regional staff becomes available. Dealing with concerns swiftly and locally is the key to effective employment relations.

In addition to paid time off to undertake trade union duties, union representatives also carry out much of this representative work in their own time (i.e. not in paid work time). In a survey carried out by the TUC in 2005, 16% of union reps said that less than a quarter of the time they spent on union duties was paid for by their employer. A survey by the Department for Business, Enterprise and Regulatory Reform (BERR, now Business Innovation and Skills or BIS) found that union reps in the public sector contribute up to 100 000 unpaid hours of their own time each week.

In a recent survey for the TUC and Personnel Today (January 2007) the majority of responding HR professionals agreed that unions were an “essential part of modern employer/employee relations”, and that union officials approached meetings with managers in an “open, constructive manner”.

In 2007, BERR (now BIS) conducted a review of the facilities and facility time available to workplace representatives. Using data from the government-sponsored 2004 Workplace Employment Relations Survey (WERS 2004), this review – in Annex B of its consultation document – calculated the costs of union representatives **and** the benefits accrued from such representation. The report states that union representatives’ duties and roles are best and most appropriately carried out within the workplace and within work time when union members and managers are collectively present and available in the workplace. The key findings published as part of BERR’s report were that:

1. Dismissal rates were lower in unionised workplaces with union reps – this resulted in savings related to recruitment costs of **£107m-£213m pa.**
2. Voluntary exit rates were lower in unionised workplaces with union reps, which again resulted in savings related to recruitment costs of **£72m-£143m pa.**
3. Employment tribunal cases are lower in unionised workplaces with union reps resulting in savings to government of **£22m-£43m pa.**
4. Workplace related injuries were lower in unionised workplace with union reps so resulting in savings to employers of **£126m-£371m pa.**
5. Workplace related illnesses were lower in unionised workplace with union reps so resulting in savings to employers of **£45m-£207m pa.**

Putting these figures together at 2004 prices means that in the range of **£372m pa to £977m pa** in savings were accrued in large measure as a result of the presence and work of union representatives. When updating these figures to take account inflation using the Bank of England calculator, the figures for 2010 come out between **£267m pa to £701m pa**. It should also be stressed that these figures do not include the

benefit of union representatives to productivity performance which is widely acknowledged – but this benefit is much harder to calculate in order to provide a robust and singular figure. Yet what they do show us is that for every £1 spent on trade union facility time in the public sector that **between £3 and £9** is returned in accrued benefits on the measures of the costs of dismissal and exit rates. That is a return on investment which most investors would rate highly, and which many most FTSE250 companies would struggle to match.

Please refer to Appendix 1 for a variety of case studies to exemplify this.

5.2 The activities within schools supported by the facilities budget

Each trade union representative supported by the pooled budget is involved with policy discussions affecting terms and conditions of service and other wider matters with the local authority officers. This latter work now involves consultation with Academies and Trusts. Each union manages their part of the fund to ensure that local representatives are available to help their members with issues affecting them and to be involved in the above consultations on terms and conditions of service.

5.3 Enabling staffing matters to be effectively discharged

The facilities funds enable knowledgeable local representatives to provide professional advice and support to staff where required.

This applies equally to senior school leaders accessing a local representative and asking them for information and support and assisting with signposting advice on managing difficult HR issues. Where a member's own employment is in jeopardy a senior union officer is usually involved.

This external support (for their staff member and separately for themselves as managers if they seek advice) enables them to manage the processes more effectively to an appropriate conclusion.

Trade union duties and activities undertaken by union representatives paid out of the pooled budget include:

- Attending meetings to discuss internal union business
- Attending meetings of union policy making bodies
- Attending workplace meetings to discuss union negotiations with employers
- Meeting with union officers to discuss workplace issues.

5.4 Help in the context of new school governance structures.

With academies and the role of academy governors as full employers leadership team members will have no buffer to intercede on their behalf when the member in difficulty, other than their professional association representative, as the LA is not involved (other than in standards issues and post OFSTED issues) HR advisers will be acting for the governors. This issue is even more acute within academy chains with more 'distant' governance structures.

5.5 Support with OFSTED outcomes

Also with the new OFSTED regime and the linkages to the enforced academy programme, other than in the case where an LA itself challenges an OFSTED verdict, the senior leadership team members are vulnerable and require high-level support in all the issues that may flow from a special measures or requiring improvement categorisation. This issue will increase in the future.

5.6 Ensuring professional interests are represented in LA and academy forums

Local area representatives are also currently involved in representing their unions' views to elected members and officers on any LA policy likely to affect their members. They also are involved in inter union discussions and relationship building on key issues affecting the entire education workforce. They also scrutinise and comment upon all HR policies that are intended for schools to adopt/adapt.

5.7 The future of local consultation structures

The emergence of larger joint academy structures involving a number of secondary and primary academies creates large entities with 600-800+ staff that have overarching governance consultation mechanisms for area union representation. This is increasing pressure on local representatives to attend these additional meetings where issues affecting their members are discussed.

This process, and sets of academies coalescing into larger trusts, is an ongoing process and likely to be accelerated. Converting academies are also adding hugely to local workload as they all involve TUPE discussions and will need a mechanism for consulting with trade unions in the long term in accordance with the TUPE regulations.

At present there are still a high percentage of primary and special schools that are not converting to academies and see no future reason for doing so. This will leave these schools with the LAs as employer of last resort and will require ongoing consultation by local recognised teacher professional associations and other union representatives on matters affecting LA schools.

Local representatives will be managing support in both LA and academy settings and if current processes of change continue then purely with separate academies and trusts.

If the facilities budget pool is not retained, who will pay for the release costs for trade union representatives who are undertaking training or local area roles for their union?

If the pooled funds were dispersed and not retained centrally then in the future this cost would fall to the individual school to meet. Currently there is no mechanism to achieve this.

The professional association representing more than 28,000 school leaders in England, Wales and Northern Ireland, covering virtually every special school, 85 per cent of primary schools and more than 40 per cent of secondary schools, as well as many early years, further education establishments and other education leaders, fully supports the retention of local authority facilities budgets within pooled arrangements. All other recognised trade unions representing school staff fully support that position.

We trust that you will give this document your most thorough attention. Please do come back to us if you have further queries or would like further discussion.

Appendix 1

Case Study 1

Costs for a discrimination case

Discrimination claims can include not only race discrimination but also discrimination on the grounds of faith or belief which can be quite wide ranging. The legislation also allows claims for alleged discrimination on grounds of sex, disability, sexuality and age, all of which may also be pursued as separately identified cases against a school. Employees can also pursue claims for victimisation where they have made a complaint of discrimination (whether internally or externally) and feel they received treatment that victimised them in response to that complaint.

Other key pieces of legislation that teachers have been known to pursue claims under include the Fixed Term Employee Regulations, the Part Time Worker Regulations, the Agency Worker Regulations, Unfair Dismissal and Unfair Selection for Redundancy. These are the commonest claims the trade unions generally handle for teachers, although there are other heads of law that could be relied upon.

This case study demonstrates the costs associated with a case where a teacher believed that he was being discriminated against on grounds of race and disability. This teacher raised the issue of race discrimination with the school but was not satisfied with the way in which his complaint was handled or resolved. This led to extreme stress and anxiety which after a period of time manifested it in physical illness diagnosed as severe and chronic irritable bowel syndrome and severe migraines. This teacher was then off sick for a considerable length of time resulting in the school commencing procedures to dismiss the teacher on grounds of ill health. This teacher was convinced that his illness was caused by the racial discrimination he experienced in his workplace and intended to take a claim for unfair dismissal and discrimination on the grounds of race and disability to employment tribunal. There was medical evidence to support this view for legal purposes.

The case was eventually settled by way of a compromise agreement after more than 18 months of meetings and negotiation.

The NUT rep spent in the region of 168 hours or approximately 24 days over 18 months on this case. The associated cost of release from normal duties is £3,216.

Had the member not had NUT representation, he would undoubtedly have taken the case to tribunal. The NUT would have covered the member's legal costs but the school would have had to prepare and defend themselves in an employment tribunal which would have been listed as a 5 day hearing. The legal costs for the school would have been solicitor's fees of approximately £20,000 plus VAT. Since the case involved two strands of discrimination, the school would have considered using a barrister. Barristers' fees are at least £1,500 per day (and may be much more) so

including preparation time this could easily have been in the region of a further £10,000 plus VAT.

The potential costs of this case had it not been resolved by the intervention and support of the trade union concerned have been assessed as follows:

NUT rep	24 days @ £134 per day supply rate	£ 3,216
Solicitor's fees		£ 24,000
Barrister's fees		£ 12,000
TOTAL		£ 39,216

Further associated costs for the school would have been the time for staff in the school in preparing for the case and being witnesses at the hearing. If we take conservative figures of:

Headteacher	12 days @ annual salary of £90,000	£ 2,959
Admin support	12 days	£ 657
Witnesses x 8	2 days per person @ supply rate	£ 2,144
TOTAL COST		£ 44,976

By settling via a compromise agreement rather than having to represent themselves at employment tribunal, **the school saved at least £41,759** before consideration is given to any award that would have been made if the member won his claim. The teacher would not have signed a compromise agreement without NUT support and would certainly have continued to pursue his intended course through the employment tribunal if not given timely and competent advice regarding case prospects and settlement terms by his trade union. The employment tribunal service is well-known for being inundated with claims from unrepresented claimants with little understanding of legal processes and ultimately poor case prospects, whereas none of the teacher trade unions would ever support a member in pursuing a claim without reasonable prospects of success being clearly assessed and identified. The trade union rep's input into this at an early stage is a key element that needs to be supported properly by schools.

Paying into the facilities budget saved this academy school at least £42,935 after taking into consideration their contribution to the facilities budget.

(NB: The figures above do not take into account any compensatory payment made to the employee as part of the compromise agreement).

Case Study 2

The Cost of an Employment Tribunal Case

The likely costs of any hearing will depend on the complexity of the case and the length of the hearing. However, ATL recently had costs awarded against them for a failure to consult case that was only listed for half a day. These costs, set by the employment tribunal, were £4371.

The School's solicitor's hourly rates were:-

Partner: £ 260.00
Solicitor: £ 155.00
Trainee: £ 98.00

A standard unfair dismissal case could easily take 40 hours to prepare so at £155 per hour that would be **£6,200** (or, for the services of a partner, the cost would be **£10,400**.) Some claims involve a solicitor and a partner working together so those costs would turn out to be quite considerable for a school.

A two day hearing on top (which is fairly standard for unfair dismissal) is £2,480 (a barrister would probably charge around £5,000 for a two day case).

Therefore a straight forward unfair dismissal case could cost £8,000 to £10,000 in fees alone, using a standard level solicitor to prepare and present the case for the school. There would be additional costs if the school were to lose the case and/or have separate costs awarded against them. The average award for unfair dismissal in 2010/11 was £8,924.

Discrimination cases are usually more complex, which means greater solicitor costs, the likely involvement of a barrister to prepare or present a case and a longer Employment Tribunal hearing. In addition, awards in discrimination cases are typically far higher, for example the average award for age discrimination claims in 2010/11 was **£30,289**.

Case Study 3

The True Costs of a Failure to Agree – Dispute Resolution Case

Whether they are an employer or a trade union representative, everyone is generally committed to transparent, effective and positive employment relations. This is stipulated under recognition agreements but in any case is a good practice model. Dispute issues do occasionally arise within a school, usually around working conditions or practices or the introduction of new measures, and the maintenance of positive employment relations in that context becomes especially critical.

It is in the interests of all employees and employers to resolve potential dispute issues as near to their point of origin as possible and with the minimum amount of conflict and disruption occurring. Schools want to see matters resolved in a timely

and effective manner so that their focus can return to the proper business of teaching and learning and the management of their establishment. It is also the wish of every trade union to work in such a manner.

For these reasons, all parties always work hard to achieve agreement and constructively negotiated outcomes that are mutually beneficial and agreeable. If it is to be achieved successfully, this takes time (and therefore money.) Without that commitment to resources being given, any dispute that came to the attention of the unions, no matter how trivial it may be in its origins, would translate immediately into collective balloting activity and/or collective employment tribunal applications, which we do not see as being in the interests of schools or members. This is particularly relevant in the initial stages as all evidence demonstrates that disputes are most capable of constructive resolution at their early phase.

Below is an outline of a dispute issue that arose in a school which we have analysed for time spent and costs to illustrate how and why we believe the intervention of trade union representatives saves schools considerable time and money.

Context and Progress of Dispute:

The school wished to change its Directed Time formula to lengthen the school day. In addition, there was a wish to introduce one late finish per week (5pm) for teachers in exchange for leaving earlier (2pm) on a Friday afternoon once a month. Although the members understood the school's rationale and were not totally unhappy about all of the proposals, the effect of the school's proposal overall was to add 35 minutes to each teacher's contact time each week. This they were extremely unhappy about and the view of all three unions involved was that this would breach the relevant teacher conditions if implemented.

There was a mix of locally-based representation, with two out of the three main teacher unions having a School Representative. Joint and separate members' meetings had been held to consult and discuss the issues and, in the case of the represented unions, indicative ballots had been conducted because there was a strong request made for industrial action in response to the proposal from members almost immediately. These meetings had demonstrated virtually unanimous support for action to oppose the proposals being requested and both the local reps were asked to take this up with the Headteacher immediately. There had been one local meeting to discuss the situation but this had not gone well: the reps had essentially refused to discuss the proposals because it was outside of their union defined remit to do so, but had informed the Headteacher that everyone was upset, ballots were being requested and he had no prospect of implementing his proposal. The Headteacher had become extremely defensive and had stated that he intended to complain about the behaviour of both reps to their respective unions.

At this point, the matter was referred to the Local Secretaries, all of whom worked at other schools. There was also consultation with the Regional Officers of the unions,

both paid and elected. A joint Secretaries' letter was produced detailing the concerns expressed by members and sent to the Headteacher and Chair or Governors. A meeting was requested as a matter of urgency to discuss the situation and see if it might be resolved. In the case of one union, there was also 'behind the scenes' involvement from their National Officers because of the potential for a formal dispute.

In tandem with this, the Headteacher wrote a letter to each of the unions formally complaining about the attitude of the local reps. This greatly complicated the situation and led to an almost irretrievable break down in relations locally because of the entrenchment of positions. However, it was believed he may have done this in the heat of the moment, so the Headteacher was contacted by telephone by one of the Local Secretaries and was persuaded to withdraw these complaints in favour of assistance towards a dispute resolution process, since no progress could ever have been made otherwise.

An initial dispute meeting was held with the Headteacher, three Governors, and a Personnel Officer from the school and a HR Adviser from the relevant Local Authority. At the first meeting, the key issues from each side were explored in a controlled and appropriate manner, agreement was reached regarding how the negotiating process would be facilitated and barriers to progress each side felt existed were identified. This meeting took 4 hours and included specifications from each side for a joint document to agree how the resolution process would go forwards. This was drafted and shared afterwards, outside of the meeting process and it was used to inform all of the meetings that followed. The document took around 6 hours to produce, consult and come to agreement upon.

There followed a series of six further meetings, all of around 3 hours duration, in which negotiations continued and progress was achieved. The trade union side also held a joint pre-meeting for an hour before each of these to ensure continuity and assist progress of the dispute. Eventually, it was possible to come up with a re-negotiated proposal that met the needs of both the school and its teacher employees and the school was able to implement this positively for the following September after an effective consultation exercise to complete the process.

Commentary and Costing

The involvement of the locally based Association/Branch contacts in this dispute was absolutely crucial to its successful resolution. Without it, there could not have been the same level of commitment to a joint process and partnership to succeed in getting to a satisfactory resolution. The local representatives at the school were under significant pressure from their members and the Headteacher found it very difficult to negotiate on his original proposal because of the way in which it had been introduced and responded to right at the beginning. All of the reps' time was funded via existing facilities arrangements.

There was also considerable activity involved outside of the meeting schedule, to ensure good liaison and communication at all levels and a continuing commitment to the process. This time also included the drafting and sharing of documents, for both the school and the members the school was under an obligation to consult with. In this case, the three Secretaries met together and undertook those activities jointly, to maximise the best use of their available facilities time.

Had the local representatives been unable to assist the situation because of the lack of appropriate facilities support, then the situation would have relied on the employed officials of the three unions becoming involved in the alternative. This would have inevitably made the dispute appear much more serious and high-level than it needed to be, particularly at the outset. In the case of at least one union involved, it would also have necessitated the direct involvement of the General Secretary because a dispute was declared and then the procedure outlined in the Burgundy Book would have been invoked, meaning nothing could be changed or negotiated upon until there had been a National/Local Deputation meeting. That involves a large number of people and can take months to see through to fruition. It is also likely there would be a simultaneous ballot for industrial action if this route were to be taken.

Had it been adopted, that approach would have severely limited capacity for resolution on both sides, it ran the risk of missing locally-based knowledge and intelligence and the whole situation would have taken much longer, become intractable and would have remained extremely difficult to resolve.

In addition, owing to their wider level of functioning and resulting commitments, it is highly probable that all of the employed officials would struggle to find many days and times on which they could all be available which would also suit the school. The school would then have had to meet with each union separately (in the case of at least one union after the National/Local Deputation process had taken place.) In that circumstance, assuming the pattern of meetings above, the Governors, the Headteacher, the Personnel Officer and the HR representative would have to attend three times as many dispute meetings – even if there were only the seven above that were actually needed to resolve this case, this would amount to twenty-one meetings to resolve the issue overall. That has a significant cost implication for the school, even without anything else being accounted for.

As it was, since facilities funding was available to the key local activists of each union, the costs to the school were as follows:

3 x secretaries attending 7 meetings, inc pre-meets Facilities funded – 84 hours total	NIL COST
2 x local reps attending 7 meetings, inc pre-meets Facilities funded – 58 hours total, inc 1 hour for liaison/rep	NIL COST
Secretaries (3) and reps (2) consulting with employees	NIL COST

Facilities funded 4 mtgs – 80 hours total	
Secretaries drafting reports, agreements, updates etc Facilities funded – 30 hours total	NIL COST
Time spent travelling to/from school (assuming 1 hour each way) for Secretaries x 3 Facilities funded – 66 hours total	NIL COST

Without the TU facility time, assuming supply cover costs of £134 per day (approx £21 per hour), these costs would have been:

3 x secretaries attending 7 meetings 84 hours total	£ 1,764
2 x local reps attending 7 meetings 58 hours total	£ 1,218
Secretaries (3) and reps (2) consulting with employees 80 hours total	£ 1,680
Secretaries drafting reports, agreements, updates etc 30 hours total	£ 630
Time spent travelling to/from school 66 hours total (assuming 1 hour each way)	£ 1,386
GRAND TOTAL COST TO SCHOOL	£ 6,678

(NOTE: Both tables assume that the consultation with employees is a cost that falls to the employer because of the legal obligation to consult where new contractual proposals are being negotiated in recognised workplaces.)

Had the school been an academy paying into the facilities fund to support the resolution activity by the local trade union reps, their costs for this would have been the schools delegated sums – this would range from £1,155 for 300 pupils up to £3,465 for 900 pupils in a school.

On the figures above, this would represent a saving of between £3,213 and £5,523 in a single year after taking into account the school's contribution to the fund.

Costs Not Included Above

These figures only represent costs for trade union and/or member consultation time, they do not include any time that was required for school or Local Authority representatives to engage in and seek to resolve the dispute amicably, so the true business costs would have been considerably higher, probably at least twice the amount indicated above. For the purposes of this case study, we have only assessed the trade union time and costs as these are the figures we would present to any school that decided not to purchase the facilities of the Local Association Representatives as invited.

Further to the costs indicated above, without Local Association Secretarial intervention, it is extremely likely that this dispute would have proceeded into a legal arena at a very early stage, with the possibility of failure to consult claims being lodged by all three unions on behalf of each and every member (almost every teacher working there in this case.) Instead of this, the facilities fund enabled constructive attempts to be made by our Secretaries to resolve it as locally as possible. Had that not been available, the spectre of accumulating legal costs is raised immediately for any school, even before any tribunal process takes place, as in the case study example given above. Had such claims been lodged and won by the three unions involved, the award for failure to consult may have been quite considerable in a dispute case as it is calculated on the basis of amount awarded for each member who is part of the relevant bargaining group.

This case study was costed only on the basis of the real trade union time taken to resolve it. We believe it demonstrates clearly that the benefits to schools of purchasing facilities time far outweigh the costs of any significant dispute resolution activity, even where no recourse is taken to legal proceedings by either party. In that context, it represents very good value for money to a school.

Conclusion

In compiling this report, we have attempted to explain what the three trade unions who have worked on it have identified as the key projected costings for any school if we cannot maintain good employment relations. To achieve this, both schools and the trade unions need effective and positive support for members and employers that can remain locally based. If schools choose not to purchase facilities in the way we are suggesting, this is very much placed in jeopardy and the school runs a strong risk of higher costs arising than would be necessary under this proposal.

We hope that the three case studies described above will provide sufficient detail for Principals, Headteachers and Governors to appreciate the real costs that would arise if we cannot get your support. The proposed formula of £3.85 per pupil per school per year represents an affordable one for most schools and we believe that it is an investment worth making to secure peace of mind regarding the issues discussed in this report. We very much hope you will be persuaded by this information as well as your stated support for trade unions, which we appreciate. We are now asking you to commit your school to funding this agreement on an annual basis so we can begin to set the new arrangements up and make them effective in all schools across Torbay for the future.

Thank you for taking the time to read this report we hope it has been useful to you and your school.

Jessica Pearce, NUT Regional Officer
Fiona Westwood, NASUWT Regional Organiser
Helen Taylor, ATL Regional Officer

Appendix 2

a) Appendix III of the Burgundy Book

AGREEMENT ON FACILITIES FOR REPRESENTATIVES OF RECOGNISED TEACHERS' ORGANISATIONS

Introduction

1. This agreement between the Council of Local Education Authorities (CLEA), acting on behalf of the Local Government Association, and the teachers' organisations contains the principles and practices which are recommended to local education authorities and governing bodies in respect of the facilities to be made available to those teachers, not being paid officials of any of the recognised teacher organisations, who are representatives of these organisations. Each local education authority is advised to agree jointly with each of its recognised teacher organisations the detailed arrangements for the granting of facilities in accordance with the provisions of this agreement. Disagreements on points of principle and any requests for clarification may be referred to CLEA for discussions with the national teachers' organisations.

General Principles

2. This agreement is based on a belief that both the teachers' organisations and the employing authorities accept their joint responsibility for ensuring a well ordered system of trade union organisation and industrial relations, and on a recognition of the contribution that can be made by the teachers' organisations and their local representatives to the smooth running of the education service at local and national levels. It is agreed that in jointly determining the nature and extent of the facilities required locally, and in their use, the parties to the local agreement will have regard not only to the value of the agreed facilities for effective employee representation as a means of promoting good industrial relations, but also to the need to avoid unnecessary cost, to maintain the effective running of the schools where the teacher representatives are employed, and to recognise that the provisions of the agreement will have to be introduced within the resources available to the employing authorities.
3. An accredited representative of a recognised teachers' organisation will be a teacher who is:
 - (a) a member of the national executive or other national committee of his organisation, or a representative of his organisation appointed by the national executive to serve on a national body;
 - (b) a local officer of such an organisation whose necessary official organisation duties are effectively at local authority level. The relations and negotiations with a local education authority shall be the sole responsibility of

the main unit of local organisation. The activities in which these local teacher representatives will be jointly involved with the LEA and governing bodies will include both individual and collective issues. In order to act effectively, the teacher representatives will need to put views to the authority concerned as appropriate, to consider proposals, to conduct correspondence and to consult members of their associations individually or collectively;

(c) a local officer whose duties are at the lower level of an association within the area of the main unit of local organisations;

(d) a school representative whose duties will be limited to activities which are a necessary part of his/her duties for his/her organisation and its members within the school in which he/she is employed.

In certain circumstances a representative may have responsibility for more than one of these functional levels. For their part the recognised teachers' organisations undertake to ensure that their accredited representatives locally understand the extent of their authority and responsibility as teachers' representatives.

4. It will be the responsibility of the recognised teachers' organisations to notify the local education authority and individual head teachers of the names of its accredited representatives and it will be to the accredited representatives only that the recommended opportunities and facilities are extended. It is appreciated that in very large or split site schools organisations may wish to appoint more than one representative, while in those areas where there are very small schools organisations may wish to have one representative to service more than one school.

5. The principal matters with which the appropriate accredited representative will deal, in accordance with the responsibilities defined in paragraph 3, are as follows:

(a) matters arising out of the use of grievance and disputes procedures which have been agreed between the teachers' associations at authority level and the local education authority and governing bodies;

(b) responsibilities of the teacher representatives to their unions (e.g. attendances as delegates to their national conferences);

(c) responsibilities of the teacher representatives in connection with the interests of their members in the schools;

(d) functions connected with the training of teacher representatives, including attendance at training courses arranged by the recognised teacher

organisations at national, regional or authority level for this purpose. In these respects consultation with the authority will be part of those functions.

6. It is expected that (b) above will include the involvement of members of the local committee of recognised teacher organisations in attendance at the meetings of those committees, which will not be expected to meet earlier than 4:00 p.m. on any school day, other than in exceptional circumstances⁶. Item (c) is likely to include, without interfering with the normal functioning of the school, the convening of meetings of newly appointed teachers for the purpose of meeting them and explaining the advantages of membership of a recognised organisation.

Facilities for Accredited Representatives

7. It is recommended that local agreements on the provision of facilities for the local officer of the recognised teachers' organisations should include:
 - (a) arrangements for carrying out his or her association's responsibilities within the schools and for obtaining permission to leave the school in which he or she is employed so that he or she can perform his or her functions as an accredited representative;
 - (b) provision of lists of newly appointed teachers in the authority's area and arrangements for communication direct with the new teachers;
 - (c) provision annually of a list of the teachers employed in the schools of the LEA by the means most convenient to the authority⁸;
 - (d) arrangements for use of accommodation in schools or other premises of the authority for association meetings;
 - (e) arrangements of the use of the local authority's distribution system to schools for the purposes of official union communication with their members, subject, if necessary, to approval by the national union or association concerned;
 - (f) arrangements for the deduction of membership subscriptions at source where this is requested by any local association of a nationally recognised teachers' organisation. It will be for the individual member to decide whether to opt for deduction at source.

6 Where meetings called for 4:00pm would adversely affect the school day, as might be the case when committee members in rural areas may have to travel significant distances to attend such meetings, a later starting time should be arranged.

7 It is expected that such agreements will be no less favourable than those already applicable in the area concerned or any similar agreements which authorities have made with recognised unions in respect of other groups of their employees, particularly with regard to the terms of sub-paragraphs (d), (e) and (f) of this paragraph.

8 The lists referred to may, if any authority so wishes, be provided in the form of copies of School returns.

8. Absence from teaching duties for the performance of their responsibilities as local officers of the recognised teachers' organisations is to be allowed without reduction in pay. A scale providing for the maximum amount of leave with pay permitted to the local officers should be negotiated locally, and have regard, inter alia, to the number of members of the organisation concerned who are employed by the local authority and serviced by the officers in question.
9. The likely extent of the time required by accredited representative for the performance of their level of responsibilities as representatives of the recognised teacher organisations should be assessed in accordance with an estimate of their local involvement. They should not unreasonably be refused the time necessary for the performance of their responsibilities. The time which these responsibilities are likely to occupy should be taken into account in respect of its effect on their teaching duties.
10. The accredited school representatives of the recognised teachers' organisations should be permitted reasonable opportunities and be given the necessary facilities to discharge their functions as provided for in the ACAS Code, namely:
 - (a) union matters such as recruitment, maintaining membership, collecting contributions and communicating with members;
 - (b) within the responsibilities conferred on them by their respective organisations, industrial relations matters within the individual school such as the handling of members' grievances.
11. The facilities envisaged are as follows:
 - (a) notice board facilities to be provided by the LEA or governing body without charge and the titles of the organisations to be inscribed on the board or boards. Multi-association boards should be used wherever possible;
 - (b) use of telephone with reasonable privacy (if available), with payment for outgoing calls;

(c) provision of a room for a meeting with the organisation's members as required, providing reasonable notice is given;

(d) use of school typing, duplicating and photocopying equipment, where available, for essential union work within the school providing this does not interfere with the work of the school and on a basis of repayment by the organisation concerned for the materials used.

12. Local officers should be provided with the documents which set out the pay, conditions of service and the regulations of the local authority which apply to the teachers employed in the authority's area. Accredited school representatives should be provided with access to such documents and also with information as to the structure and allocation of promoted posts applicable to their own schools and with the articles of government. These documents should be supplied without charge.

General

13. Guidance on aspects of this agreement is contained in the accompanying Commentary. Any changes will be notified to those concerned.

**COMMENTARY ON ASPECTS OF THE AGREEMENT ON FACILITIES
FOR REPRESENTATIVES OF
RECOGNISED TEACHERS' ORGANISATIONS**

1. Local Authorities have been advised that they should pursue policies designed to fulfil the recommendations of the ACAS Code of Practice with regard to facilities for Union representatives. Employment protection legislation requires employers to allow officials of independent trade unions, including employees who are accredited as representatives of recognised unions (or associations) to act on behalf of union members in the establishments where they themselves are employed, reasonable time off from work with pay for trade union activities which are a necessary part of the official's duties in connection with the employer's own organisation. The legislation provides for such an employee to complain to an Industrial Tribunal that permission has been unreasonably refused to allow him/her time off from work for these purposes.

2. The Agreement arrived at between CLEA and the recognised teachers' organisations seek to set out in detail the manner in which the recommendations of the ACAS Code on facilities for trade union representatives should be applied within the education service. The purpose of this Commentary is to offer guidance to authorities and teachers' organisations on aspects of that agreement, and the issues which stem from it.

3. It is recognised by CLEA that if the provisions of the agreement are to be given effect without imposing additional burdens on teaching staffs it may be necessary for LEAs to provide additional staffing resources in individual schools and authorities are accordingly recommended to make such provision as far as possible within the resources available to them and subject to the constraints of LMS formulae.

4. It will be noted that the agreement does not specify any limit on the amount of paid leave of absence which shall be granted to national representatives. It is accepted that individual representatives will be willing to inform the employing authority of the reasons for absence if the authority thinks it is necessary to ask.

5. The agreement provides for leave of absence with pay to be permitted for local officers in accordance with a scale to be negotiated locally and related, inter alia, to the number of members of an organisation employed in a LEA area and serviced by the officers in question.

6. With the developments taking place in the field of industrial relations, health and safety at work, and similar matters, the teachers' associations are giving increased attention to training programmes for their accredited representatives and to the needs of the schools. Authorities should therefore give encouragement and support to accredited union representatives wishing to attend courses for these purposes and teachers' organisations should regard to the needs of the school in arranging their training programmes. When arranging them they should consult with the LEA concerned before making any arrangements to hold a training course during term time.

7. The recommendations in the agreement are not intended to alter the relations which at present exist between the recognised teachers' organisations and individual local education authorities, particularly so far as negotiations are concerned.

Appendix 2

b) Part 2, Section 18 of the Green Book

18. Trade Union Facilities

18.1 Authorities shall provide the recognised trade unions with facilities necessary to carry out their functions, including paid leave of absence to attend meetings concerned with the work of the NJC and Provincial Councils and the operation of a check off system whereby, with the consent of the individual, trade union dues are deducted from pay.

SCHOOL BUDGET RETURN (SBR2) SCHOOLS FORUM 6TH DECEMBER 2012

Background

As part of the Scheme for Financing Schools, all Torbay Schools are required to submit a twice yearly return detailing how the previous year's unspent balance is to be utilised in the coming year, together with a forecast balance for the current year. The returns are called SBR1 (to be submitted by 31st May each year) and SBR2 (to be submitted by 31st October each year). This paper is reporting on data submitted by all maintained schools for the SBR2.

2011/12 Overall Findings and Conclusions

The level of unspent balances as at 31st March 2012 was £3.4m (column 1). The Primary phase had the largest balances totalling £1.5m. Secondary Schools were holding balances of £1.4m. Special schools were holding total balances of £0.4m.

The balances shown are for maintained schools only, academy balances as at 31st March 2012 have been excluded.

2012/13 Overall Findings and Conclusions

The forecast level of unspent balances at the end of 2012/13 is £1.9m (column 6). This is a significant decrease of more than £1.5m. It is generally the case that schools are pessimistic in their forecasting at this time of the financial year. There is an assumption that any capital works will finish on schedule.

The Primary phase is forecasting that balances will be £0.9m – a decrease of £0.6m since March '12.

For the Secondary phase, there is a forecast balance of £0.7m. – a decrease of £0.8m since March '12.

Special Schools are forecasting a total unspent balance of £0.2m, slightly less than at the end of 2011/12. Within this forecast is small deficit for Torbay School. The forecast deficit has been brought to the attention of the Council.

Use of the forecast 2012/13 unspent balances

The budget return requests that schools identify how the forecast balance is made up, in order to identify which schools have drawn forward capital funding

and which schools are holding balances on behalf of the school with in Torbay for specific networks.

The budget return also requests that schools consider how their forecast unspent balances for 12/13 will be utilised in the future. The DfE are keen that schools do not accumulate excessive balances without a clear view as to their future use. Therefore in columns 12 to 17, schools are asked to analyse how their forecast unspent balances will be used. In the vast majority of schools, the operational contingency is considered to be the most appropriate use. This aims to cover instances of schools with falling rolls with their balances being used to smooth out the effect of reorganisation of classes.

Schools have also identified £0.6m for improvements in premises and facilities, which is a reflection on the decreased level of Devolved Formula Capital Funding.

The Level of Forecast 2012/13 Unspent Balances

Both the Torbay Scheme for Financing Schools and the DfE state that unearmarked balances for Primary and Special Schools should be no more than 8% of that year's revenue budget (column 21). For Torbay, Upton St James, St Margaret Clitherow and Collaton St Mary have balances forecast to be greater.

For Secondary Schools, the level maximum level of balances is 5% (column 21). At this stage, Torbay has only one secondary school whose balance is greater than this.

Amanda Haley
Principal Accountant Schools – Children's Services
01803 208284
28th November 2012

SUMMARY REPORT 2012/13 SCHOOLS' BUDGET RETURNS - SBR2 FORECAST OUTTURN

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18			
	Assignment of forecast SBS Balances by category																				
	Analysis of predicted SBS																				
	Year End Forecast - Budget Summary																				
DfE No.	School Name	Date received	B/fwd from 1/12	Current Funding	Anticipated budget adjustments	Total Forecast Funding 2012/13	Total Forecast Expenditure 2012/13	Total Predicted Carry Forward	School Budget Share	Devolved Formula Capital	Other Capital	Balances held for other schools	Total Predicted Year End Balance 2012/13	Investment in curriculum initiatives	Improvements in Premises & Facilities	Repairs & Maintenance (Planned Maintenance Responsibilities)	Operational Contingency	PFI related items	Uncommitted Revenue Balances	Total Predicted Year End Balances 2012/13	
2407	Furzeham Primary	26-Oct-12	88,870	1,105,156		1,194,026	1,169,142	24,884	24,884				24,884	24,884							24,884
2438	Oldway Primary	05-Nov-12	118,839	2,219,353		2,338,192	2,282,791	55,401	55,401				55,401	30,000			25,401				55,401
2439	White Rock Primary	05-Nov-12	135,559	1,329,096		1,464,655	1,392,952	71,703	71,703				71,703				71,703				71,703
2453	Cockington Primary	25-Oct-12	66,119	1,506,860	39,025	1,612,004	1,588,459	23,545	23,545				23,545	3,545			20,000				23,545
2455	Homelands Primary	26-Oct-12	64,572	925,270		989,842	928,468	61,374	61,374				61,374	10,000			51,374				61,374
2460	Watcombe Primary	26-Oct-12	98,308	1,247,147		1,345,455	1,314,046	31,409	31,409				31,409	2,948			31,409				31,409
2464	Preston Primary	25-Oct-12	26,547	1,228,543	5,000	1,260,090	1,257,142	2,948	2,948				2,948								2,948
2469	Sherwell Valley	22-Oct-12	123,343	2,131,040		2,254,383	2,173,820	80,563	80,563				80,563	24,544	14,895	11,124	30,000				80,563
2473	Roselands	22-Oct-12	60,134	974,836		1,034,970	984,719	50,251	50,251				50,251	15,000	5,000	10,000	50,251			14,268	50,251
3103	Brixham C of E Primary	24-Oct-12	82,546	910,924		993,470	949,202	44,268	44,268				44,268	16,592	13,000		36,900		10,465	10,465	44,268
3120	Upton St James	22-Oct-12	78,931	462,116		541,047	464,090	76,957	66,492	10,465			76,957								76,957
3120	Warberry	23-Oct-12	29,579	1,137,536	20,000	1,187,115	1,172,034	15,081	15,081				15,081				15,081				15,081
3600	Galimpton	22-Oct-12	21,780	699,454		721,234	717,262	3,972	3,972				3,972				3,972				3,972
3604	St Margaret Clitherow	29-Oct-12	31,136	522,990		554,126	496,462	57,664	57,664				57,664				57,664				57,664
3613	Sacred Heart	29-Oct-12	106,227	839,084		945,311	872,492	72,819	72,819				72,819	11,970		1,000	59,849				72,819
3614	Queensway	22-Oct-12	43,999	821,643		865,642	840,603	25,039	25,039				25,039				25,039				25,039
3615	Babbacombe	26-Oct-12	46,678	758,120		804,798	757,018	47,780	47,780				47,780	42,811			4,969				47,780
3616	St Marychurch	05-Nov-12	109,356	1,126,636		1,235,992	1,188,032	47,960	44,694			3,266	47,960	3,266			44,694				47,960
3617	Priory RC Primary	23-Oct-12	93,063	747,319		840,382	789,713	50,669	50,669				50,669	17,669			33,000				50,669
3618	Torre Primary	22-Oct-12	43,485	920,390		963,875	934,397	29,478	29,478				29,478				29,478				29,478
3619	Collaton St Mary	29-Oct-12	74,871	691,097		765,968	698,859	67,109	67,109				67,109	27,208	2,000	2,500	35,401				67,109
	Totals - Primary		1,543,942	22,304,610	64,025	23,912,577	22,971,703	940,874	927,143	10,465	0	3,266	940,874	184,081	81,251	24,624	626,185	0	24,733	0	940,874
	Secondary Schools																				
4117	Westlands	05-Nov-12	1,115,231	7,186,365		8,301,596	7,878,053	423,543	423,543	0			423,543	50,000	357,099		16,444				423,543
4601	St Cuthbert Mayne	18-Oct-12	319,870	5,090,669		5,410,539	5,165,525	245,014	245,014				245,014	25,288			219,726				245,014
	Totals - Secondary		1,435,101	12,277,034	0	13,712,135	13,043,578	668,557	668,557	0	0	0	668,557	75,288	357,099	0	236,170	0	0	0	668,557
	Special Schools																				
1106	Torbay PRU	18-Oct-12	57,665	890,469		948,134	906,588	41,546	41,546				41,546				41,546				41,546
7041	Combe Paifford	08-Nov-12	82,740	2,342,944		2,425,684	2,294,832	130,852	130,852				130,852	100,000			30,852				130,852
7042	Mayfield	26-Nov-12	190,410	2,294,649		2,485,059	2,380,347	104,712	32,340		29,149	43,223	104,712	75,563	29,149						104,712
7046	Torbay EBD	16-Nov-12	64,311	1,130,298		1,194,609	1,207,423	(12,814)	(12,814)				(12,814)	(12,814)							(12,814)
	Totals - Specials		395,126	6,658,360	0	7,053,486	6,789,190	264,296	191,924	0	29,149	43,223	264,296	62,749	129,149	0	72,398	0	0	0	264,296
	Overall Total		3,374,169	41,240,004	64,025	44,678,198	42,804,471	1,873,727	1,787,624	10,465	29,149	46,489	1,873,727	322,118	567,499	24,624	934,753	0	24,733	0	1,873,727

ANALYSIS OF FORECAST YEAR END EXPENDITURE FOR MAINTAINED SCHOOL SALARY COSTS AS PER SBR2 RETURNS

DFES No.	School Name	Teaching Staff	Admin Staff	LSA	MTA	Nursery Staff	Cleaning & Premises Staff	Technicians	Kitchen Staff	All staff Incl. Teachers	Total Allocation	Teaching staff as a % of total allocation	Total staff as a % of total allocation
2407	Furzeham Primary	611,226	53,901	213,603	30,631	-	30,285	-	-	939,646	1,105,156	55%	85%
2438	Oldway Primary	1,354,958	128,855	486,858	60,060	-	78,000	-	-	2,108,731	2,219,353	61%	95%
2439	White Rock Primary	749,278	72,524	197,846	30,152	-	-	22,703	-	1,072,503	1,329,096	56%	81%
2453	Cockington Primary	790,477	74,327	345,988	38,228	-	34,402	-	-	1,283,422	1,506,860	52%	85%
2455	Homelands Primary	465,995	39,499	168,057	18,241	-	-	-	-	691,792	925,270	50%	75%
2460	Watcombe Primary	586,298	46,834	222,178	16,794	15,718	28,876	-	33,236	949,934	1,247,147	47%	76%
2464	Preston Primary	606,147	69,835	291,052	22,445	-	-	2,991	-	992,470	1,228,543	49%	81%
2469	Sherwell Valley	1,180,144	81,420	415,290	47,432	-	65,287	-	-	1,789,573	2,131,040	55%	84%
2473	Roselands	532,608	38,189	203,175	19,328	-	24,435	-	-	817,735	974,836	55%	84%
3103	Brixham C of E Primary	491,892	46,640	173,735	15,064	-	-	-	-	727,331	910,924	54%	80%
3120	Upton St James	246,262	30,754	64,530	13,469	-	13,469	-	-	368,484	462,116	53%	80%
3121	Warberry	626,820	65,419	177,879	21,605	20,597	-	18,957	-	931,277	1,137,536	55%	82%
3600	Gaimpton	405,752	41,110	129,270	6,702	-	8,428	-	-	591,262	699,454	58%	85%
3601	St Margaret Clitherow	250,155	26,019	96,663	14,640	-	11,560	-	-	399,037	522,990	48%	76%
3613	Sacred Heart	440,421	40,936	159,881	16,305	858	-	-	-	658,401	839,084	52%	78%
3614	Queensway	448,733	35,503	153,553	13,038	8,754	-	-	-	659,581	821,643	55%	80%
3615	Babbacombe	370,302	40,662	152,686	13,798	-	-	-	-	577,448	758,120	49%	76%
3616	St Marychurch	536,875	58,353	179,603	20,050	22,039	-	-	-	816,920	1,126,636	48%	73%
3617	Priory RC Primary	386,425	70,727	131,169	13,932	-	-	-	-	602,253	747,319	52%	81%
3618	Torre Primary	493,150	73,810	168,528	21,372	-	-	-	-	756,860	920,390	54%	82%
3619	Collaton St Mary	400,896	29,343	107,047	5,235	-	-	-	-	542,521	691,097	58%	79%
	Totals - Primary												
	Secondary Schools												
4117	Westlands									-	7,186,365	0%	0%
4601	St Cuthbert Mayne	3,067,769.00	429,153.00	278,819.00	17,175.00	-	144,102.00	223,810.00	-	4,160,828.00	5,090,669	60%	82%
	Totals - Secondary												
	Special Schools												
1106	Pupil referral Unit	432,511	67,094	238,330	-	-	-	-	-	737,935	890,469	49%	83%
7041	Combe Pafford	1,220,286	138,037	388,370	17,228	-	50,841	-	26,691	1,841,453	2,342,944	52%	79%
7042	Mayfield	963,783	153,788	777,958	19,098	-	19,609	-	-	1,934,236	2,294,649	42%	84%
7046	Torbay EBD	596,944	96,250	204,878	-	-	31,452	10,950	22,595	963,069	1,130,298	53%	85%
	Totals - Specials												
	Overall Total												

Note: Figures taken from the submitted Probe reports October 2012.

**SCHOOL CARRY FORWARD COMPARISON BETWEEN 2011/12 CONFIRMED CARRY FORWARD
AND FORECAST CARRY FORWARD ON SBR1 AND SBR 2 RETURNS**

DfES No.	School Name	B/fwd from 11/12	SBR1 Forecast Budget Balance at end of 12/13	SBR2 Total Predicted Carry Forward at end of 12/13	Difference between 11/12 C/fwd and SBR2 Forecast (- = Increase)	Difference between SBR1 and SBR2 Forecasts (- = Increase)
2407	Furzeham Primary	88,870	52,444	24,884	63,986	27,560
2438	Oldway Primary	118,839	53,303	55,401	63,438	(2,098)
2439	White Rock Primary	135,559	51,652	71,703	63,856	(20,051)
2453	Cockington Primary	66,119	1,122	23,545	42,574	(22,423)
2455	Homelands Primary	64,572	38,409	61,374	3,198	(22,965)
2460	Watcombe Primary	98,308	13,820	31,409	66,899	(17,589)
2464	Preston Primary	26,547	15,139	2,948	23,599	12,191
2469	Sherwell Valley	123,343	18,896	80,563	42,780	(61,667)
2473	Roselands	60,134	14,412	50,251	9,883	(35,839)
3103	Brixham C of E Primary	82,546	43,816	44,268	38,278	(452)
3120	Upton St James	78,931	78,931	76,957	1,974	1,974
3121	Warberry	29,579	8,899	15,081	14,498	(6,182)
3600	Galmpton	21,780	9,150	3,972	17,808	5,178
3601	St Margaret Clitherow	31,136	40,223	57,664	(26,528)	(17,441)
3613	Sacred Heart	106,227	76,660	72,819	33,408	3,841
3614	Queensway	43,999	24,560	25,039	18,960	(479)
3615	Babbacombe	46,678	46,678	47,780	(1,102)	(1,102)
3616	St Marychurch	109,356	48,702	47,960	61,396	742
3617	Priory RC Primary	93,063	101,708	50,669	42,394	51,039
3618	Torre Primary	43,485	21,450	29,478	14,007	(8,028)
3619	Collaton St Mary	74,871	78,854	67,109	7,762	11,745
	Totals - Primary	1,543,942	838,828	940,874	603,068	(102,046)
	Secondary Schools					
4117	Westlands	1,115,231	1,269,098	423,543	691,688	845,555
4601	St Cuthbert Mayne	319,870	205,055	245,014	74,856	(39,959)
	Totals - Secondary	1,435,101	1,474,153	668,557	766,544	805,596
	Special Schools					
1106	Pupil referral Unit	57,665	30,880	41,546	16,119	(10,666)
7041	Combe Pafford	82,740	56,841	130,852	(48,112)	(74,011)
7042	Mayfield	190,410	373	104,712	85,698	(104,339)
7046	Torbay EBD	64,311	22,992	(12,814)	77,125	35,806
	Totals - Specials	395,126	111,086	264,296	130,830	(153,210)
	Overall Total	3,374,169	2,424,067	1,873,727	1,500,442	550,340

School Forum 6th December 2012

As part of the changes to school funding for April 2013/14 there is further delegation to schools of a range of budgets that have in previous years been spent centrally on providing services to schools.

It is important to note that budgets and services are often inter dependant and removal of one can have a knock on effect to other budget lines and services. For example removal of support provided by members of the localities team such as targeted youth workers, family support or behaviour advice can lead to children facing greater problems that lead to a need for alternative provision. If alternative provision has to be made within either EOTAS or Special Education this will be a considerable cost which will fall within the DSG to provide. Therefore provision that is coordinated and provided by resources from the LA, schools delegated budgets and the High Needs block of the DSG may be the most appropriate approach both in terms of appropriate provision for individual pupils and overall value for money.

It is also worth highlighting that if buy back levels are partial this is likely to place the continued provision of the service in doubt

The table below outlines how centrally allocated budgets can now be treated.

(a) Has to be delegated; cannot be de-delegated but schools can buy into service where relevant

1. Threshold and performance pay
2. 14-16 practical learning options
3. Primary/special school meals
4. Extended services

(b) Has to be allocated through formula but can be de-delegated for maintained schools (approval is by the relevant phase members of the schools forum)

1. Contingencies (including previous amounts for schools in financial difficulties)
2. Free school meals eligibility
3. Insurance
4. Licenses /subscriptions
5. Staff costs – supply cover
6. Support for minority ethnic pupils

- and underachieving groups
- 7. Behaviour support services
- 8. Library and museum services

(c) Can be centrally retained before allocating formula with agreement of schools forum

1. Funding for significant pre-16 pupil growth (any underspend has to be added to the following year's formula allocations)
2. Equal pay back-pay
3. Places in independent schools for non-SEN pupils

(d) Can be centrally retained before allocating formula but no new commitments or increases in expenditure from 2012-13 (schools forum approval is required to confirm the amounts on each line)

1. Admissions
2. Servicing of schools forum
3. Carbon reduction commitment
4. Capital expenditure funded from revenue
5. Contribution to combined budgets (including expenditure shown under miscellaneous if appropriate)
6. Schools budget centrally funded termination of employment costs
7. Schools budget funded prudential borrowing costs

(e) Can be centrally retained by agreement of individual schools

Schools can buy into any service with funding from their delegated budget; the service would then be provided by the authority on a buyback basis. This could provide additional income on top of what is centrally retained in boxes (c) and (d) above

The amounts of overall budget and per school delegated sums are included in Appendix 1 for primary and secondary schools and Appendix 2 for special schools

Optional de-delegation for maintained schools

There are some services where the Schools Forum on behalf of maintained schools are able to decide that some funding should be taken out of their pre-16 formula budgets before they receive them and moved to central funding. These are:

- a. contingencies (including support for schools supporting schools networks, KS1 class size contingency and NNDR re evaluations);
- b. administration of free school meals (FSM) eligibility;
- c. insurance;
- d. licences/subscriptions;
- e. staff costs – supply cover (long-term sickness, maternity, trade union and public duties);
- f. support for minority ethnic pupils or underachieving groups;
- g. behaviour support services; and
- h. library and museum services.

For each of these, it is be for the schools forum members in the relevant phase (primary or secondary) to decide whether that service should be retained centrally. The decision will apply to all maintained schools in that phase and will mean that the funding for these services was removed from the formula before school budgets were issued. There could be different decisions made for each phase. Academies would, of course, be free to buy back into local authority services, as is the case for maintained schools where funding remains delegated. There is an issue here that if only some schools buy back a service the delivery of the service may not be viable and will not be available to any schools.

Special schools will not in future have delegated budgets on the same basis as primary and secondary schools. They will get £10,000 per place pre-16, plus top-up funding for each pupil they have, from the commissioner to make up the rest of their budget. The principle of the new system for high needs pupils is to make costs comparable between schools so that they don't distort placements, so de-delegation is not consistent with this framework. Any existing central budgets can be transferred to the high needs block and

form part of the top-up. The schools concerned can of course contribute to pooled arrangements or buy back a service out of their budgets.

B 5. Staff costs – supply cover (long-term sickness, maternity, trade union and public duties).

The only budget funded from this area is the Teacher Unions Facilities funding which releases union representatives to negotiate with the Council to resolve disputes and produce draft school policies.

Please see attached Joint letter from the Teacher Unions and Joint Union submission

B 7. Behaviour support services

This funding will now form part of the current discussion with schools about a range of services and support that they may want to be organized for the 2013/14 financial year.

Progress on this and a necessary decision by Forum will come to a later meeting.

These budgets can be centrally retained before allocating funding through the formula with the agreement of Schools Forum

D 3 Capital Expenditure funded from Revenue £9,000

In 2012/13 there is a budget of £9k . This was used to contribute to the management and delivery of a range of capital initiatives across the whole Children Services (schools) capital Programme. This gives this section the capacity to apply for a range of additional funding such as additional basic need funding which has been just over £500k for each of the last two financial years. The proposal is to allocate the same level of funding for 2013/14

Recommendations for maintained primary, secondary and special schools

1. School Forum agree on behalf of maintained schools for the financial year 2013/14 that the following funding is managed centrally to provide services. Appendix 1 and 2 shows the levels of delegated funding and the data used for delegation across primary and secondary schools and special schools.
 - a. Trade Union Facilities time
 - b. Capital Expenditure contribution

Agenda Item 5

Appendix 3

School Forum December 6th 2012

School Budget Returns and forecast balances

Extract from the Torbay Scheme for Financing Primary and Secondary schools

3.1.5 Managing surplus balances

a.

Governing Bodies must consider annually, as part of the budget-setting process, the level of surplus balances they intend to carry forward at the year-end.

b.

Surplus budget share balances held by schools are permitted under this scheme and are subject to the following restriction with effect from 1 April 2007

c.

The Council will calculate by 31 May each year the surplus balance, if any, held by each school at the preceding 31 March. For this purpose the balance will be recurrent balance category as defined in the Consistent Financial Reporting Framework, i.e. this will include delegated budget share balance, recurrent Standards Fund balance and School Standards Grant balances.

d.

The Council will deduct from the calculated balance any amounts for which the school has a prior year commitment to pay from the surplus balance and any unspent Standards Fund grant for the previous financial year.

e.

The Council will then deduct from the resulting sum any amounts which the Governing Body of the school has declared to be assigned for specific purposes permitted by the Authority and which the Authority is satisfied are properly assigned. To count as properly assigned, amounts must not be retained beyond the period stipulated for the purpose in question, without the consent of the Authority. In considering whether any sums are properly assigned, the Authority may also take into account any previously declared assignment of such sums but may not take any change in planned assignments to be the sole reason for considering that a sum is not properly assigned. The categories of assignment for specific purposes are as follows:-

Investment in curriculum initiatives.

Improvements in Premises and Facilities

Repairs and maintenance

Operational contingency

- f. If the results of steps a-e is a sum greater than 5% of the current year's budget share for secondary schools, or 8% for primary and special schools, or £10,000 (where that is greater than either percentage threshold), then the Council will deduct from the current year's budget share an amount equal to the excess. Funds derived from sources other than the Authority will be taken into account in this calculation if paid into the budget share account of the school, whether under the provisions in this scheme or otherwise. Funds held in relation to a school's exercise of powers under s.27 of the Education Act 2002 (Community Facilities) will not be taken into account unless added to the budget share surplus by the school as permitted by the Authority. The total of any amounts deducted from schools' budget shares by the Authority under this provision are to be applied to the Schools Budget of the Authority.

Agenda Item 6

School Forum 6th December 2012

Projected out turn position for the Dedicated School Grant (DSG) March 2013

The projected outturn for 2012/2013 is that the DSG outturn will be a breakeven or zero position. However this does not reflect some significant overspends and underspends within the budget.

The education other than at school (EOTAS) budget is projecting an overspend of approximately £244K. The SEN budget is projecting an overspend of £500 K.

The pressures on EOTAS and SEN are the same as were reported to the October School Forum.

SEN statementing contingency is forecast to overspend by £71k.

These overspends are offset by a NNDR refund of £809k from when Torquay Community College changed its status from a maintained school to a foundation school. Foundation and voluntary aided schools pay lower rates than maintained schools. The funding formula allocates actual costs of rates to schools so there has been no detriment to the school and this refund should now legitimately accrue to the overall DSG.

TORBAY SCHOOLS' FORUM

Standing Orders

December 2012 edition

Remit of the Torbay Schools Forum

1. By virtue of section 47A of the School Standards and Framework Act 1998 (as amended by the Education Act 2002), Torbay Council was required to establish a schools forum.

The Schools Forum will be consulted on matters set out in the Schools Forums (England) Regulations 2012, that is:

- the terms of any proposed contracts for supplies and services to be paid out of the schools' budget
- arrangements for the education of children with special educational needs
- arrangements for the use of pupil referral units and the education of children otherwise than at school
- arrangements for early years provision
- administrative arrangements for the allocation of central government grants paid to schools via the authority.

Membership of the Schools Forum

4. The majority of forum members must be "school members" (see paragraph 5).
5. School members must be headteachers (or deputy headteacher or bursar elected on behalf of a headteacher) or governors. They must represent nursery, primary and secondary schools and the relative number representing each should take account of the relative numbers of pupils in those sectors. At least one schools member must represent special schools. The pupil referral unit must have one representative. Schools representatives of maintained schools and academies should broadly reflect the pupil numbers in maintained schools and academies with a one school de minimus having representation.
6. The membership of the Torbay Schools Forum will comprise 16 school members and 7 non-school members, as set out below:

School Members		
Sector	Headteacher	Governor
Primary*	4	2
Secondary	2	1
Special	1	0
PRU 1 member		

* at least one primary school member will also be a representative of a nursery school

Non-School Members	
Organisation	Places available
A representative of the early years sector	1
A representative of the 14-19 Partnership	1

7. No school shall be represented by more than one person on the Forum unless it is as a result of substitution.
8. The Torbay Association of Primary Schools (TAPS) and the Torbay Association of Secondary Schools (TASH) will nominate the headteacher representatives to sit on the Forum. The Torbay Governors Association (TGA) will elect the governor representatives.
9. In relation to the non-school members, the organisations listed in the table in paragraph 6 will nominate representatives to serve on the Forum. The early years' representatives will be nominated via the Birth to 5 Group. The 14-19 Partnership representative should not already be a member of the Forum. The Local Authority will inform all its maintained schools of the details of any non-school member appointed to the Forum, within one month of such an appointment.
10. The term of office for school members of the Schools Forum will be a maximum of three years, subject to their eligibility. At the end of their term of office, individuals may stand down or the group they represent may replace them. Non-school members will remain in office until they resign or are replaced by the body that nominated them. There is no limit to the number of consecutive terms of office an individual may serve, subject to their eligibility.
11. The Local Authority may end the appointment of any Forum member before the expiry of his or her term of office if the member concerned ceases to hold the office by virtue of which he or she became eligible for appointment to the Forum.
12. Any resignations must be given in writing to the Secretary of the Forum.
13. The Education Funding Agency will be entitled to nominate an observer who will be entitled to attend all meetings of the Forum.

Quorum

14. The Forum will be quorate when 40% of the members are present. Therefore the quorum is 6.
15. The Forum can continue to meet if it is not quorate, but any advice given to the Local Authority as a result of such a meeting would not have to be taken into account by the Authority.

Non-attendance at Meetings and Substitute Members

16. Headteachers on the Schools Forum may elect other members of the school senior management teams with finance responsibilities, such as deputy headteachers and bursars into the membership.
17. Any member who is unable to attend a meeting may send an eligible substitute (who will have voting rights, as appropriate) on their behalf provided that the Secretary (or the Clerk) is notified in writing prior to the commencement of the meeting.
18. Any member who fails to attend two consecutive meetings of the Forum in a six month period may be asked to resign unless the Forum determines that the absences were authorised. This Standing Order applies even if the member has opted to send a substitute on their behalf.

Chairman and Vice-Chairman

19. The Chairman of the Forum will be elected annually from within the membership of the Forum.
20. The Vice-chairman will be appointed annually from within the membership of the Forum.
21. The term of office of the Chairman and Vice-Chairman will be one year although there is no limit on the number of consecutive terms of office that an individual may serve.
22. In the absence of the Chairman at any meeting, the Vice-chairman will preside at the meeting. In the absence of the Chairman and the Vice-chairman at any meeting, a chairman for that meeting will be elected.
23. The person presiding at any meeting of the Forum may exercise any power or duty of the Chairman.
24. The Chairman and/or Vice-chairman shall cease to hold office if they resign from, or cease to be members of, the Forum. The election/appointment of a Chairman/Vice-chairman will then take place at the next meeting of the Forum.

Secretary

25. A Secretary to the Forum will be appointed from nominations from the Local Authority.

Meetings of the Forum

26. A minimum of three meetings of the Forum must be held each year.
27. The Local Authority must arrange for meetings to be held to enable the Forum to be consulted on the issues listed in the Schools Forums (England) Regulations 2012 (see paragraph 2). The Forum must be consulted in time for its views to be taken into account in deciding the disposition of the Schools Budget for the following financial year.
28. Meetings of the Torbay Schools' Forum will be held in public. However, there may be occasions when it is appropriate for the Forum to consider matters without the public and the press present. The Forum may by resolution exclude the press and public if a majority of those voting on the matter consider that because of the nature of the business to be considered it is appropriate to do so.
29. In addition, the Forum may, from time-to-time, invite the attendance of people with particular expertise to meetings. These people may speak but not vote.
30. Agendas, reports and minutes of the Torbay Schools' Forum will be published on the Council's website at www.torbay.gov.uk/education/schools/schoolsforum.
31. The Secretary will convene meetings of the Forum. Whenever possible, two weeks notice of the date of meetings will be given. An agenda (together with any supporting documents) will be circulated at least five clear working days before the meeting, as far as is practicable.
32. The duration of the meetings will be a maximum of three hours unless agreed by the Forum.

Cancellation of Meetings

33. The Secretary will inform all parties concerned of the cancellation of any meetings of the Forum.

Voting

34. Unless these Standing Orders or the law provides otherwise, any matter will be decided by a simple majority of those members voting and present in the room at the time the motion was put. Only schools and Early Years members may vote on funding formulae.
35. If there are equal votes for and against, the Chairman (whether or not he or she has voted) will have a casting vote. There will be no restriction on how the Chairman chooses to exercise a casting vote.

36. The Chairman will take the vote by show of hands unless it is agreed that a secret ballot should take place, in which case the Clerk to the Forum will circulate voting slips to all members, collect and count the votes and announce the results immediately. The numbers of those voting for, against or abstaining will be recorded in the minutes.

Urgent Decisions Taken Under the Five-day Rule

37. With the agreement of the Chairperson, if an urgent decision is required and it is not practical to call a special meeting of the Forum a paper shall be circulated via email to all Members of the Forum. The circulation of the paper will trigger a period of five working days during which members can give consideration. If before the end of the five-day period any member wishes to raise an issue regarding the content of the paper they should inform the Secretary. If the issue cannot be resolved the paper will be deferred for consideration at the next meeting of the Forum. If there are no objections to the proposal(s) the paper will be deemed to be approved by the Forum on the expiration of the five working days period. All decisions taken under the five-day rule will be reported to the next available meeting of the Forum.

Record of Proceedings

38. The Secretary will provide minutes of the proceedings and decisions of the Forum. A copy of the minutes will be signed by the Chairman at the next meeting in order to approve them as a correct record.
39. The Secretary will ensure that the results of the meetings and the action taken by the Local Authority in response to advice from the Forum are disseminated to schools.

Conduct of Members of the Forum

40. Members of the Schools Forum are expected to act in accordance with the seven principles of public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
41. Individual members of the Schools Forum should consider their own position in relation to the declaration of interests and, in exceptional circumstances, may feel it appropriate to declare an interest and possibly withdraw from the meeting.

Expenses

42. Members of the Forum will be eligible to re-claim travel and other expenses in accordance with Scheme of Allowances appended to these Standing Orders.

Indemnification for Members

43. The Local Authority will indemnify members against reasonable legal costs and expenses arising from recommendations made in good faith.

Standing Orders

44. A copy of the Standing Orders of the Torbay Schools Forum will be given to each member of the Forum.
45. The ruling of the Secretary as to the construction or application of any of these Standing Orders or as to any of the proceedings of the Forum shall not be challenged by any member of the Forum.

TORBAY SCHOOLS FORUM

Allowances Scheme

1. Members of the Schools Forum who are Headteachers may claim any travel and subsistence allowance in line with their terms and conditions of employment
2. Members of the Schools Forum who are Governors must register as volunteers with Torbay Council in order to claim any travel and expenses allowance. The Council has no obligation to tax any payments to volunteers and does not send any returns to the Inland Revenue in this respect. Volunteers are responsible for reporting to the Inland Revenue any income which they have received that is taxable and it is recommended that they contact their local office if they have any questions.
3. Volunteers can only be reimbursed for actual expenditure and must submit a claim form including receipts (unless claiming for mileage).
4. Volunteers can claim 40p per mile for travel to and from Forum meetings.
5. An allowance of up to £5.84 per hour may be claimed by volunteers when a carer has to be engaged to enable that volunteer to attend meetings of the Schools Forum. The allowance will cover paid care for the following who live with the volunteer:
 - children aged 15 years and under;
 - elderly relative requiring constant care;
 - disabled relative requiring constant care; or
 - relative with learning disabilities requiring constant care.

The paid carer cannot be a member of the immediate family or household.

6. Any other members of Forum who are not entitled to claim under any other scheme (i.e. from the organisation they are representing) may claim travel and expenses allowances in line with paragraphs 2-5 above.
7. If there is a financial consequence to a school by a representative attending a meeting of the Torbay Schools Forum, a claim may be made under the relevant allowances scheme.