

SCHOOLS' FORUM

17 December 2019

Present:	Karen Burns (Chair)	Primary Schools – Academies
	Lisa Lockett	Primary Schools – L/A Maintained
	Andy Card	Primary Schools – L/A Maintained
	Lisa Gallaher	Primary Schools – L/A Maintained
	Steve Marsland	Primary Schools – L/A Maintained
	Simon Wright	Primary Schools - Academies
	Marie Wright	Primary Schools – Academies
	Heather Farrell	Primary Schools – Academies
	Richard O'Regan	Secondary Schools – L/A Maintained
	David Ainsworth	Secondary Schools – Academies
	Jenny Langley	Secondary Schools - Academies
	Susan Marsh	Governor, Primary Schools – L/A Maintained
	Donal Townson	Governor, Primary Schools – L/A Maintained
	Rebeckah Hollingsworth	Tameside Pupil Referral Service
	Elaine Horridge	Diocesan Representative
	Anton McGrath	14-19 Sector
	Tim Bowman	Assistant Director, Education TMBC
	Christine Mullins	Finance Business Partner, TMBC
	Louisa Siddall	Senior Accountant, TMBC
	Wendy Lees	Senior Finance Officer, TMBC
Apologies for absence:	Elizabeth Jones	Governor, Secondary Schools – L/A Maintained
	Robin Elms	Special Schools – L/A/Maintained
	Elaine Sagar	Early Years Private, Voluntary and Independent Sector
	Gill McFadden	Business Manager, Secondary Schools-Academies
	Alan Harrison	Secondary Schools-Academies
	Scott Lees	Tameside Teachers' Consultative Committee
	Ian Noone	Diocesan Representative
	Councillor Leanne Feeley	Executive Member
	Councillor Oliver Ryan	Executive Member

48 DECLARATIONS OF INTEREST

There were no declarations of interest.

49 MINUTES

Consideration was given to the minutes of the meeting of the School's Forum held on 26 November 2019.

RESOLVED

That that the minutes of the meeting of the School's Forum held on 26 November 2019 be approved as a correct record.

50. DE-DELEGATION 2020-21

Consideration was given to a report of the Assistant Director of Finance and Assistant Director of Education, which provided additional information to that provided in the previous School's Forum

report presented on 26 November 2019. This report included the potential implications of the decision not to de-delegate Trade Union Support and was in response to a request made by the Secondary Sector to defer their vote on the de-delegated services to allow consultation with wider stakeholder colleagues.

Consideration was given to a point raised at the last meeting with regard to Special Schools and their position in the voting process for de-delegation. It was explained that operational guidance suggests that Special Schools and the Pupil Referral Service are not part of the voting process but can buy back in the same way that Academies can. The members of the Forum, therefore, considered whether Maintained Special Schools and the Pupil Referral Service wanted to be part of the de-delegation vote and therefore agree that their School's Forum representatives make the annual decision and buy back on behalf of the sector, and whether the Schools' Forum members agree to this amendment to the current voting process.

Following a request from members of the Forum with regard to financial efficiency and the role of Trade Unions, an overview of the roles and responsibilities of Trade Union Support was provided. It was explained that Tameside schools have for many years had access to Trade Union Support through a Service Level Agreement arrangement that recognises the main Trade Unions and professional associations that support the various public sector employee groups across the whole school workforce.

Furthermore, it was made clear that this support provides schools with centrally co-ordinated Trade Union services to support schools' and leaders' statutory obligations. In particular, it was explained that this provides schools, school leaders and Governing Bodies with support and expertise in employment related matters, helping to resolve workplace issues early on and providing a significant and positive contribution to school leaders with their management of change and the implementation of policies and procedures.

It was explained that local Trade Union representatives undertake a variety of roles in collective bargaining and working with school leaders and managers, communicating with union members, liaising with relevant Trade Unions at regional and national level and greatly assisting in the handling of individual matters concerning school based employees. The positive benefits for school leaders, employees and union members were outlined, including:

- Time and resources directed solely to Tameside schools' priorities with less competing and conflicting demands
- Progression of employee relations issues within schools undertaken and concluded in a timely manner
- Full knowledge and understanding of local needs and pressures
- Progression of school employment procedure review and implementation undertaken more speedily
- The development of effective, collaborative working relationships to enable smoother progression of school based organisational matters, such as school staffing re-organisation and health and safety matters
- Locally based resulting in easier access and speedier responses to requests for service
- Direct access to senior officers within the Council's Children's Services Directorate, acting as mandate and lobbyist for school leaders/school based staff and school related matter.

In contrast, the implications of not de-delegating Trade Union support were outlined, including potential delays in accessing support, which would negatively impact timely resolutions to workplace issues, progression of employment policies and practices for school leaders. It was also suggested that it would be highly likely that any support available would not have full knowledge and understanding of a school's local needs. Furthermore, any meetings that may require attendance from a variety of Trade Unions will become more problematic logistically to arrange at a regional level.

Consideration was then given to the financial implications of Trade Union Support. It was outlined that, year on year, the number of local Trade Union officers and associated expenditure is reviewed by the Local Authority to ensure that the provision continues to deliver excellent services whilst achieving good value for money. The support offered to schools for 2020-21 will be just over 3 full-time officers covering all teaching and non-teaching staff across the whole Tameside area. Their performance is overseen and directed by the senior council officers; ensuring work is targeted and directed to where local needs for schools are best met.

In terms of funding Trade Union support, the total cost of Service Level Agreements for schools for 2020-21, including staffing costs and associated overhead running costs is £174K. The de-delegation rate for this support is £6.47 per child and Secondary Maintained Schools were asked to vote on this.

It was explained that, assuming none of the Maintained Primary Schools buy in and Secondary Maintained Schools de-delegate whilst Academies who purchased for 2019-20 (both sectors) continue to buy in, there would be a short fall in cost recovery of approximately £82K. Alternatively, it was made clear that, should Secondary Maintained Schools not de-delegate and Academies who had previously purchased for 2019-20 (both sectors) continue to buy in, there would be a short fall in cost recovery of approximately £120K. It was also outlined that a buy-back option would be available to the Primary Sector on the same basis as de-delegation.

It was further explained that the short fall in the recovery of costs for the Council would result in the need for a significant review of the facilities afforded through the Facilitates Agreement, which may result in a reduction in offer being made available at the present time and for the future.

With regard to contingency, it was stated that, in 2019-20, Mainstream Secondary Maintained Schools voted to de-delegate the budget for contingency. This budget had been established to support those schools facing a deficit budget position to support the Dedicated Schools Grant against any future pressures where schools are closing or are forced to convert to an Academy leaving a deficit balance. The members of the Forum acknowledged that, whilst schools are facing financial pressures, it is prudent to establish a contingency budget to protect future pressures against the Dedicated School Grant, which will affect all schools. It was explained that the aim of this would be to create a contingency fund of approximately £159K. It was also noted that, to date, there have been no requests made to access the contingency fund for 2019-20. With this in mind, the fund will be carried forward into 2020-21.

RESOLVED

- (i) That de-delegation for Trade Union support for Secondary Maintained Schools be approved.**
- (ii) That de-delegation for Secondary Maintained Schools to the Contingency fund be approved.**
- (iii) That the amendment to the current voting process be agreed to include Special Schools and Pupil Referral Service with regard to future annual decisions on de-delegation.**

51. SCHOOLS BLOCK FUNDING 2020-21

Members of the Schools' Forum were presented with training relating to the School Funding Formula 2020-21. This included a detailed explanation of the Dedicated School Grant alongside Pupil and School Led Funding Factors. In addition, the High Needs National Funding Formula was explained with specific regard to how this is used within Special Schools, Mainstream Schools, and Resourced Units.

Following this, consideration was given to a report from the Assistant Director of Finance and Assistant Director of Education on the proposed Schools Block Funding Formula for 2020-21 and

the principles to be applied to the formula further to receiving the final grant settlement from the Department for Education.

Consideration was given to the outcomes of the consultation process, details of which were noted in the minutes of the previous meeting. Members were informed that there were a total of 40 responses to the consultation out of 98 schools. The results were as follows:

- Do you agree with option 3 as the proposed funding formula and proposed funding rates for 2020-21?
Yes – 60-%
No – 40%
- Do you support, in principle, the Local Authority submitting a disapplication to the Secretary of State to transfer 1% from the Schools Block to the High Needs Block as per option 3?
Yes – 62%
No – 38%
- If the secretary of State will not approve a 1% transfer, do you wish to support the 0.5% transfer from the Schools Block to the High Needs Block with Schools' Forum approval as per option 2?
Yes – 64%
No – 36%

It was detailed that, as a result of the consultation response, the Local Authority is planning to transfer 1% School Block funding to the High Needs Block funding with the proposed local model seeking to implement a 0.5% Minimum Funding Guarantee and a 3.4% Gains Cap, dependent on affordability.

The report also detailed that, as part of the consultation and in line with previous Schools' Forum decisions, that the Local Authority wishes to remain as close as possible to the National Funding Formula, after taking account of the 1% transfer. Therefore, if there were to be additional funding over what was required for the proposed funding formula, the Local Authority would ask Schools' Forum to consider the following changes in the order they are presented:

1. Include a Mobility Factor
2. Increase the Basic Entitlement
3. Reduce the Gains Cap
4. Increase the MFG

Consideration was given to the Mobility Factor with the intention that this would support schools in which a high proportion of pupils first join on a non-standard date. This funding would, therefore, be allocated on the proportion of mobile pupils in each phase above a threshold of 6% with the following rates:

- £875 for each Primary mobile pupil above the threshold
- £1,250 for each Secondary mobile pupil above the threshold

When modelled on this formula, and based on data from October 2018, a total of 21 Primary Schools and 2 secondary Schools would attract mobility funding, allocating a total of £155K to the eligible schools. In order for this to be affordable, the Gains Cap would need to be increased to 3.2%, resulting in gaining schools receiving up to 3.2% gains rather than 3.4%.

The report also stated that, dependent on the final settlement, the Local Authority would look to increase the Basic Entitlement to bring it more closely to the National Funding Formula rate. The Gains Cap has needed to remain in the local formula as this 1% transfer is unaffordable without the cap in place. In addition, the National Funding Formula currently allows the Local Authority to apply a Minimum Funding Guarantee. With this in mind, the report made clear that the Local

Authority would need to assess the formula to ensure that the overall budget balances within the final allocation of the Department for Education and would seek to balance the overall budget in a way that provides maximum benefit to all schools.

RESOLVED

That the principles of the Funding Formula for 2020-21 be agreed in line with the details included in the report.

53. SCHOOL BALANCES

Consideration was given to a report reviewing potential changes that could be made in an approach to managing school balances. This was following on from a previous report dated October 2019.

In the Schools' Funding Group, consideration had been given to the reasons as to why excess school balances had previously occurred and the purpose for which schools were holding these. In response, the report outlined a number of potential changes to the current scheme of balances, including:

- Increasing the threshold of permitted balances from 8% and 5% retrospectively to 12% in Primary schools and 12% in Secondary Schools
- Setting up a Capital Fund held by the Local Authority for specific capital schemes
- Schools' Forum to use its powers of clawback if balances are held in excess of 2 years (either in full or at 50%)
- Allocating any clawback to the High Needs Budget, subject to compliance with regulations

It was explained that the group had discussed the possibility of Capital Reserve to be established, for schools and the Local Authority to hold balances for Capital Schemes with an account looking to attract interest, but with restrictions that, if the scheme does not progress, the balance is not to return to the school. In these cases, the balance would be treated as a surplus balance, subject to clawback.

As previously discussed in Schools' Forum, invoking the clawback provision could only be applied to Maintained Schools and does not apply to the Academy Sector. The regulations state that funds clawed back would be shared with all Schools and Academies.

Consideration was given to whether, in exceptional circumstances, there may be instances where there would be an agreement to an exemption of a clawback being invoked and whether there should be a right of appeal for schools in relation to clawback.

Consideration was also given as to whether the decision to clawback would be one that could be brought to Schools' Forum. However, it was agreed that responsibility for this would lie with the Local Authority and that there would be a clear focus on transparency of process and policy.

RESOLVED

- (i) That the Schools' Forum agrees to increase the limit from 8% and 5% to 12% and 9% and would like an option to contribute to a Capital Reserve**
- (ii) That the Schools' Forum agrees to invoke a clawback clause for surplus school balances from 2019-20**
- (iii) That the level of the clawback balance be agreed at 50%**
- (iv) That exceptional circumstances may be considered with regard to clawback**
- (v) That the clawback agreement should be reviewed annually**
- (vi) That the Schools' Forum agrees that any clawback should be allocated to High Needs and that this be clearly identified within the policy.**

54. DATE OF NEXT MEETING

RESOLVED

That the date of the next meeting of the Schools Forum will be held on Tuesday 11 February 2020 at 10.00am, Discovery Academy, Porlock Avenue, Hyde.