



Shropshire Council  
Legal and Democratic Services  
Shirehall  
Abbey Foregate  
Shrewsbury  
SY2 6ND

Date: 14 June 2021

**Committee:  
Schools Forum**

**Date: Thursday, 17 June 2021**  
**Time: 8.30 am**  
**Venue: Virtual via Microsoft (MS) Teams**

You are requested to attend the above meeting.  
The Agenda is attached

Tim Collard  
Interim Assistant Director – Legal and Democratic Services

**Members of Schools Forum**

Bill Dowell (Chair)	Kerry Lynch
John Hitchings (Vice-Chair)	Stephen Matthews
Phil Adams	David O'Toole
Michael Barrett	Alan Parkhurst
Mark Cooper	John Parr
Alan Doust	Greg Portman
Sabrina Hobbs	Revell
Sandra Holloway	Darren Reynolds
Colin Hopkins	Mark Rogers
Marilyn Hunt	Andrew Smith
Shelley Hurdley	Charles Thomas
Samantha John	Guy Verling
Sian Lines	

Your Committee Officer is:


**Philip Wilson** Service Manager Business Support People  
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Email: [phil.wilson@shropshire.gov.uk](mailto:phil.wilson@shropshire.gov.uk)

# AGENDA

- 1 **Apologies**
- 2 **Minutes and Matters Arising - 18 March 2021** (Pages 1 - 6)
- 3 **Updated Dedicated Schools Grant 2021-22 (Jo Jones)** (Pages 7 - 8)
- 4 **School Balances as at March 2021 (Jo Jones)** (Pages 9 - 12)
- 5 **Growth Fund Allocations 2020-21 and 2021-22 (Phil Wilson)** (Pages 13 - 16)
- 6 **Provision of Trade Union Facility Time in Shropshire (Charles Thomas)**  
(Pages 17 - 26)
- 7 **Dedicated Schools Grant Monitoring 2021-22 (Stephen Waters)**  
  
Report to follow.
- 8 **Communications**
- 9 **Future meeting dates**

## **Future meetings (please note the new venue and diary):**

Thursday 16 September 2021	8.30 am	Microsoft (MS) Tea
Thursday 4 November 2021	8.30 am	Microsoft (MS) Tea
Thursday 2 December 2021	8.30 am	Microsoft (MS) Tea
Thursday 13 January 2022	8.30 am	Microsoft (MS) Tea
Thursday 27 January 2022 (provisional)	8.30 am	Microsoft (MS) Tea
Thursday 17 March 2022	8.30 am	Microsoft (MS) Tea
Thursday 16 June 2022	8.30 am	Microsoft (MS) Tea

	<b>Schools Forum</b> <b>Date:</b> 18 June 2021 <b>Time:</b> 8.30 am <b>Venue:</b> Via MS Teams	<u>Item/Paper</u>  <b>A</b>  Public
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## MINUTES OF SCHOOLS FORUM HELD ON 18 MARCH 2021 – HELD VIA MS TEAMS

### Present

#### School Forum Members

Bill Dowell (Chair)  
Alan Doust – Secondary academy headteacher  
John Hitchings – Academy governor  
Sandra Holloway – Primary governor  
Marilyn Hunt – Primary headteacher  
Shelly Hurdley – Early Years representative  
Sue Lovecy – Secondary academy headteacher  
Sian Lines – Diocese of Hereford  
Kerry Lynch – Primary academy headteacher  
Stephen Matthews – Primary governor  
David O’Toole – Secondary academy headteacher  
Alan Parkhurst – Primary headteacher  
Michael Revell – Primary governor  
Mark Rogers – Primary headteacher  
Andrew Smith – Post 16  
Charles Thomas – Professional association representative  
Carla Whelan – Primary academy headteacher

### Members

Ed Potter  
Nick Bardsley

### Officers

Karen Bradshaw  
Julia Dean  
Jo Jones  
Neville Ward  
Stephen Waters  
Phil Wilson  
Helen Woodbridge

### Observers

Roger Evans  
David Vasmer

### 1. Apologies

Apologies had been received from Sabrina Hobbs and Reuben Thorley.  
A later apology was received from John Parr.

### 2. Minutes and Matters Arising

The minutes of the meeting held on 28 January 2021 were agreed as a true record. There were no matters arising which were not covered by the agenda.

### 3. Schools’ Finance and COVID-19

Phil Wilson went through his report which summarised the range of funding available to support schools through the pandemic.

- Emergency Schools Fund – 76 maintained schools secured over £237k for costs incurred in the Summer term 2020 – figure for academies not available

### ACTION

- Catch-up Premium - £1.75 million for Shropshire schools for Autumn and Spring terms – a further £1 million plus expected in Summer term
- Winter Grant Scheme – underwriting cost of food for disadvantaged families outside of term time – Christmas, February half-term and Easter (5 weeks) – estimated cost of £560k – Council underwriting support for Whitsun half-term – further funding of over £200k going into schools to support purchase of uniforms/shoes for disadvantaged children for the start of the Summer term
- Coronavirus Job Retention Scheme – claims of over £96k has been secured to end of February 2021 for furloughed staff in maintained schools – no information available for academies
- Free school meals – process for reclaiming costs incurred for provision of FSMs to children learning at home from 4 January will be published shortly – supplementary grant funding for 2020-21 financial year of £482k has been allocated to 115 Shropshire schools
- Workforce Fund – to support schools who had high staff absences in November and December 2020 – complex claims process – few schools expected to apply – window for applying was opened on 10 March with closing deadline of 23:59 on 31 March
- National Tutoring Programme - £350 million, plus additional funds announced in February (£100 million) going into programme – no data on extent to which Shropshire schools are either accessing programme and support or the impact it is having
- New Education Recovery Package – details limited at this stage – one-off Recovery Premium of £302 million (average allocations of £6k for primaries and £22k for secondaries) for the summer, and £200 million for secondary schools to deliver face-to-face summer schools, initially suggested for targeting at Year 7s
- National Testing Programme – schools able to reclaim costs associated with testing arrangements in schools during the Spring term – assumed to apply mainly to secondary schools for lateral flow testing of students in line with 8 March reopening

Mark Rogers raised a concern regarding the catch-up premium as there are issues around schools being about to spend this funding before the end of the financial year. This will lead to confusion with schools reporting large year-end balances which may not reflect the true financial position. Phil Wilson agreed to pick this issue up with the DfE.

**PW**

John Hitchings addressed the issue of Schools Forum not being able to easily identify the academy figures regarding extra funding. He suggested that pressure is put on government to persuade them to share academy figures with Schools Forums.

Marilyn Hunt asked about funding gap in pupil premium. Phil Wilson advised that lobbying is going on around this issue (£450k).

Phil Wilson agreed to provide a link to spreadsheet which details what schools with receive. He added that there is also Holiday Activity and Food (HAF) programme funding available in 2021 and access to IT equipment support

**PW**

disadvantaged pupils, which schools have been able to access.

Charles Thomas thanked Phil Wilson for his report. The trades unions were very grateful for all the work the council and schools have put into dealing with this difficult situation. He was hopeful that some of the additional funding could be used to prevent redundancies.

#### 4. Allocation of Early Years Block 2021-22

Neville Ward went through his report. He reminded Schools Forum that the final amount received is yet to be confirmed as it will depend on NOR/parental take up.

- 2021-22 Early Years Block allocation is indicative subject to January 2021 census
- Indicative allocation is based on January 2020 census
- Increased hourly rates for both 2 year olds and 3 & 4 year olds
- Increased commitment for special needs support
- Continued provision for Early Years Pupil Premium and Disability Access Fund.

He advised that childcare providers have been concerned about the lack of income during the pandemic although most have had access to grant schemes and extra funding made available through the LA discretionary fund. There will be long term impacts of COVID and it will be interesting to see how long-term demand for childcare goes which could impact positively or negatively.

The Chair thanked Neville Ward and his team for his ongoing support to providers. Neville Ward recognised the efforts that have been made over the last 12 months by providers. The Chair asked for the thanks of Schools Forum to be passed on to providers.

NW

#### 5. High Needs National Funding Formula Consultation

Phil Wilson went through this report. He explained that there are only five questions:

**Q1:** Do you agree that we should replace the current lump sum included in the formula calculation with an amount calculated on the basis of actual local authority expenditure, as reported by each local authority?

*Agree/Disagree/Unsure*

**Q2:** Do you think that we should increase the percentage of actual expenditure in 2017-18 included in the funding formula calculation, or leave it at 50%?

*Increase the percentage/Keep the percentage at 50%/Decrease the percentage/Unsure or other*

**Q3:** To what extent do you agree that the funding formula should include factors that reflect historical local demand for and supply of SEND and AP provision?

*Strongly agree/Agree/Neither agree or disagree/Disagree/Strongly disagree*

**Q4:** Do you agree with our proposal to update the low attainment factors using data from 2016, and to substitute the most recent 2019 data in place of the missing 2020 attainment data?

*Agree/Disagree – calculate in the same way as last year/Disagree – other/Unsure*

**Q5:** If you wish to offer ideas on factors that could be added to the current formula, or that could replace the current proxies, please provide further details.

He added that the closing date is 24 March 2021 and confirmed that Shropshire Council will be submitting a return.

He had been in touch with f40 and agreed with their views that unfairness may be perpetuated, and that population should be key driver.

Julia Dean was in agreement.

Phil Wilson agreed to circulate the f40 response and all were encouraged to respond to the consultation.

PW

## 6. **Changes to Sparsity Factor Consultation**

Jo Jones went through her report.

The consultation makes the following proposals:

- to begin measuring sparsity distances by road journeys rather than ‘as the crow flies’ distances, to better reflect the actual distance between schools, particularly in rural locations
- to increase the maximum sparsity factor values by £10,000 across all phases in the 2022-23 schools national funding formula (NFF).

She confirmed that Shropshire Council will be responding but schools were encouraged to respond too. It is potentially extra funding for Shropshire of around £1m.

Mark Rogers asked about how routes to schools were mapped and it was confirmed that the DfE produce this information using home postcodes.

Nick Bardsley welcomed this consultation as it had been a concern for some years.

## 7. **Dedicated Schools Grants Recovery Plan Update**

Stephen Waters and Julia Dean presented the report and three appendices.

Three areas where savings could be made were identified. A fourth key area is the increase in top-up funding to mainstream schools but it was felt to target this would be negative and counter-productive.

### **Post 16 - FE College Placements**

- 2021-22 estimated increase in expenditure is 27% (£0.741m) based on current trends
- Increase in numbers with an EHCP:
  - 2017-18 - 129
  - 2020-21 - 226
- Growth reduction target £0.075m (10%)

To be achieved by:

- Reviewing process for ceasing EHCPs prior to transition

- Enhancing transition process

Review of how funding is allocated to secure greater efficiency and value for money.

Chair asked about engagement with FE and it was agreed that he and Phil Wilson would discuss adding an FE representative for Schools Forum.

Chair/PW

### **Independent Specialist Placements**

- 2021-22 estimated increase in expenditure is 2% (£0.104m) based on current trends

Growth reduction target £0.075m (72%)

To be achieved by:

- Increasing local capacity through implementation of high needs provision strategy
- Current social care and health initiatives.

Andrew Smith agreed it would be valuable to have an FE representative on Forum.

### **Alternate Provision**

Projected savings target of £0.070m (23% of anticipated expenditure)

Behaviour support/outreach

Achieved by:

- Supporting early intervention through outreach focus
- Introduction of a contribution to the cost of a placement.

### **6<sup>th</sup> Day Provision:**

Achieved by:

- Investment in centralised support services
- Implementation of priorities identified by the inclusion workstream

The combined growth reduction target from these three strategies is **£0.220m** in the 2021-22 financial year.

### **Financial Modelling**

- Shropshire's High Needs Block allocation is increasing by £3.511m (13%) in 2021-22 from £28.016m to £31.527m. This is a significantly higher increase than the growth between 2019-20 actual expenditure (£27.293m) and 2020-21 projected expenditure (£29.623m), 9%.
- If expenditure was to grow at this level unmitigated, the deficit would reduce by £0.837m just through the High Needs Block allocation increasing by £3.511m and the projected expenditure increasing by £1.910m.
- It is estimated that a further £0.220m anticipated expenditure growth can be reduced through the following high level strategies which means that in 2021-22 the plan is to reduce the projected DSG deficit from £2.573m by £1.057m to £1.516m.
- In the following years, 2022-23 and 2023-24 it is assumed that the High Needs Block allocation will increase by 8% per annum
- The DSG deficit would be brought back into balance in the 2023-24 financial year.
- This assumes that the other blocks of DSG expenditure does not

overspend against their allocation and the 3 mitigations discussed totalling £0.220m in 2021-22 continue to have an effect through the remaining financial years through reducing the baseline expenditure.

Marilyn Hunt asked if the extra funding is confirmed for future. Stephen Waters advised that it may be affected by the high needs consultation. Phil Wilson was optimistic that up to 2022-23 the funding was relatively certain given the Government's three year funding commitment, but as we proceed further into the future funding levels are less certain.

Julia Dean advised of an overarching SEND review which is ongoing.

The Chair summarised that there is cautious optimism but several risks and the position needs to be closely monitored and schools Forum kept advised.

## 8. **Communications**

The Chair stressed the importance of as many people as possible responding to the consultations. He asked councillors to include MPs.

**NB**

He also suggested wider circulation of finance and COVID paper to ensure that schools are up to date.

**PW**

## 9. **Future meeting dates:**

Thursday 17 June 2021 (MS Teams)  
Thursday 16 September 2021  
Thursday 4 November 2021  
Thursday 2 December 2021  
Thursday 13 January 2022  
Thursday 27 January 2022 (provisional)  
Thursday 17 March 2022  
Thursday 16 June 2022

The meeting closed at 10.10





## Schools Forum

Date: 17 June 2021

Time: 8:30 a.m.

Venue: Virtual via  
Microsoft (MS) Teams

Paper

# B

Public

## Updated Dedicated Schools Grant (DSG) 2021-22

**Responsible Officer** Jo Jones

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Tel: 01743 254343

### Summary

The Department for Education (DfE) announced provisional 2021-22 local authority Dedicated Schools Grant (DSG) allocations in December 2020, as reported to Schools Forum in January 2021. In March 2021 the DfE announced an update to the DSG allocation for the 2021-22 financial year.

This report provides a summary of Shropshire's updated 2021-22 DSG allocation comparing with Shropshire's initial provisional DSG allocation as reported to Schools Forum in January 2021.

### Recommendation

This report is for information only.

### REPORT

1. In January 2021 Schools Forum members received a report summarising the 2021-22 funding blocks making up Shropshire's provisional DSG allocation and listing the key financial headlines for each of the blocks.
2. Shropshire's 2021-22 DSG allocation was updated in March 2021 to include recoupment for academies and deductions for high needs places funded by the Education and Skills Funding Agency (ESFA).
3. A summary of the provisional 2021-22 DSG (as provided to Schools Forum members in January 2021) and the latest updated 2021-22 DSG allocation including recoupment for academies and deductions for high needs places funded by the ESFA, is shown in the table below.

	<b>Provisional DSG £m</b>	<b>Recoupment / Deductions for HN places £m</b>	<b>Latest DSG £m</b>
Schools Block	183.383	124.426	58.956
Early Years Block (Provisional)	17.028	0	17.028
High Needs Block	31.527	5.276	26.251
Central Schools Services Block (CSSB)	2.599	0	2.599
<b>Total DSG</b>	<b>234.537</b>	<b>129.702</b>	<b>104.834</b>

4. The Schools Block recoupment shown in the table above relates to the budget shares, calculated through Shropshire's local funding formula, of 61 Shropshire academies. The funding is recouped from Shropshire's DSG and passed on to providers by the ESFA. The DSG recoupment will be updated throughout the financial year to reflect new academy conversions.
  
5. The High Needs Block deduction relates to pre and post 16 high needs place funding for Severndale Specialist Academy, pre 16 and post 16 high needs place funding for mainstream academies and maintained schools in Shropshire, and post 16 high needs places in Commercial and Charitable Providers (CCPs) and Further Education (FE). The funding is deducted from Shropshire's DSG and passed on to providers by the ESFA.



## Schools Forum

Date: 17 June 2021

Time: 8:30 a.m.

Venue: Microsoft TEAMS meeting

Paper

# C

Public

## School Balances as at March 2021

**Responsible Officer** Jo Jones

e-mail: [jo.jones@shropshire.gov.uk](mailto:jo.jones@shropshire.gov.uk)

Tel: 01743 254343

### Summary

This report analyses the actual levels of individual local authority maintained schools' balances as at 31 March 2021 and compares these with the previous year's position.

### Recommendation

This report is for information only.

## REPORT

### Background

1. Shropshire maintained schools' surplus balances at the end of each financial year are carried forward and earmarked specifically for each individual school's use. Multi academy trusts will have their own arrangements for the treatment of individual academy balances.
2. Deficit balances of Shropshire maintained schools are also carried forward and set against the individual school's budget for the following year. Any maintained school planning a deficit budget is required to agree a licensed deficit arrangement with the local authority stipulating how and when the school will move out of a deficit position. Academies in a similar position will make arrangements with the Education and Skills Funding Agency (ESFA).

3. All such requirements for Shropshire maintained schools are contained within Shropshire's approved Scheme for the Financing of Schools (available on the Shropshire Council website at <https://shropshire.gov.uk/media/7107/scheme-for-the-financing-of-schools.pdf> ). Whilst Shropshire's Scheme no longer includes a schools' balance control mechanism, maintained schools holding an excessive surplus balance will be required to provide a clear plan of how it will be used to benefit pupils.

#### Actual levels of maintained schools' balances as at 31 March 2021

4. The overall level of school balances held by maintained schools in Shropshire has increased over the last financial year by £2.332m (78%) to a total balance of £5,332,962.

Appendix A setting out detailed school by school information on the levels of individual schools' balances will be presented at the meeting. This year due to the meeting being recorded on TEAMS and the confidential nature of the Appendix, the schools have been anonymised. The appendix is presented in order of percentage size of balance compared to the total school revenue funding.

5. A summary is given in the table below:

	March 2020 Number of Schools	Balance March 2020	March 2021 Number of Schools	Balance March 2021	Variance	
					£	£
<b>Primary Schools</b>						
In Deficit	4	-41,025	2	-10,203	30,822	-75%
In Surplus	81	3,509,888	82	5,567,677	2,057,789	59%
<b>Net Total</b>	<b>85</b>	<b>3,468,863</b>	<b>84</b>	<b>5,557,474</b>	<b>2,088,611</b>	<b>60%</b>
<b>Secondary (inc All-Through) Schools</b>						
In Deficit	1	-474,420	1	-437,621	36,800	-8%
In Surplus	0	0	0	0	0	0%
<b>Net Total</b>	<b>1</b>	<b>-474,420</b>	<b>1</b>	<b>-437,621</b>	<b>36,800</b>	<b>-8%</b>
<b>Special Schools</b>						
In Deficit	1	-202,304	1	--53,198	149,106	-74%
In Surplus	1	209,241	1	266,307	57,066	27%
<b>Net Total</b>	<b>2</b>	<b>6,937</b>	<b>2</b>	<b>266,307</b>	<b>259,370</b>	<b>2972%</b>
<b>All Schools</b>						
In Deficit	6	-717,749	4	-501,022	216,727	-30%
In Surplus	82	3,719,129	83	5,833,984	2,114,855	57%
<b>Net Total</b>	<b>88</b>	<b>3,001,380</b>	<b>87</b>	<b>5,332,962</b>	<b>2,331,582</b>	<b>78%</b>

6. During the financial year 2020-21, one primary school transferred to academy status taking the total number of Shropshire maintained schools from 88 at March 2020 to 87 at March 2021.

## **Maintained Schools Surplus Balances**

7. Overall surplus balances have increased by £2.11m (57%) during the year, in contrast to reductions to overall surplus balances in previous years. The increase in overall surplus balances in 2020-21 relates to the primary, secondary and special school sectors and includes the balances relating to the one in-year academy convertor.
8. Primary school surplus balances increased by £2.06m (59%), there are no secondary school surplus balances and special school surplus balances increased by £57,066 (27%) over the year.

## **Maintained School Deficit Balances**

9. Overall deficit balances have decreased by £216,727 (-30%), in contrast to a 30% increase in deficit balances in the previous year. Deficit balances have decreased in all sectors: secondary, primary and special.
10. Primary school deficit balances decreased by £30,822 (-75%) over the 2020-21 financial year. The number of primary schools in deficit reduced to two (schools new to deficit) but of the four schools in deficit at March 2020, all four fully repaid their deficits in 2020-21.
11. Of the two primary schools in deficit at March 2021, both moved into a deficit position during the year. None of the schools had a licensed deficit agreement with the local authority. Appropriate support and challenge are being taken with these schools to ensure the unlicensed deficit positions are fully addressed in 2021-22.
12. Secondary school deficit balances decreased overall by £36,799 (-8%) over the year. This relates to one secondary school.
13. Special school deficit balances decreased by £149,106 (-74%) over the year. This relates to one special school. Following this school's licensed deficit agreement for the last two years, the local authority has worked closely with the school that has seen the deficit significantly reduced during 2020-21. The school converted to an academy on 1 April 2021 and it is expected that the deficit will reduce significantly further once all the closedown figures have been finalised.
14. Termly financial monitoring meetings will be held between the local authority and the schools with year end deficit balances where appropriate. As and when necessary, headteachers, school business managers and chairs of governors/chairs of finance will be called in to meetings with the Principal Education Improvement Adviser to discuss the budget position at the school.

## **Schemes for financing local authority maintained schools**

15. The Department for Education has updated the statutory guidance on Scheme for the Financing Schools. The changes include the requirement for maintained schools to submit a 3-year budget forecast each year, and the directive for schools which have a deficit of over 5% to submit a recovery plan to the local authority.
16. Local authorities are required to consider the extent to which such forecasts may be used for more than just confirming schools are undertaking effective financial planning or not. For instance, they could be used as evidence to support the local authority's assessment of school financial value standards or used in support of the authority's balance control mechanism.
17. Local authorities must inform schools of the purposes for which they intend to use these 3-year budget forecasts.
18. An updated of the Shropshire Scheme for the Financing of Schools will be presented for Schools Forum's consideration and comment in the Autumn term.



## Schools Forum

Date: 17 June 2021

Time: 8:30 to 10.30 am

Venue: Virtual via  
Microsoft (MS) Teams

Paper

# D

Public

## Growth Fund Allocations 2020-21 and 2021-22

**Responsible Officer** Phil Wilson

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Tel: 01743 254344

### Summary

Growth funding for schools is provided through local authorities' Schools Block national funding formula allocations. Introduced in 2019-20, growth funding is allocated to local authorities using a formulaic method based on lagged growth data.

Growth funding enables local authorities to support schools, including academies, with significant in-year pupil growth which is not otherwise immediately recognised by the lagged funding system.

The growth fund can be used to:

- support growth in pre-16 pupil numbers to meet basic need
- support additional classes needed to meet the infant class size regulation
- meet the costs of new schools.

### Recommendation

Schools Forum is asked to:

- note the individual allocations made to schools from Shropshire's Growth Fund in 2020-21 and the use of the year end underspend to support the ongoing pressure on the Dedicated Schools Grant (DSG) High Needs Block
- note the current allocations from Shropshire's 2021-22 Growth Fund.

## REPORT

1. Growth funding enables local authorities to support schools with significant in-year pupil growth, which is not otherwise immediately recognised by the lagged funding system.

2. The Growth Fund for schools is provided within local authorities' Schools Block allocations as part of the DSG, calculated through a national formula based on lagged pupil growth data. Shropshire received Growth Fund allocations of £976,988 in 2020-21 and £959,993 in 2021-22.
3. In November 2018, Schools Forum agreed the Growth Fund element of the Schools Block be held centrally and allocated for growth funding directly to Shropshire schools meeting the Department for Education's (DfE) eligibility criteria.
4. The DfE allows the Growth Fund to be used to:
  - support growth in pre-16 pupil numbers to meet basic need
  - support additional classes needed to meet the infant class size regulation
  - meet the costs of new schools.
5. The DfE states that the Growth Fund may not be used to support:
  - schools in financial difficulty
  - general growth due to popularity, which is managed through lagged funding.
6. In line with the DfE's expectations for allocating the Growth Fund, Shropshire's Schools Forum agreed the following in November 2018:
  - where the predicted numbers for a school (excluding nursery classes and Post 16) for the following September show an increase, due to basic need, requiring the running of additional classes they may be able to access additional funding
  - where schools have chosen to admit above their Published Admission Number (PAN) to meet parental preference from outside their agreed planning area and not basic need they will not be eligible to receive funding from the Growth Fund in recognition that the local authority could have secured places for the children concerned at other schools
  - the requirement for additional classes or forms of entry will be reviewed on a case by case basis
  - allocations will be based on appropriate costs of resourcing additional classes
  - initial growth funding requests will be evaluated using admission data and demographic forecasts to aid schools with budget setting - where there is uncertainty or disagreement around the predicted pupil numbers, funding will not be allocated until receipt of the actual October census data
  - in instances where actual growth was at lower levels than original estimates, schools will not be subject to claw-back on any funding already allocated
  - for maintained schools any growth funding is available to the end of the financial year, while for academies any growth funding is available to the end of the academic year



- to avoid double funding, any maintained primary school attracting funding from the Growth Fund will not receive funding from the de-delegated pupil growth contingency in that financial year.

### **Growth Fund allocations to Shropshire Schools in 2020-21**

7. Reviews of secondary and primary school pupil allocations for September 2020 identified 4 secondary schools and 4 primary schools eligible for growth funding in 2020-21.
8. For the secondary schools, the funding of each additional form of entry was set at £48,000 for the seven month period September 2020 to March 2021.
9. For the primary schools, the funding for each additional classroom was set at £40,000 for the seven month period September 2020 to March 2021.
10. Eligible academies are also entitled to growth funding for the period April 2021 to August 2022. This will be funded from Shropshire's 2021-22 Growth Fund allocation based on £30,000 per additional classroom for primary academies and £35,000 per additional form of entry for secondary academies.
11. After calculating individual school budgets in line with the National Funding Formula in 2020-21, £667,055 was set aside for Growth Funding from the total allocation of £976,988, which allowed the balance of £309,933 to be included in the transfer of £842,000 (the maximum 0.5 % allowable) from the Schools Block to the High Needs Block to support the ongoing cost pressures in this area of spend.
12. The total spend from the Growth Fund in 2020-21 was £377,000 leaving £290,055 remaining as unspent at the financial year end. The underspend can either be carried forward into 2021-22 for Growth Fund or used to offset pressures on any other area of spend within the 2020-21 DSG. Shropshire's Growth Fund underspend in 2020-21 has been used to further support the High Needs Block overspend.

### **Growth Fund allocations to Shropshire Schools in 2021-22**

13. Shropshire's Growth Fund allocation within the Schools Block of the DSG in 2021-22 is £959,993. At the point of allocating the Schools Block for 2021-22 to Shropshire schools and academies, Schools Forum supported the transfer of up to 0.5% of the total Schools Block to the High Needs Block to support the ongoing pressures on this budget area. The 0.5% transfer of £876,000 included £521,993 of the Growth Fund element of the Schools Block, leaving £438,000 for Growth Fund allocations to eligible schools and academies in 2021-22.
14. Initial reviews of secondary and primary school pupil allocations for September 2021 has not identified any new schools eligible for growth funding from September 2020, while with three secondary academies will receive funding from the 2020-21 growth allocation for the summer term 2021 relating to pupil growth from September 2020.

15. A presumption process to secure an operator for the new maintained school in west Shrewsbury was completed in the second half of 2020, with the academy trust who will run the school approved by the Regional Schools Commissioner in December 2020. With the school planned to open in September 2022, the trust is eligible of draw down pre-opening costs from the Growth Fund. These costs will be split across the 2021-22 and 2022-23 Growth Funds.
16. Any Growth Fund balance remaining at the end of 2021-22 can either be carried forward in 2022-23 for growth or used to offset pressures in other areas of the 2021-22 DSG.



## Schools Forum

Date: 17 June 2021

Time: 8:30 to 10.30 am

Venue: Virtual Microsoft  
(MS) Teams

## Paper

# E

Public

## PROVISION OF TRADE UNION FACILITY TIME IN SHROPSHIRE

**Responsible Officer** Charles Thomas  
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### Summary

Trade Union facility time is subject to de-delegation as approved by Schools Forum. The budget for facility time has significantly reduced over the past 5-10 years as a result of Academy conversions and Academies not taking advantage of buy-back. This means that a significant proportion of staff in Shropshire Academies cannot be supported by local Trade Union representatives.

The decrease in the budget has led to local trade union representative facility time reducing significantly to 2 days per week for NEU and NASUWT and just a half day for NAHT. This is impacting upon availability to support staff in Shropshire schools and academies in casework and also consultation on policies and procedures.

In this report, Schools Forum are asked to consider an increase to the per pupil amounts de-delegated from maintained schools be taken forward for consultation in the Autumn term, for implementation in the financial year 2022-23.

### Recommendation

Schools Forum consider and agree that the proposal to increase the per pupil amounts to be de-delegated for trade union facility time from 1 April 2022, be taken forward for consultation with maintained schools in the Autumn term.

## REPORT

### Background

1. All staff in education are encouraged to be in trade unions or professional associations. For teaching staff this includes: the National Association of Head Teachers (NaHT), Association of School and College Leaders (ASCL), the National Union of School Teachers and Union of Women Teachers (NASUWT), and the National Education Union (NEU).

2. Support staff are represented by GMB, Unison and NEU. The NEU has not yet received negotiating rights for support staff, but this may change in the future. These trade unions represent members in discussions on pay and conditions of service, from a national level, via regional bodies to a local county level.
3. At a local level, the trade unions are not represented by paid officials, in the main. Where possible officers of the local unions are taken from serving members in the district, elected annually. Negotiations occur at their workplace to release these members from their school-based duties to represent their members. This release time must not exceed 50% of their working week.
4. In line with school funding regulations, Shropshire Council is required to consult on an annual basis with its maintained schools on the de-delegation for trade union facility time from individual mainstream school budgets. Academies are invited to voluntarily buy into the service, in accordance with Department for Education (DfE) and Education and Skills Funding Agency (ESFA) advice. This states:  
*'Where de-delegation has been agreed for maintained primary and secondary schools, our presumption is that the local authority will offer the service on a buy-back basis to those schools and academies in their area which are not covered by the de-delegation.'*
5. The per pupil funding which the Shropshire Schools Forum, following consultation, has de-delegated for trade union costs in the 2020-21 financial year was £1.93 per pupil for primary mainstream schools and £3.07 per pupil for secondary mainstream schools. These unit costs also apply to academies who chose to buy back into this service. It is also open to Shropshire academies who do not currently buy into Shropshire HR, but with no take up to date.
6. This figure has increased over the years from £1.78 (primary) and £2.91 (secondary) in 2014 to the current amounts. Within that time though, due to academy conversions of the majority of secondary schools in Shropshire and limited buy-back, the budget has decreased significantly in that same period. In 2014-15 it was £60,160. This compares to the 2020-21 amount of £23,001. The buy-back from academies in 2020-21 was £35,792, meaning that the total budget was £58,793. The buy-back income for 2021-22 is not yet known but is unlikely to be significantly higher due to being based on pupil numbers. Schools Forum approved a flat rate amount of £25,000 for the 2021-22 budget.
7. For context, the current unions being paid via the budget are:
  - NASUWT – 0.4fte (2 days) - £21,304
  - NEU – 0.4 fte (2 days) - £21,393
  - NAHT 0.1fte (half day) - £8,798
  - Total - £51,495
8. All of the above are currently working in Shropshire schools. The fte's decreased in 2019 for NASUWT and NEU (from 0.5fte) due to the decreased budget and limited buy back from academies. Those academies not buying back do not benefit from access to local reps or locally agreed policies and procedures.

9. The cost of the facility time for the three reps above is £51,495 (including on costs). Therefore, the majority of facility time for the reps is met by the buy back from academies. There are currently only 4 Shropshire MATs and 1 SAT buying back into the facility budget (this totals 21 individual schools). Should one of these decide not to in future, further reductions to facility time would need to be considered.
10. Local reps are reporting that workload has not decreased as a result of less maintained schools and in fact has increased in the past 2 years meaning they are regularly working double the amount of time they are paid for under the facility time budget. This is not sustainable long term and is also impacting upon policy and procedure consultation as member support and casework takes priority.
11. Casework for members both individually and school-based falls almost exclusively on the elected officers. At this moment in time this means one person from each of the unions. The result is that meetings must be delayed and fitted into the release days of the officers. An investigation meeting can take 3 hours, excluding all the preparations, pre-meetings and post meeting discussions, which can make up another 2 hours. Thus, if two cases occur on the same day, it is unlikely both can be supported, hence one is delayed, putting stress on all involved, even with virtual meetings.
12. Research by the local reps has found that the Shropshire amounts are lower when compared with the average de-delegated per pupil trade union costs figure across England of £3.00. The secondary per pupil trade union costs figure is therefore at the average level for local authorities in England, but the primary trade union costs figure is lower. Research by the trade unions in the West Midlands has shown the average facilities time payment is £4.99 per pupil, regardless of age. The highest rate is £8.50 per pupil.
13. In Shropshire, it has long been shown that schools were in need of higher funding. Under the National Funding Formula (NFF), per pupil funding is increasing in 2021-22 to £4,597 in the primary phase and £5,537 in the secondary phase. The current cost of trade union facility time is therefore 0.042% of per pupil funding for primary schools in Shropshire and 0.055% of per pupil funding for secondary schools in Shropshire. Shropshire has received above inflation increases in school funding through the NFF in 2020-21 and will do also in 2021-22.
14. The increases in schools budget per pupil funding over the 2019-20 and 2020-21 baseline figures are:
  - 2020-21 – 3.67% per pupil increase
  - 2021-22 - 4.5% per pupil increase.
15. In particular, the increase in the schools budget from 2020-21 to 2021-22 is £15,178,733, with an increase of £345 in primary per pupil funding and £432 in secondary per pupil funding from 2020-21 to 2021-22.
16. High needs funding in Shropshire is increasing by a larger percentage than schools budget funding from 2020-21 to 2021-22. The increases in high needs per pupil funding over the 2019-20 and 2020-21 baseline figures are:

- 2020-21 – 8.85% per pupil increase
- 2021-22 - 10.45% per pupil increase.

The total increase in the high needs budget from 2020-21 to 2021-22 is £3,632,671.

17. It is accepted that this increased funding comes after years of underfunding and that some Shropshire schools will potentially be worse off under the NFF and that costs in schools have increased which may absorb most if not all of the annual uplift. Nevertheless, trade union facility time funding in Shropshire is not comparable with the national average across both phases of schools in Shropshire.

## **Proposal**

18. Trade union representatives are requesting consideration of an increase in per pupil funding, partly due to the increase in per pupil funding under the NFF but also due to the decrease over the past 6 years of the size of the budget and the facility time. This decrease has not led to a decrease in workload or casework, and in fact in the last 12 months workload has obviously increased dramatically due to COVID-19. Due to the prioritisation of casework by representatives, it has meant consulting and on new and updated policies and procedures has been delayed.
19. The local union reps would request consideration of the primary per pupil facility time figure was to increase to £3.00, the national average, and the secondary per pupil facility time figure was to increase to £4.00. Based on current pupil numbers this would provide a budget of £36,601. This could be considered for consultation with schools in autumn 2021 with a view to being implemented in April 2022. If agreed, this increase would also be applied to academy buy back from September 2022. Academies would also be subject to this increase, which would mean buy-back income would increase to approximately £43,000 (subject to continued buy-back). This would provide an overall budget of nearly £80,000.
20. Based on the above, this would mean NEU and NASUWT representatives could increase by 1 day and the NAHT representative could increase to 1 day. This increase would ensure policy and procedures consultation would be much more rapid and would also extend to other non-HR policies and procedures which in the past have not been subject to trade union consultation.
21. It should also be noted that, under the de-delegation arrangement, schools benefit from a local service from local trade union representatives. Union members' national subscriptions meet the cost of staff salaries for their national offices and legal costs. If the only means of engagement between education establishments and the trade union officials is via full-time officials, there is likely to be a greater recourse to litigation in order to resolve industrial relations difficulties. This would not be in the interests of Shropshire schools or necessarily create the most positive environment for industrial relations. Shropshire, as with all councils benefit from having local officers who are regularly available to represent members.

22. Further evidence highlighting the benefits of local trade union representatives is included below as an appendix to this report.

## **The Benefits of Pooled Trade Union Facility Time.**

### **Good relations**

- Retaining de-delegated funding for facilities time is logical and cost-effective. During the last 12 months, de-delegated funding for has enabled a significant contribution to good employer/employee relations at county level and for individual schools, especially in light of COVID-19.
- In turn, this supports the quality of pupils' education by avoiding both disruption and low staff morale.

### **Policy development**

- During this year, there has been a great deal of work done at county level on policies; for example on Teacher Pay and Appraisal.
- The model policies can be adopted by schools, thereby avoiding the management of each school spending time and resources on developing and negotiating its own policies.

### **Representation**

In the last 12 months county-based TU representatives have supported:

- groups of members in particular schools; e.g. when their school is in Special Measures.
- individual members have been supported formally; e.g. Appraisal and Capability.
- at disciplinary and appeal hearings.
- individual members have been supported informally; e.g. with advice on Return to Work meetings.

### **Centrally-funded facility time also means schools benefit from:**

1. Informal discussion between a member of staff and their local union representative quite often prevents potential issues ever coming to the attention of schools; e.g. an alleged grievance which is never in fact submitted.
2. Early resolution of issues, thereby saving and avoiding unnecessary escalation of costs to schools, and unnecessary workload for school leaders, on matters such as disciplinary, grievance, and capability.
3. Less disruption because a local union representative can help school leaders and trade union members understand the impact of organisational change; e.g. school reorganisations, academy transfer consultations.
4. The expertise of local union representative, meaning that every school TU rep would need a lot of time off with pay (a statutory requirement) to attend the requisite intensive training courses.
5. A quicker response because a local union representative will usually be available sooner than union Regional Officers, who cover much larger areas.



6. Discussions and negotiations through regular meetings with HR during working hours; e.g. consultation on proposed policies and procedures. This saves each school individually having to go through the process with school TU representatives.
7. Attendance during the regular working day of local union representative at meetings; e.g. disciplinary, grievance, ill health, and capability (formal or informal), consultation meetings on changes in working arrangements.

### **Benefits of effective local trade union representation**

Trade union representatives carry out a range of complex and demanding duties, including:

- Advice - this may be through telephone, e-mail, documents, or meetings. This may involve long telephone calls to give reassurance and greater understanding of issues which may have arisen in school. Local knowledge from local union representative helps to promote good industrial relations.
- Representation - accompanying members to meetings, both informal and formal. By having local union representative, meetings can usually be arranged speedily, and issues resolved more quickly. De-delegated Facility Time funding enables local union representative to attend such meetings during the working day.
- Negotiation - local union representative work with HR in the creation and revision of policies. Thus centralising a workload that would otherwise be far greater if spread over individual schools.
- Changes - effective local union representative can help school leaders and union members alike understand the impact of organisational changes; help to resolve reorganisation issues; and pass on ideas from staff. By doing so, they can help to minimise the impact of changes on schools.
- Legal - trades unions help to ensure that schools and the LA meet their legal obligations.
- Resolving issues - good local union representative help to resolve issues at an early stage. Without de-delegated, central Facility Time funding, fewer issues would be resolved informally, resulting in a marked increase in costs to schools and in workload for school leaders and LA officers. Disciplinary, grievance and capability issues would be more likely to escalate unnecessarily, with cases more likely to reach Employment Tribunals.

### **Cost-benefit analysis**

- Expertise - the current arrangements enable unions to develop expertise amongst local union representative, who serve as local union officers supporting members across a large number of schools.
- Central Funding - an end to (i.e. delegation of) central funding would dilute expertise, meaning that each school would need to provide much more paid time off (a statutory obligation – see Appendix 3, below) to enable school-based TU representatives to train for, and to carry out their TU duties.
- Impact of losing Central funding - delegation would have substantial financial consequences for schools because, over time, the costs for each school

would be likely to exceed considerably the funding delegated; for example through the slower resolution of cases, and/or their unnecessary escalation.

- The opportunity cost of central funding – on a school-by-school basis, the amount of funding for facilities time is relatively small.
- Evidence from research - research commissioned for the TUC from the University of Hertfordshire shows that involving trade union representatives effectively usually leads to better staff morale and productivity, to reduced dismissal and exit rates – meaning lower recruitment costs – and to improved health, to less sickness absence, and to fewer injuries.
- VfM - the return on the investment made in trade union facility time is many times the sum spent. The researchers cited above estimated that, for every £1 spent on facility time, between £3 and £9 of benefits accrue to the employer.
- Providing balance - at a time of significant change and pressures on funding, the cost to Local Authorities and to schools of failing to fund facility time appropriately could lead to significant problems in the delivery of education.

## **Statutory rights to time off for trade union duties**

### **1. Rights to Paid Time Off**

The statutory provisions on time off for trade union representatives are contained in sections 168-170 of the Trade Union and Labour Relations (Consolidation) Act 1992 (TULR(C)A) and section 10 Employment Relations Act 1999.

In summary, the statutory rights provide for paid time off for:

- union representatives to accompany a worker to a disciplinary or grievance hearing.
- union representatives to carry out trade union duties.
- union representatives to attend union training.
- union learning reps (“ULRs”) to carry out relevant learning activities.

### **2. Time off to accompany**

A union representative who has been certified by the Union as having experience of, or as having received training in, acting as a worker’s companion at disciplinary or grievance hearings, has a right to take reasonable time off to accompany a worker to a disciplinary or grievance hearing.

The right applies to those entitled to time off for trade union duties under TULR(C)A below, i.e. an official or accredited representative who has been elected, or appointed, in accordance with the rules of the union, to be a representative of all, or some, of the union’s members who work for that employer.

This right is additional to the rights of trade union officials employed by the trade union to accompany members to such hearings.

### 3. Time off for other Trade Union duties

TULR(C)A provides for time off for other trade union duties. The legislation does not specify precisely how much time off should be provided – only that it should be ‘reasonable’. The interpretation of ‘reasonable’ time off has traditionally reflected the number of Union members employed by a particular employer. Union duties by law must relate to the representative’s own employer and not, for example, to any associated employer such as an Academy. However it is possible to reach agreements whereby duties can be undertaken in respect of other employers.

In the case of maintained LA schools, this would apply to all members employed by the local authority. Although voluntary aided and foundation school governing bodies are technically the employer of teachers in their schools, they have traditionally maintained their participation in LA arrangements.

Provision for paid time off is also the subject of a collective agreement contained in the Burgundy Book.

### 4. Who is entitled to Time off?

Under TULR(C)A, an accredited trade union representative is an employee who has been elected, or appointed, in accordance with the rules of the union, to be a representative of all, or some, of the union’s members who work for that employer.

Section 169 of TULR(C)A 1992 states that an employer who permits representatives time off for trade union duties must pay them for the time off taken. This will be the amount that would ordinarily be paid for that time. Part time staff are entitled to receive paid time off in the same way as full time staff. There is, however, no statutory right to pay for time off where the duty is carried out at a time when the union representative would not otherwise have been at work.

### 5. Trade Union Duties

In addition to the right to time off to accompany to hearings, section 168 allows time off for duties such as:

- negotiations with the employer on collective issues relating matters listed in s.178 TULR(C)A: terms and conditions of employment, or the physical conditions in which any workers are required to work;
- engagement or non-engagement, or termination or suspension of employment or the duties of employment, of one or more workers;
- allocation of work or the duties of employment between workers or groups of workers;
- matters of discipline;
- a worker’s membership or non-membership of a trade union;
- facilities for officials of trade unions; and
- machinery for negotiation or consultation, and other procedures, relating to any of the above matters, including the recognition by employers or employers’ associations of the right of a trade union to represent workers in such negotiation or consultation or in the carrying out of such procedures.

- performance of other functions on behalf of employees of the employer which relate to the matters above, and which have been agreed with the employer.
- receipt of information and consultation relating to TUPE and Section 188 redundancy notices
- negotiations under TUPE.

## 6. Time off for Training

Section 168(2) of TULR(C)A provides that union representatives are to be permitted reasonable time off during working hours to undergo training. The training must be relevant to the carrying out of their trade union duties as described above and approved by the relevant union or by the TUC.

## 7. Union Learning Representatives (“ULRs”)

S.168(A) TULR(C)A provides that an employer must allow reasonable (paid) time off for a ULRs to carry out activities relating to:

- analysing learning or training needs,
- providing information and advice about learning or training matters,
- arranging learning or training, and
- promoting the value of learning or training,

However, these rights do not apply unless the employer has been notified by the Union that the person is a learning representative, and that person has either received sufficient training to carry out the role, or will receive that training within six months of the initial notification to the employer. ULRs are entitled to paid time off to undergo the training above.

Once the training has been completed, the union must notify the employer accordingly.

## 8. Health & Safety Representatives

In addition to the provisions in TULR(C)A, the Safety Representatives and Safety Committees Regulations 1977 regulation 4(2)(a) requires that employers allow union health & safety representatives paid time, as is necessary, during working hours, to perform their functions, including:

- Investigation of potential hazards and dangerous occurrences/ accidents at work
- Investigate member’s complaints regarding health, safety or welfare at work
- Making representations to the employer on the above
- Carrying out health and safety inspections
- Representing members in workplace consultations with enforcing authorities including HSE inspectors
- Receiving information from HSE inspectors
- Attending safety committee meetings in their capacity as safety representative