Central Bedfordshire Council Priory House Monks Walk Chicksands, Shefford SG17 5TQ

This meeting may be filmed.*



please ask for Sharon Griffin

direct line 0300 300 5066

date 22 December 2016

NOTICE OF MEETING

SCHOOLS FORUM

Date & Time Monday, 9 January 2017 at 3.00 p.m.

Venue at

Room 14, Priory House, Monks Walk, Shefford

Richard Carr

Chief Executive

To: The Chairman and Members of the SCHOOLS FORUM:

Ali Brabner, Cranfield Academy

David Brandon-Bravo, Parkfields Middle School Pete Cohen, Oak Bank School/Academy of Central

Bedfordshire

Paul Burrett, Studham CofE Lower Schools and Pre-

School

Shirley-Anne Crosbie OBE, The Chiltern School

School Members: Karen Hayward, Sandy Upper School

Sue Howley MBE, Fairfield Park Lower School

Sharon Ingham, Hadrian Academy Kim McCamley, Sandye Place Academy Alexia Moyle, Greenleas Lower School Leigh Davies, Willow Nursery School John Street, Etonbury Academy

Stephen Tiktin, Beaudesert Lower School Rob Watson, Stratton Upper School

Ali Challis, Early Years Private, Voluntary and Independent

(PVI) Provider Representative

Martin Foster, Trade Union Representative Mary Morris, Catholic Diocese Representative Sarah Mortimer, Post 16 Education Representative

Cllr Steven Dixon, Executive Member for Education and Observer:

Skills

Academy Upper School Governor

Middle School Headteacher

Middle School Governor (maintained or academy)

Current Vacancies Upper School Governor

Non School Members

Academy Lower School (Governor or Headteacher)

Church of England Diocese Representative

Please note that there will be a pre-meeting starting half an hour before the Forum meeting to enable technical aspects of the reports to be discussed with officers before the Forum meeting begins.

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AGENDA

1. Apologies for absence

To receive apologies for absence and notification of substitute Members.

2. Minutes of the previous meeting and matters arising

To approve the minutes of the previous meeting held on 21 November 2016 (copy attached) and to receive an update on any matters arising from these.

3. Chairman's Announcements and Communications

To receive any announcements from the Chairman and any matters of communication.

4. Schools Forum powers and responsibilities

To note the Schools Forum powers and responsibilities summary document issued by the Education Funding Agency (copy attached).

Information

Item Subject Page Nos.

5 Sub-Groups of Schools Forum

To Follow

To receive an update from the Sub-Groups of Schools Forum on work being undertaken.

Sub Group	Meetings held since last meeting of Forum	Lead Officer	Update report attached
Early Years		Sue Tyler	
High Needs		Helen Redding	
Growth Fund	None	Victor Wan	N/A
School Block		Dawn Hill	

6 Revised Terms of Reference Early Years Block Technical Sub-Group

To Follow

To consider revised Terms of Reference for the Early Years Block Technical Sub-Group.

7 Apprenticeship Levy

19 - 26

To receive an overview of the Apprenticeship Levy and to understand the budgetary and HR implications of the levy.

Proposals

Item	Subject	Page Nos.
8	Trade Union and Professional Associations	27 - 36
	To seek approval for the continuation of funding for facilities release time for Trade Unions and Professional Associations.	
9	Dedicated Schools Grant (DSG)	To Follow
	To receive an update on the Dedicated Schools Grant (DSG)	
10	Training for Schools Forum members	
	To consider areas of training for Schools Forum members.	
11	Dedicated School Grant Contingency Budgets	37 - 40
	To provide an update on the use of the School Contingency Budgets for 2016/17.	
12	Schools Forum Budget	To Follow
	To provide an update on the use of the School Forum Budget for 2016/17.	
13	Early Years consultation - changes to funding for 3- and 4-year-olds	To Follow
	To discuss the outcome of the Early Years Consultation.	
14	Work Programme	41 - 44
	To consider the work programme for the Central Bedfordshire Schools Forum.	
15	Date of Next Meeting	
	Monday 6 March 2017, 3.00pm, Priory House, Monks Walk, Shefford.	

CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **SCHOOLS FORUM** held at Council Chamber, Priory House, Monks Walk, Shefford on Monday, 21 November 2016

PRESENT

Mr D Brandon-Bravo (Chairman)
Mrs S Howley MBE (Vice-Chairman)

School Members: Mr P Burrett Headteacher

Mr P Cohen Executive Headteacher

Mrs SA Crosbie OBE Headteacher
Mrs L Davies Headteacher
Miss K Hayward Headteacher
Mrs S Ingham Headteacher

Ms A Moyle School Business Manager Mr J Street Academy Middle School

Representative

Mr S Tiktin Governor

Apologies for Absence: Mrs A Brabner

Mrs A Challis Mr M Foster

Officers in Attendance: Ms S Griffin Committee Services Officer

Ms D Hill Senior Finance Manager - Children's

Services

Mr L Manning Committee Services Officer
Miss H Redding Assistant Director School

Improvement

CBSF/16/15. Minutes of the Previous Meeting and Matters Arising

RESOLVED

that the minutes of the meeting of the Central Bedfordshire Schools Forum held on 19 September 2016 be confirmed and signed by the Chairman as a correct record subject to the following amendments:

Minute CBSF/15/1, paragraph 5

In the first sentence delete 'discrepancies' and insert 'differences'. The sentence to now read 'Special School top-ups still have additional work to be done to **differences** in funding levels in different schools against the same descriptors'.

Matters arising:

CBSF/15/7 The Forum was advised that the Terms of Reference for the Technical Sub-Group had been included in the agenda pack for discussion at the meeting today (Item 4).

CBSF/15/7 The Forum noted that a response had still not been received to the request for the refund from the conference Forum members and officers had attended. **Action: Assistant Director School Improvement**

CBSF/15/7 A Member commented that the Growth Fund criteria was set in 2012/13. She queried what proportion of applications were successful and whether it was timely for a review of the criteria and publication. The meeting was reminded that the Interim Head of Service had been asked to carry out a review for 2017/18. It was not possible to review for 2016/17. Officers advised that an update on Dedicated Schools Grant (DSG) would be given at the March 2017 meeting. **Action: Interim Head of Service, Planning, Schools Admissions**

CBSF/15/12 A Member referred to the Early Years Block and the issue of growth funding for statutory provision only and that pre schools had to apply for the Pre-School Panel for funding. Further detail was needed about Early Years funding. She felt this to be unfair. **Action: Head of Child Poverty and Early Intervention to follow up with the Early Years Reference Group**.

The Chairman commented that more detail was still needed on funding streams.

CBSF/16/16. Chairman's Announcements and Communications

The Chairman formally welcomed Alexia Moyle and Ali Challis as new members of the Forum.

The Forum considered the document circulated at the meeting which detailed the following vacancies on the Forum as at 16 November 2016:

- Academy Upper School Governor
- Middle School Headteacher
- Middle School Governor (maintained or academy)
- Upper School Governor
- Academy Lower School (Governor or Headteacher)
- · Church of England Diocese Representative

Members were asked to promote and encourage applications to fill these vacancies.

Mr Burnett explained that the Church of England Diocese had written to the Council advising that he could represent this sector. Officers advised that dual representation was permitted but that some restrictions would apply to the voting procedure i.e. some issues could only be voted on by maintained schools.

Discussion took place on the absence of any information on the meeting or debate conducted by the Forum's sub groups with the exception of the High Needs Technical Sub-Group.

RESOLVED

- 1. that a list of the Forum's current vacancies be set out on the Forum's agenda sheet.
- 2. that a standing item be added at Item 4 on the Forum's agenda, setting out the sub-groups that had met, the dates of such meetings and any minutes/notes available.

CBSF/16/17. Terms of Reference - Early Years Block Technical Sub-Group

The Forum received and considered the Terms of Reference for the Early Years Block Technical Sub-Group.

During discussions the following was noted:

- The Sub-Group had contributed to the draft Terms of Reference
- Contracting for children's centres, Early Years funding and the allocation of monies such as \$106 were crucial areas of responsibility
- The Terms of Reference needed to include a fuller reference to the Schools Forum powers and responsibilities document issued by the Education Funding Agency.

RESOLVED

- 1. that a revised Terms of Reference would be submitted to the January meeting of the Schools Forum;
- 2. that the issues raised about Early Years funding would be referred back to the Early Years Block Technical Sub-Group for discussion.

CBSF/16/18. High Needs Block of the Dedicated Schools Grant (DSG) Update Report Regarding Pressures on the High Needs Block

The Forum received a report which provided an update on the pressures on the status of the work regarding the High Needs Block and identified in year pressures on it. A revised Appendix A to the report was circulated at the meeting.

Points and comments included:

- 1. At the last meeting the issue had been raised that the pressures on the High Needs Block had been forecast for some time and would come into effect in 2016.
- 2. High Needs Block was not consistent across other local authorities; some had contingency budgets whilst some top sliced funding.
- 3. It was expected that the second part of the High Needs consultation would be published early December and would be important in terms of indicating funding details about Schools Block and High Needs Block.

- 4. As agreed at the last meeting, further work had been done to differentiate the top up values to correspond with different levels of need of students attending the ACB using a similar model to the special schools banding levels. The details of the preferred model were given in Appendix A.
- 5. Paragraph 24 sets out the current overspend of the High Needs Block, additional costs, the potential pressure and the impact on overspend should the view of Schools Forum be to support proposed model.
- 6. The current spending in schools had been considered and the historical factors that impacted on funding levels had been reviewed.
- 7. Due to historical factors there were differences with funding levels in different schools against the same descriptors.
- 8. It was recognised that there had been a staffing increase for all schools.
- 9. If a school place was available when a request was received from another local authority, this place would have be given even though Central Bedfordshire might need the place in-year.
- 10. One of the aims of the SEN strategy was for local provision for local children to be achieved. It was recommended that this aim was included as part of the feedback for second part of consultation.
- 11. In 2016 there had been a move to three way tripartite funding for health, social care and education.
- 12. Commissioning contracts i.e. medical needs and an increase beyond contracted hours was an element of pressure.
- 13. The level of High Needs Block the local authority was allocated does not reflect the significant demand in places that had been seen.
- 14. The issue of significant pressure on special schools places had been included in the annual return to Education Funding Agency (EFA).
- 15. Further work could be undertaken by the Technical Sub Group to look at the capacity forecast in the Education, Health and Care Plan budget, including a breakdown of the elements of High Needs Block and what funding was used for.

In response to questions, the Forum noted the following:

- 1. A number of schools had been identified that met the criteria for group 1 places which was an area of pressure and concern.
- 2. A second piece work was taking place to look at alternative ways to fund the Academy of Central Bedfordshire (ACB), i.e. charging for group 1 places or moving funding between blocks; however other local authorities use the High Needs Block to fund group 1 places. Clarification was also needed whether there was the provision to fund the schools at level needed for pupils.
- 3. Recommendation 4 was for a further piece of work to take place to determine the options for 2017/2018 once the outcome second part consultation was known.
- 4. In terms of the impact for new free school, the proposal was that pupils with the most complex needs would move to that this provision and lower cost places would be given in ACB. The alternative would be to place pupils out of authority which would result in similar or higher costs. The Technical Sub Group needed to look at work to be done to identify pupils with complex needs as early as possible in order for a graduated response to be put in place and the focus to the targeted.

- 5. Enabling a child to manage transition is important and is a collective responsibility in terms of the provision of the right support at the right time.
- 6. It was noted that there were reservations to the options to be considered should there be deficit in the High Needs Block at year end in terms of some blocks or all blocks.
- 7. Reassurance was given that the decision being requested to offset overspend was for this year only. There had not been any debate about future years in terms of whether any blocks need to be moved.
- 8. It was suggested that 2 Technical Sub Groups meetings were arranged in the spring term and a paper presented at the March meeting of Schools Forum.

RESOLVED

- 1. that the proposed model of funding for the Academy of Central Bedfordshire for 2016/2017 was supported;
- 2. that the in year adjustment to special school budget in 2016/17 to support increased staffing costs in line with those already agreed for mainstream schools and provisions was supported.
- 3. that the recommended option to offset any overspend in 2016/2017 against in year underspend in all blocks was supported.
- 4. that further discussion at the Schools Forum to determine the options for 2016/2017 once the closing balance and the outcome of the second stage of the consultation is known was agreed.

(Note: the Forum adjourned at 4.34pm and reconvened at 4.41pm)

CBSF/16/19. Dedicated Schools Grant (DSG) Update

The Forum received a report which provided an update on the Dedicated Schools Grant and Growth Fund allocation for 2016/17 and funding arrangements for 2017/18.

Points and comments included:

- The agreement of the Schools Forum was required for both the central spend on and the criteria for allocating the Growth Fund.
- The deadline for the submission of the 2017/18 final APT had changed to 20 January 2017.

RESOLVED

1. the update to the 2016/17 DSG allocations, update to 2016/17 Growth Fund and 2017/18 funding announcement were noted and commented on;

the Assistant Director School Improvement, Senior Finance Manager

 Children's Services and the Committee Services Officer meet to
 arrange provisional dates for additional meetings of the Forum to
 discuss and collate responses to the High Needs Block and Schools
 Block consultations.

CBSF/16/20. Dedicated Schools Grant Contingency Budgets

The Forum received a report which provided an update on the use of the School Contingency Budgets for 2016/17.

NOTED

the Dedicated School Grant (DSG) Contingency spend to 31 October 2016.

CBSF/16/21. School Forum Budget

The Forum received a report which provided an update on the use of the Schools Forum Budget for 2016/17.

Points and comments included:

- 1. As at 31 October 2016 there was a current balance of £5,697. The possibility of using some of this money for training any new members of the Forum was raised.
- 2. A significant number of the existing membership of the Forum did not attend its meetings. A key part of the induction should be to understand the powers and responsibility of Schools Forum. An annual development day could be held for members which raised awareness of the role, remit and responsibilities of the Forum, terminology and current issues.
- 3. Previous attempts at recruitment had not been markedly successful. Targeted recruitment was suggested though the membership needed to be a balance of head teachers, governors and business managers who could all contribute to the debate.
- 4. It needed to be made clear to new members that there were papers to read prior to meetings as there was the danger of members not understanding the implication of any decisions to be made. Some members commented on the time it took to fully understand the work undertaken by the Forum.
- 5. The balance of how the Forum works, the direction of travel, the desired outcomes, how to utilise the expertise of members and any training requirements needed to be discussed. It was suggested that an effective use of Schools Forum funding would be a half day training course facilitated by an external representative.

NOTED

the Schools Forum spend to 31 October 2016.

Agenda Item 2 CBSF 21.11.16 11 Page 7

RESOLVED

that areas of training be discussed at the next meeting of the Schools Forum.

(Note:	The meeting commenced at 3.00 p.m. and concluded at 5.20 p.m.)
	Chairman
	Dated





Schools forum powers and responsibilities

A summary of the powers and responsibilities of schools forums.

Function	Local authority	Schools forum	DfE role
Formula change (including redistributions)	Proposes and decides	Must be consulted [voting restrictions apply - see schools forum structure document] and informs the governing bodies of all consultations	Checks for compliance with regulations
Contracts (where the LA is entering a contract to be funded from the schools budget)	Proposes at least one month prior to invitation to tender, the terms of any proposed contract	Gives a view and informs the governing bodies of all consultations	None
Financial issues relating to: • arrangements for pupils with special educational needs, in particular the places to	Consults annually	Gives a view and informs the governing bodies of all consultations	None

Function	Local authority	Schools forum	DfE role
 be commissioned by the LA and schools and the arrangements for paying top-up funding; arrangements for use of pupil referral units and the education of children otherwise than at school, in particular the places to be commissioned by the LA and schools and the arrangements for paying top-up funding; arrangements for early years provision; administration arrangements for the allocation of central government grants 			
Minimum funding guarantee (MFG)	Proposes any exclusions from MFG for application to DfE	Gives a view	Approval
De-delegation for mainstream schools for:	Proposes	Primary and secondary school member representatives will decide for their phase. Middle schools are treated according to their deemed status	Will adjudicate where schools forum does not agree LA proposal

Function	Local authority	Schools forum	DfE role
School improvement			
General Duties for maintained schools services previously funded by the ESG general duties rate. Read the updated 'Schools revenue funding 2017 to 2018: operational guide' for more information.	Proposes	Would be decided by the relevant maintained school members (primary, secondary, special and PRU).	Adjudicates where schools forum does not agree LA proposal
Central spend on and the criteria for allocating funding from: • funding for significant pre-16 pupil growth, including new schools set up to meet basic need, whether maintained or academy • funding for good or outstanding schools with falling rolls where growth in pupil numbers is expected within three years	Proposes	Decides	Adjudicates where schools forum does not agree LA proposal
 Central spend on: early years block provision funding to enable all schools to meet the infant class size requirement back-pay for equal pay claims remission of boarding fees at maintained schools and academies 	Proposes	Decides for each line	Adjudicates where schools forum does not agree LA proposal

Function	Local authority	Schools forum	DfE role
 places in independent schools for non-SEN pupils services previously funded by the retained rate of the ESG admissions servicing of schools forum 			
 capital expenditure funded from revenue – projects must have been planned and decided on prior to April 2013 so no new projects can be charged contribution to combined budgets – this is where the schools forum agreed prior to April 2013 a contribution from the schools budget to services which would otherwise be funded from other sources existing termination of employment costs (costs for specific individuals must have been approved prior to April 2013 so no new redundancy costs can be charged) prudential borrowing costs – the commitment must have been approved prior to April 2013 	Proposes up to the value committed in 2016-17 and where expenditure has already been committed. See para 71 for Information on historic commitments. Read establishing local authority DSG baselines for more information.	Decides for each line	Adjudicates where schools forum does not agree LA proposal
Central spend on: • high needs block provision	Decides	None, but good practice to inform forum	None

Function	Local authority	Schools forum	DfE role
central licences negotiated by the Secretary of State			
Carry forward a deficit on central expenditure to the next year to be funded from the schools budget	Proposes	Decides	Adjudicates where schools forum does not agree LA proposal
Scheme of financial management changes	Proposes and consults the governing body and Head of every school	Approves (schools members only)	Adjudicates where schools forum does not agree LA proposal
Membership: length of office of members	Decides	None (but good practice would suggest that they gave a view)	None
Voting procedures	None	Determine voting procedures	None
Chair of schools forum	Facilitates	Elects (may not be an elected member of the Council or officer)	None

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Meeting: Central Bedfordshire Schools Forum

Date: 9th January 2017

Subject: Apprenticeship Levy – Impact on CBC Schools

Report of: Assistant Director, People

Summary: To provide information for members of the Forum in relation to

the implementation and impact of the government's apprenticeship levy on CBC Maintained Schools.

Contact Officer: David Waller, Policy & Implementation Manager, Priory House,

Bedford

Public/Exempt: Public
Wards Affected: All

Function of: Council

RECOMMENDATION(S):

The members of the School's Forum are asked to:

- 1. Note the content of the report and its financial impact on Maintained Schools and in particular Community and Voluntary Controlled Schools, Nurseries and Special Schools.
- 2. Note the information provided in relation to accessing funding for training for apprenticeships in schools subject to receipt of further, more detailed information in the Spring Term.
- 3. To note that further information will be provided in the Spring term 2017 to Community and Voluntary Controlled Schools in order to support financial planning.

Background

- In support of its ambition to achieve 3 million apprenticeships by 2020, the Government is set to introduce a minimum target of apprenticeship starts to public bodies from April 2017.
- 2. The target figure will be calculated at 2.3% of the headcount of the employer. In the case of local authorities, this is inclusive of headcount of Community and Voluntary Controlled Schools.

An apprenticeship levy of 0.5% of the employer's total pay bill taken via PAYE, will also be in place from April 2017. In the case of local authorities this is inclusive of Community and Voluntary Controlled Schools.

3. The Levy will be held in a digital account assigned to Central Bedfordshire Council and the funds in the account can be used for apprenticeship training and assessment within the employing organisation. This must be with an approved training provider and assessment organisation up to apprenticeship funding band maximum.

Further information on the use of the Levy can be found in the sections relating to '4. The Levy and Public Sector Targets' and '5. Funding Arrangements' in the body of the report.

4. CBC's vision for Children and Young people recognises the importance of opportunities for education and employment:

"As young adults, we want every young person to have the knowledge, skills and qualifications that will give them the best chance of success, so that they are prepared to take their full place in society as a healthy, happy, contributing and confident citizen."

As part of this commitment to improved educational attainment and progress the following objectives are stated:

- Give young people the right opportunities to continue in education or training until they are 18; including apprenticeships and traineeships, so that employers feel young people have the skills they need for work.
- Help those aged 13-16 at risk of becoming NEET and those aged 16-19 who have become NEET to get the education, training and employment they need

CBC's increased focus on apprenticeships, both within its own workforce and within the wider area workforce, will help to achieve these objectives.

The impact of the Apprenticeship Levy on Schools

1. Maintained Schools

Liability for the levy depends on the type of maintained school

There are two categories of maintained school:

a) Community and Voluntary Controlled (VC) schools.

In these schools the local authority is the employer and therefore all staff in community/VC schools are added on to the paybill of the council, with the levy equivalent to 0.5% of the overall paybill for the local authority (LA).

All community/VC schools paybills will need to be included in the LA's calculation as the Council is the contractual employer.

b) Voluntary Aided (VA) and Foundation schools.

In these schools (as in academies) the governing body is considered to be the employer, rather than the LA. Therefore each VA/foundation school's liability for the levy will be based on its own paybill.

HMRC has stated that **only** VA/foundation schools with a paybill of over £3 million will be subject to the levy.

2. Arrangements for Maintained schools

Although CBC does not administer payroll for any schools, if a school is Community / Voluntary Controlled its salary bill will count as part of the calculation of the LA's total paybill.

This means Community / Voluntary Controlled schools will be required to contribute towards the apprenticeship levy.

Further advice and information will be provided to schools in the Spring term in order to ensure processes between the school, its payroll provider and the Council are established to ensure the correct payment of the levy is made.

VA/ foundation schools who meet the £3 million pay bill levy will have to calculate its own liability and make arrangements for payment.

3. Funding the extra cost of the Levy

Community/VC schools will have to make provision for the relevant cost of the levy in their individual budgets, in the same way as other payroll costs e.g. National Insurance, employers pension contributions etc.

The DfE does not intend to allow the Schools Budget to be top-sliced by the LA for the levy, and the operational guidance for schools revenue funding in 2017-18 does not make any provision for the Direct Schools Grant (DSG) to be top sliced in this way.

As a result, all community/VC schools (and VA/foundation schools with a paybill over £3m) will need to ensure they have taken account of this additional cost when they set their budgets for 2017-18.

4. The Levy and Public Sector Target

The levy is non refundable and is managed on a "use it or lose it" basis. The levy can only be used to pay for apprenticeship training and cannot be used for salaries or other support costs.

The levy sum will be held in a digital account from which training providers will be paid monthly for the delivery of apprenticeships. The government will top up the digital account by 10% each month.

If the balance of the levy account is reached and further funding for apprenticeships is required, employers can enter a co-investment arrangement with the government who will take on 90% of the cost of training, with employers required to meet just 10%.

A target of a number of apprentices engaged by CBC will be set based on the Council's employee headcount (including Community and Voluntary Controlled Schools).

The target can include existing staff undertaking apprenticeship qualifications and does not have to be 'new starters' into the organisation. The Council will request data from schools relating to existing apprenticeships in the Spring term.

The target is based on headcount rather than Full Time Equivalent (FTE). As an organisation with a relatively high proportion of part time workers in both the Corporate Council and Schools, the proportion of apprenticeships is disproportionate compared to employers with a predominantly full time workforce.

5. Funding arrangements

The apprenticeship levy will come into effect April 2017, with the first declaration to HMRC in May 2017. Thereafter the levy will be paid in monthly instalments.

The school will be required to pay the apprentices salary as part of its normal employment costs. It is only the direct training costs for the apprentice that can be funded via the levy.

The new funding system will be made up of 15 bands; The bands have an upper funding limit ranging from £1,500 up to £27,000. Standards and frameworks will be placed within one of these bands, based on the level of qualification and the subject area. The higher the qualification and the more specific the subject area, the higher the band allocation and associated cost.

If an employer wishes to work with a training provider whose costs exceed the band maximum for a particular framework, the additional costs cannot be paid from the levy and must be met separately by the school.

6 Additional funding provision

Additional funding of £1000 is to be provided for each apprentice hire aged 16-18 years old. This will be paid to the employer in 2 equal

instalments at 3 months and 12 months via the training provider. Eventually this arrangement will change and payment will be made directly to the employer.

Additional funding of £1000 is also provided for each apprentice aged 19 to 24 years old who have previously been in care or who have a Local Authority Education, Health and Care plan, to help with additional costs. Again this will be paid to the employer via the training provider in 2 equal instalments.

There are no explicit restrictions on the use of these funds other than they are to cover the additional costs associated with these groups, therefore CBC must decide how this money will be used.

7 Eligibility

Apprenticeships are accessible to all over the age of 16 years old.

A significant change to eligibility for apprenticeship funding has been proposed which would allow that an individual can be funded to undertake an apprenticeship at the same or lower level as a qualification already held, as long as the apprenticeship is materially different, providing substantive new skills. However the apprenticeship can also be higher than the qualification already held and if so it does not have to be materially different.

Apprenticeships in schools could be considered for Support Staff and Teaching Staff.

The table in **appendix 1** outlines the level of apprenticeship and qualification that can be accessed through the use of the levy.

8. Conclusion

The implementation of the levy from the 1st April 2017 will apply to all Community and Voluntary Controlled Schools and will result in a deduction of 0.5% of the schools pay bill being deducted by PAYE on a monthly basis.

Foundation/VA Schools and Academies whose pay bill is £3 million or above will also be subject to the levy of 0.5% of the schools pay bill however have to make their own payment arrangements.

The Council will have a target of a number of apprentices engaged as a comparison of the levy deducted. Schools are therefore encouraged to engage apprentices in line with the Council's targets to ensure that a return is made on the levy deducted from their budget.

Apprenticeships can be undertaken by existing staff for which access to training costs can be made

Further more detailed information will be provided to schools by the Council in the Spring Term of 2017 via Central Essentials.

Appendices:

A Level of Apprenticeship and Equivalent Qualification

Background Papers: (open to public inspection) None

Appendix A

Level of Apprenticeships and Equivalent Qualification

Level	Qualification Equivalent
2 Intermediate Apprenticeship	GCSE A-C*, NVQ 2, National Certificate/Diploma
3 Advanced Apprenticeship	AS Level. NVQ 3, National Certificate/Diploma
4 Higher Apprenticeship	Higher National Certificate (HNC)
5 Foundation Degree Apprenticeship	Foundation Degree, NVQ Level 4, Higher National Diploma
6 Degree Apprenticeship	Degree with Honours
7 Postgraduate Apprenticeship	Masters Degree, PGCE, NVQ Level 5



Meeting: Central Bedfordshire Schools Forum

Date: 9th January 2017

Subject: Trade Union and Professional Associations

Report of: Director of Children's Services

Summary: To seek approval for the continuation of funding for facilities

release time for Trade Unions and Professional Associations. This would be through de-delegation (where appropriate) for maintained Lower, Primary, Middle and Secondary Schools. Nursery and maintained Special Schools would be invoiced directly, subject to their agreement to release funds for this

purpose.

Contact Officer: David Waller, Policy & Implementation Manager Priory House,

Bedford

Public/Exempt: Public

Wards Affected: All

Function of: Council

RECOMMENDATION(S):

The members of the School's Forum who are entitled to vote are asked:

- 1. To agree to de-delegate funding from the Lower/Primary School Phase for the use of Trade Union facilities time, £2.54 per pupil.
- 2. To agree to de-delegate funding from the Secondary School Phase (Middle & Upper) for the use of Trade Union facilities time, £2.54 per pupil.
- 3. To continue to allocate the per pupil funding cost of Trade Union facilities time equally across all phases.

Background

 Union representatives have a statutory right to reasonable paid time off from employment to carry out trade union duties and to undertake trade union training. (Trade Union and Labour Relations (Consolidation) Act 1992). There is also a need for schools to consult with the trade unions in accordance with School Teachers Pay and Conditions.

- 2. It is recognised that trade unions and professional associations make a significant contribution to the smooth running of schools, both locally and nationally. The funding system for schools should include full recognition of school workforce trade unions, and should enable the effective engagement of school workforce trade unions in local consultation and collective bargaining.
- 3. During the current period of facilities funding the Trade Unions have entered into collective consultation in relation to the following:
 - school policies and processes with officers of the Council;
 - the representation of staff in the consultation for the closure of three middle schools and subsequent consultations during the on-going structural reviews of the schools that are to close;
 - the TUPE transfer of schools to Academy status and service provision TUPE transfers both into schools and out of schools;
 - ongoing support and representation of members relating to school based matters.
- 4. From 2013/14 the Dedicated Schools Grant (DSG) was split into three notional funding blocks:
 - Schools Block
 - Early Years Block
 - High Needs Block
- 5. The Schools Block includes the delegated budgets of Lower, Middle and Upper Schools. Funding within the Schools Block that is currently retained by the Authority must be delegated to schools. However the following exceptions, applicable to Central Bedfordshire, are area's where decisions regarding the dedelegation of funding may be made.
 - a) Contingencies (including previous amounts for schools in financial difficulties)
 - b) Staff costs supply cover (Facilities Time for Union Duties)
- 6. The decision relating to de-delegation within each phase is to be determined by those members of Schools Forum who represent maintained schools.
- 7. It is not possible to de-delegate funding from Nursery and Special Schools therefore Maintained Nursery and Special schools will be invoiced for the associated costs on an equivalent cost per pupil basis of £ per pupil.
- 8. In 2014/15 it was agreed by the members of Schools Forum that the costs would be divided equally across all phases. It is recommended that this arrangement continues for 2017/18 so that the costs are proportioned across the phases.

2015/16 Facilities Time Budget Update

9. The following table sets out the expenditure to 31 December 2016 (to Quarter 3).

	BUDGET £	SPEND £	BALANCE £
Budget Allocation 2016/17	51760	~	~
VOICE		0	
ASCL		0	
NUT		7,812	
NASWUT		4,788	
ATL		6,300	
NAHT		0	
Unison		5,883	
GMB		8,745	
Total	51,760	(33,528)	18,232

The expected spend to the end of the year is £44,704

Cost of Facilities Funding 2017/18

- 10. The estimated total cost for facilities funding for 2017/2018 for Maintained Primary and Secondary phases is £49,317 and the estimated cost per pupil is £3.31. The estimated total cost for Nursery and Maintained Special Schools is £2,007 and the estimated cost per pupil is £3.31. The estimated total cost has been calculated by multiplying the actual cost per pupil rate for 2017/18 (£) by the October 2016 pupil numbers census.
 - 11. A remaining balance of £16,000 from the 2015/16 funding period was carried forward to the 16/17 funding period. It is estimated that £4,000 of this balance will; be offset against the 16/17 expenditure and therefore the remaining balance of £12,000 has been off set against the estimated 17/18 facilities funding for Maintained Primary, Secondary, Nursery and Special Schools. The following table sets out the estimated costs as a result of the off set of remaining balance.

Estimated total facilities funding 2017/18 Maintained Primary and Secondary,	Cost per pupil	Remaining balance 2016/17 for maintained Primary, Secondary nursery and special schools	Estimated adjusted total facilities funding for 2017/18 Maintained Primary and Secondary	Revised cost per pupil 2017/18 (All phases)	
£51,760	£3.31	£12,000	£39,326	£2.54	

- 12. The estimated total cost for facilities funding for Maintained Primary and Secondary Phases including the off set of 2016/17 remaining balance is £39,326 which equates to £2.54 per pupil. The remaining balance of funds of £12,000 for 2016/17 has been offset against the 2017/18 facilities period only.
- 13. The number of pupils in schools maintained by Central Bedfordshire Council has been based on the October 2016 census.
- 14. It is important to note that the overall cost and cost per pupil is also affected by Trade union membership numbers. These are currently based on 2016/17 Figures provided by the Trade Unions based on membership as at 31 July 2016
- 15. Appendix A provides a frequently asked questions document for all schools regarding the statutory responsibilities that they need to comply with should the school elect not to de-delegate funding for Facilities time. These statutory responsibilities are contained within employment legislation and also the Teachers Conditions of Service (Burgundy book) and NJC Conditions of Service (Green book).

Trade Union Facilities Agreement - Schools

- 16. The facilities agreement provides detail on the membership numbers and eligibility of trade unions and professional associations to claim payment in order that schools be able to adequately cover staff time lost. Eight Trade Unions and Professional Associations are formally recognised as part of this agreement.
- 17. Members of the Schools Forum are requested to continue to support the work with the Trade Unions and Professional Associations by continuing to agree funding for 2017/18 as recommended in this report.

Appendices:

A Retained Facilities Funding Frequently Asked Questions Document

Background Papers: (open to public inspection) None

Frequently	Frequently Asked Questions – Facilities Time and De-delegation of funding		
Author:	David Waller, CBC Policy & Implementation Manager		
Date:	January 2017		

1. Introduction

In light of the changes to the schools' funding formula, with effect from 1st April 2013 those schools that have voted to retain the allocation of monies for facilities time for Trade Union Representatives (not to de-delegate), or due to the schools block their phase is in is unable to vote to de-delegate the monies, must consider how each school will comply with its statutory obligations for the provision of facilities time for trade union representatives within school.

The following questions and answers document sets out the current legal position and highlights areas for Headteachers and Governing Bodies to consider to ensure that each school within the phase meets its legal obligations.

The content of the report is based on both national legislation in respect of trade union duties and the statutory provisions contained in the School Teachers Conditions of Service (Burgundy Book) and NJC Conditions of Service (Green Book) and the regulations with respect to the school's formula funding.

Q1. What is the legal position in relation to trade union facilities time and representation?

Union representatives have had statutory rights to reasonable paid time off from employment in order to carry out trade union duties and to undertake trade union training since the Employment Protection Act was issued in 1975. Union duties must relate to matters covered by collective bargaining agreements between employers and trade unions and relate to the union representative's own employer.

In general terms this means that properly appointed trade union representatives are entitled to paid time off to undertake the following activities:

Type of union representative	Rights
Union representatives appointed to engage in collective bargaining on behalf of their members. TULR(C)A, 1992	 Paid time off to carry out their duties Paid time off for training Protection against dismissal or detriment
Union learning representatives appointed to promote learning. TULR(C)A 1992	 Paid time off to carry out their duties Paid time off for training Protection against dismissal or detriment
Health and safety representatives appointed by trade unions in workplaces where unions are recognised.	 Paid time off to carry out their duties Paid time off for training Facilities to help them perform their duties Protection against dismissal or detriment
Safety Representatives and Safety Committees Regulations 1977	_

Type of union representative	Rights
Information and consultation representatives.	 Paid time off to carry out their duties Protection against dismissal or detriment
Information and Consultation of Employees Regulations, 2004	The second of th
Pension representatives elected for the purpose of consultation over changes to pension arrangements.	 Paid time off to carry out their duties Protection against dismissal or detriment
Occupational and Pensions Pension Scheme Regulations, 2006	
TUPE representatives, where a trade union is recognised for collective bargaining purposes.	Paid time off to carry out their dutiesPaid time off for training
TUPE, 2006 as amended.	Facilities to help them perform their dutiesProtection against dismissal or detriment
Collective redundancy representatives where a trade union is recognised for collective	 Paid time off to carry out their duties Paid time off for training
bargaining purposes. TULR(C)A, 2006.	 Facilities to help them perform their duties Protection against dismissal or detriment

Q2. What Other documents should I refer to?

A In addition to the statutory position on paid time for trade union representatives and the ACAS Code of Practice, the Conditions of Service for School Teachers (Burgundy Book) and NJC Conditions of Service (Green Book) also provide regulations on this issue.

Appendix III – Agreement on Facilities for Representatives of Recognised Teachers' Organisations of the Conditions of Service for Teachers (Burgundy book) sets out the collective agreement on facilities for representatives of recognised teachers' organisations.

Part 2, Section 18 of the NJC Green Book (Non Teachers) outlines the requirement to provide paid time off for trade union representatives to carry out their functions. These documents provide the framework on which all local authorities are required to base local arrangements for facilities time. Both the Burgundy and Green Book conditions are set out in Annex 1 of this document.

Copies of the relevant sections can be requested from human resources whose contact details are provided at the end of this document.

Q3. Which Trade Unions and Professional Associations are recognised by Central Bedfordshire Council?

A. The following are recognised by CBC for trade union activities and collective bargaining purposes (but not all receive an allocation):-

NUT, ATL, VOICE, NAHT, NASUWT, ASCL, GMB, UNISON, UNITE

Q4. What paid time off is a union representative entitled to?

- A. The ACAS Code of Practice on Time Off for Trade Union Duties and Activities, 2010, which is relied upon in Employment Tribunal hearings, state a reasonable employer will provide paid time off for union representatives for the following activities:
 - Collective bargaining
 - Working with the management side
 - Communicating with union members
 - Liaising with the trade union
 - Handling individual disciplinary and grievance matters on behalf of employees.

Q5. What is 'collective bargaining'?

- A. ACAS advises that the term 'collective bargaining' includes the following activities:
 - Negotiating terms and conditions of employment, including hours of work, pay, holidays, sick pay, pensions, learning, equality and diversity, notice and the working environment
 - Matters relating to recruitment, HR planning and redundancy or dismissals for whatever reason, including redundancy
 - Allocation of work or the duties of employment including job grading, job evaluation, job descriptions, flexible working practices and work/life balance
 - Matters relating to discipline
 - Representation of members at hearings
 - Participation in the negotiation or consultation for an employer and/or multiple employers.

Q6. What are the current arrangements within the Central Bedfordshire Council?

A CBC has a Facilities Agreement (Schools) with the recognised Trade Unions which sets out the agreements reached in order for them to discharge their roles. A copy of the current Facilities Agreement (Schools) can be found on the CBC Schools Portal.

Q7. Do the trade union representatives in CBC come from the workforce?

A. Yes, a paid official may be based in any school within the county and can be called on to represent union members across the sector, for example a union representative working in a secondary school could represent a teacher in a maintained primary school and vice versa.

Q8. Does the employing school of a representative receive re-imbursement?

A. Yes, the school where the trade union representative is based receives reimbursement from the de-delegated facilities time budget to cover his/her time spent on trade union duties.

Q9. What duties are undertaken and funded in Central Bedfordshire?

Α.

- regular attendance at formal consultation and negotiating meetings with officers and/or elected members e.g. Education Employee Relations (EER)Working Party etc;
- attendance at policy development meetings with officers e.g. to develop the model HR
 policies used in schools (recent examples include the sickness absence policy; the
 paternity, maternity and shared parental leave policy etc);
- Attendance at case work meetings with head teachers, governors and others in schools e.g. disciplinary hearings, redundancy consultations, TUPE meetings, etc.

Q10. What are the options in relation to the de-delegation of facilities funding?

- A. Under the latest reforms to the school funding formula, from April 2013 onwards schools have the following options in relation to trade union facilities budgets:
 - a) retain facilities funding in individual school budgets;
 - b) de-delegate the funding and assign it to the local authority to hold on behalf of schools.

Q11. If my school wishes to request de-delegation will we retain the current facilities arrangements with access to county representatives and collective bargaining?

A Yes, representatives would continue to work with schools and support their members in schools with employee relation case work e.g. disciplinary hearings, redundancy consultations, TUPE meetings, etc. For all maintained schools consultation on HR policy and practice is undertaken at county level which avoids the need for each school to consult on every issue. Under this approach, model policies and working practices are discussed and agreed with the recognised trade unions, which are then notified to schools and their personnel providers.

Governing Bodies are advised to adopt the collectively negotiated policies and procedures to ensure consistent practice in schools across the council.

Q12. What if my school chooses not to de-delegate?

A Experienced local representatives/ branch secretaries would not attend case work Meetings.

Each recognised trade union of CBC represented in a school could decide to appoint a local 'steward', who would be entitled to paid time off to carry out trade union duties. In practice, this could result in an overall increase in the monies paid to the trade unions due to the loss of economies of scale through the work of the county representatives and may lead to inconsistencies emerging in practice between schools.

It is likely that regional officers of the trade unions may wish to attend to particular casework, particularly where locally appointed officers are inexperienced. Therefore, Headteachers and Governors will need to be aware that this may lead to delays in managing the timing of disciplinary, grievance and capability hearings, as regional officers from the trade unions will have limited availability to attend school hearings.

This is also likely to affect discussions over TUPE transfers, school restructures and reductions in staffing, which often require an early response in order to meet teacher notice dates.

It is advised therefore that the setting of meetings or planning of consultation processes in relation to the above will need to be arranged in advance of current timescales in order to ensure appropriate representation in accordance with the law is afforded to all employees and trade unions.

You are strongly advised to speak to your HR provider before deciding not to de-delegate.

Q13. Will each school which chooses not to de-delegate be required to enter into a facilities agreement with the recognised trade unions?

A. The current funding for facilities time and therefore the facilities agreement that is currently in place will remain until 31st March 2017. Schools whose funding is not dedelegated back to the Council should consider how they plan to manage the facilities time for trade union representatives within their school.

It is also advised that schools consider a facilities agreement with the recognised trade unions ahead of the 1st April 2016 when the current arrangements in place with county representatives would come to an end.

Q14. Where can my school receive further advice on this matter?

A It is advised you contact your HR provider to obtain further advice and guidance in relation to consulting with the recognised trade unions on a bespoke facilities agreement for your school. Should you wish to discuss the information contained within the questions and answers document please e-mail David Waller, Policy & Implementation Manager at david.waller@centralbedfordshire.gov.uk or telephone 0300 300 6053.



Meeting: Schools Forum

Date: 9 January 2017

Subject: Dedicated School Grant Contingency Budgets

Report of: Director of Children's Services

Summary: To provide an update on the use of the School Contingency Budgets for

2016/17.

Contact Officer: Dawn Hill, Priory House, Shefford

Public/Exempt: Public

Wards Affected: All

Function of: Council

RECOMMENDATIONS:

1. To note the Dedicated School Grant (DSG) Contingency spend to 31 December 2016.

Background

 From 2013/14 the Dedicated School Grant is split into three notional blocks; Schools, High Needs and Early Years with each block holding its own contingency budget.

School Block

- 2. The Schools Specific Contingency Budget falls under Schedule 2 (Part 5) of The School and Early Years Finance (England) Regulations 2015; 'Classes or descriptions of planned expenditure prescribed for the purposes of the Schools budget of a Local Authority which may be deducted from it to determine the Individual Schools Budget (ISB)'. Part 5 relates to items that may be removed from Maintained Schools' Budget Shares by way of de-delegation. Dedelegation is not an option for Academies, special schools, nurseries or PRUs.
- 3. Expenditure on the Schools Specific Contingency is central expenditure deducted for the purpose of ensuring that monies are available to enable an increase in a school's budget share after it has been allocated; and where it subsequently becomes apparent that a governing body have incurred expenditure which it would be unreasonable to expect them to meet from the school's budget share which may include expenditure in relation to:
 - schools in financial difficulty
 - the writing off of deficits of schools which are discontinued, excluding any associated costs and overheads
 - · new, amalgamating or closing schools, or

 other expenditure where the circumstances were unforeseen when initially determining the school's budget share

High Needs Block

- 4. Contingencies are held centrally to fund unforeseen circumstances and any potential overspends in the centrally retained High Needs Budgets. The following issues remain unresolved:
 - The resource implications of changes in SEND provision through the implementation of the Children and Families Act in 2014 is determined.
 - The implications of the development of Central Bedfordshire's vision for Special Schooling and Specialist Provision, including capital costs.

Early Years Block

5. Early Years provision is funded based on predicted total number of hours' attendance of registered pupils. The LA must review the budget share when further information on actual hours of attendance is available, in accordance with Part 3 of The School and Early Years Finance (England) Regulations 2015. The Early Years Contingency budget has been set aside to fund the headcount adjustment that is allowable within the regulations.

Update

School Contingency

6. The following table sets out the expenditure to 31 December 2016:

	BUDGET £	SPEND £	BALANCE £
Carry Forward from 2015/16	776,127		
Unallocated DSG (All Schools)	4,390		
School Split Site Funding		(20,000)	
Transfer to ISB		(104,555)	
VAT Reimbursement CLA		40,823	
Total School Contingency	780,517	(83,732)	696,785

7. The C/F balance of £776,127 is split between de-delegated ring fenced funding for Maintained schools only of £671,572 and £104,555 for all schools. The balance of the de-delegated funding will be applied to the closing schools deficits. The remaining balance has been redistributed to all schools in 2016/17 via the Age-Weighted Pupil Unit (AWPU).

High Needs Contingency

8. At the meeting of the 14 March 2016 School Forum agreed in principle an application to the Secretary of State (SoS) to transfer unspent 2015/16 HN Block DSG to capital. On 16 June 2016 the SoS granted the transfer. The funding will support increasing demand for places in specialist SEND

provisions, a contribution towards the expansion of primary and secondary provision at Ivel Valley Special School as well as the expansion of the Alternative Provision at the Academy of Central Bedfordshire.

9. The following table sets out the expenditure to 31 December 2016:

	BUDGET £	SPEND £	BALANCE £
Carry Forward from 2015/16	783,877		
Transfer to capital development in specialist provisions		(783,877)	
Unallocated HN Block 2016/17	606,980		
Academy of Central Bedfordshire Rates Funding		(5,131)	
Post 16 HN places (Manshead Upper)		(20,000)	
3% Increase to Top Up Funding Bands for Specialist Provisions		(55,279)	
Academy of Central Bedfordshire Funding Uplift		(70,000)	
Centrally Retained High Needs Overspend		(678,143)	
Total SEN Contingency	1,390,857	(1,612,430)	(221,573)

Any overspend at the end of the financial year will be met by unspent Early Years Contingency.

Early Years Contingency

10. The following table sets out the expenditure to 31 December 2016:

	BUDGET	SPEND	BALANCE
	£	£	£
Carry Forward from 2015/16	819,823		
Unallocated Early Years Block	395,740		
2016/17			
EY Block adjustment for growth in		(185,374)	
FTEs (Jan15 – Jan 16)			
January 2016 census adjustment		(208,789)	
Biggleswade Academy Split Site		(110,000)	
May 2016 census adjustment		(37,433)	
Total Early Years Contingency	1,215,563	(541,596)	673,967

Appendices:

None



Central Bedfordshire Council

Schools Forum

Monday 9 January 2017

Work Programme

Advising Officers:

Mel Peaston, Committee Services Manager (mel.peaston@centralbedfordshire.gov.uk)

Sharon Griffin, Committee Services Officer (sharongriffin@centralbedfordshire.gov.uk)

Purpose of this report

The purpose of this report is to assist the Schools Forum in discharging its responsibilities by providing a proposed work programme for consideration.

RECOMMENDATION

That the Panel considers the proposed work programme attached at Appendix A.

- 1. To assist the Schools Forum a work programme is attached at Appendix A to this report. The work programme contains the known agenda items that the Panel will need to consider.
- 2. Additional items will be identified as the municipal year progresses. The work programme is therefore subject to change.

Council Priorities

3. The Council will support the academic and social success, and physical wellbeing of our children and young people, working with schools, parents and communities. The School Forum will contribute to the Council's priority of improving education and skills in Central Bedfordshire.

Corporate Implications

Legal Implications

4. There are no legal implications.

Financial and Risk Implications

5. There are no financial and risk implications.

Equalities Implications

- 6. Central Bedfordshire Council has a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and foster good relations in respect of nine protected characteristics; age disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7. Report authors will be encouraged to work with the Corporate Policy Advisor (Equality & Diversity) in order to ensure that relevant equality implications are identified.

Conclusion and next Steps

8. This report will assist the Schools Forum in discharging its responsibilities. Any amendments approved by the Forum will be incorporated in the work programme.

Appendices

The following Appendix is attached:

Appendix A – Schools Forum Work Programme

Background Papers

None

Appendix A

Schools Forum Panel Work Programme

2016/17 Municipal Year	
3 March 2017	 Dedicated Schools Grant update (VW) Dedicated Schools Grant - update reports from: High Needs Block Technical Sub Group (HR) School Block Sub Group (DH) Options for 2016/17 for DSG (HR) Dates of Future Meetings
12 June 2017	

Unscheduled reports:

