

School Funding Consultation

Frequently Asked Questions

Basic per pupil entitlement

1. Q Is AWPU now the same thing as Basic Entitlement, as in various parts of the document it talks of both AWPU and Basic Entitlement?

A AWPU and Basic Entitlement are the same thing

Deprivation

2. Q Please can you confirm what IDACI is?

A It is the Income Deprivation Affecting Children Index and is part of the indices of Multiple Deprivation (IMD). It is an area based measure defined at the level of Lower Super Output Area. It takes the form of a score between 0 and 1, which can be interpreted as the proportion of families in the LSOA, with children aged under 16, which are income deprived.

3. Q Can the indices Free School Meals (FSM), Ever 6 FSM and IDACI be mixed?

A No. Local decision making is to be much simpler, more transparent and efficient. Under the new arrangements the council is able to use a free school meals (FSM) indicator and/or an IDACI rating when distributing funding for deprived pupils.

4. Q Is there any choice on the index used? Can the ACORN index of deprivation used in previous years be used?

A No. The DfE have restricted the deprivation factor to FSM, Ever 6 and IDACI.

5. Q How will the council know which of our pupils are categorised into these various indices?

A Data will be provided by the DfE. Councils are required to use only the DfE data.

6. Q Why IDACI?

A The DfE are enabling Councils to use IDACI as it is the only national index of deprivation that is focused on children, using individual post code information. IDACI is calculated as Lower Super Output Area (LSOA) level. An IDACI score is the measure of probability that a child living in the LSOA will be deprived. In other words, a child with an IDACI score of 0.2 has a 20% chance of coming from a deprived family.

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This means that whilst FSM can be used to target funding at specific pupils who come from deprived families, IDACI allows councils to ensure that funding can also be distributed to schools that have pupil living in the most deprived areas who might not be eligible for, or take up FSM.

7. Q The change in methodology for 'Deprivation' in 2013/14 meant a loss in funding. Were any other alternative calculation methods considered?

A Yes, Free School Meals and Ever 6 (those pupils eligible in the past 6 years) Modelling showed that those schools currently receiving funding for 'Deprivation' would be affected greater than the use of IDACI. The current system of funding uses ACORN data and is no longer permitted.

Lump sums

8. Q Can the lump sum be differentiated?

A Councils may set a differentiated lump sum for primary and secondary schools. The maximum permitted value for either phase is £175,000

9. Q Is there any protection for amalgamated schools?

A Where schools are amalgamating, they will retain the equivalent of 85% of two lump sums for the financial year following the year in which they merge. Councils can apply to the EFA to lower this in exceptional circumstances.

10. Q What is the impact on the AWPU value for primary schools of raising the lump sum?

A The council and School Forum agreed at the beginning of this process to ensure the same amount of funding that was directed to each phase, remained at 12/13 levels. The AWPU values for primary schools, after allowing for those factors that are no longer permitted, would be higher if the lump sum was lowered. Lower Schools were funded at £95,000 in 2012/13 for lump sum.

Exceptional Items

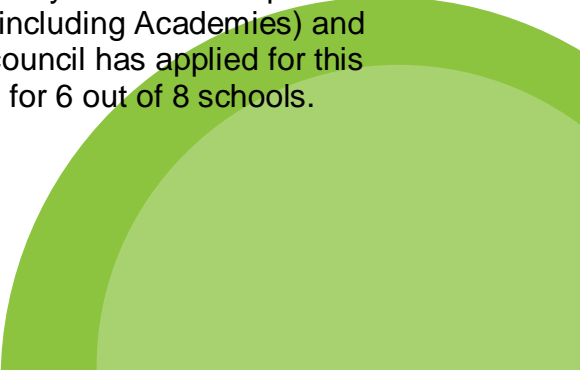
11. Q A number of schools pay for rent for curriculum classes. As this is no longer permitted as a factor, can this be applied for under exceptional items?

A No. The LA are able to ask the Secretary of State for permission to include such items but they must affect no more than 5% of schools and account for at least 1% of the budget

12. Q The school pays rent for the right to exist in the school building as there are no other possible school premises. The proposal is to exclude any consideration for rent. Please can you investigate some way around this?

A This was not allowable in 2013/2014. The regulations only allow an exceptional item to be applied for when it affects less than 5% of the schools (including Academies) and amounts to more than 1% of the School Budget Share. The council has applied for this exceptional factor for 2014/2015 and the DfE has agreed this for 6 out of 8 schools.

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Central provision of services

13. Q If one or both phases of schools express a wish to de-delegate an element of their budget share does the council have the option to refuse? Can the council charge an administration fee for managing such budgets?

A Either primary or secondary schools within the Schools Forum might take the initiative in requesting that a permissible item should be de-delegated, but there would be no obligation on the council to accept the de-delegation, including charging any necessary administrative costs.

14. Q Can any of the newly delegated funding be de-delegated for Academies?

A De-delegation does not apply to Academies but they can still buy into services from their delegated budgets

15. Q There are only three exceptions to the general rule that Schools Block funding is delegated to schools in the first instance. Does that mean the council may not de-delegate funding even if there was a clear mandate from schools to do so or are there protocols in place based on continued central funding? A specific example is union facilities time.

A That is correct. The DfE are limiting central services to those listed in Exception1. Union Facilities does come under staff cover which means maintained schools can vote to de-delegate.

16. Q Contingencies can be retained for maintained schools for a limited range of circumstances, one being amounts for schools in financial difficulty. Can you clarify how parity of treatment is ensured between maintained schools and Academies?

A Academies will be responsible for managing their own budgets and are principally responsible for their own contingency. In the case of an Academy falling into serious financial difficulty, the Education Funding Agency will review the case and determine whether to provide support, and what form of support should be provided.

Minimum Funding Guarantee (MFG)

17. Q How will the MFG be afforded?

A Councils will be able to limit gains in order to make the MFG affordable.

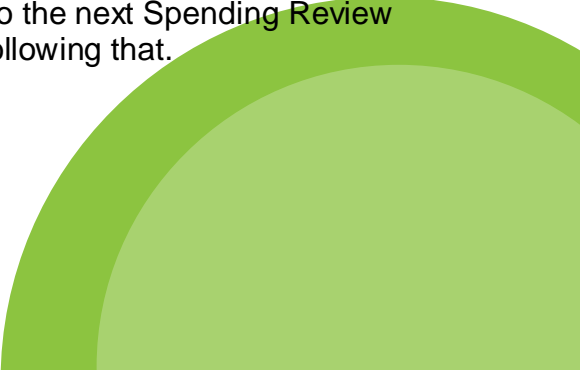
18. Q Re a cap on gains, can a different cap be applied to primary and secondary sectors?

A No. The proposal is to have a single percentage cap.

19. Q The level of the MFG has been set for two years. Why only two years?

A The funding parameters beyond 2014/15 are subject to the next Spending Review and decisions on the future level of protection will be made following that.

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20. Q How is the MFG being applied? We do not understand why the percentage loss in the first year varies for different schools and yet the rate of negative 1.5% has been applied.

A The calculation for MFG has been substantially simplified and is clearly specified in Schedule 4 of 'The School and Early Years Finance (England) Regulations'. This applies to pupils in age ranges 5-16 and excludes funding for early years children and young people over 16.

Early Years

21. Q Does the lump sum applied to Nursery need to be the same as Primary and Secondary?

A No

22. Q Does the Deprivation factor in the EYSFF need to change in line with the Primary and Secondary?

A No. LA's can have a deprivation factor in the EYSFF which is different.

23. Q Will Early Years also be based on the October Census?

A No. Early Years will be based on January counts, e.g 14/15 estimates based on January 13, updated for January 13 in the summer 2014 and adjusted at year end for January 14 count.

Rates

24. Q What would an alternative be for funding rates on an actual basis?


A The total amount of rates funded for all schools would be added together and converted into a per pupil rate and added to the basic entitlement (AWPU). The disadvantage of this would be those school with a high rateable value may not receive sufficient in the basic entitlement to cover the actual cost of the rates payable. Rates have previously been funded on an actual basis and so it was deemed to be fair and cause less turbulence to keep funding in the same way.

PFI

25. Q Please clarify that a PFI factor is to fund the 'funding gap' for those schools.

A No the factor permitted to be used is designed to deal with the additional costs incurred by the school as a result of their PFI status. The PFI factor should only cover net additional costs incurred by the school and should not result in a profit. The funding gap is not paid from DSG.

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General

26. Q Can you confirm that the pupil numbers collected in the Autumn School Census 2013 will be used to calculate the funding for 2014/15?

A Yes, the Autumn 2013 census will be used to allocate funding for 2014/15.

27. Q How will schools access/apply to the Growth Fund?

A A criteria will be set and agreed with the School Forum. Further information will be provided once it is agreed.

28. Q It is unclear what will happen to statemented pupil funding. Will this be unidentified in most cases, or will the funding still follow the pupil?

A Funding for statemented children will remain unchanged. Schools already fund the first 11 hours from their notional SEN budget and the LA provides the top up against the level of need which is linked to the Statementing funding bands.

29. Q The school has an old building with significant maintenance costs. Can this be reflected in a different lump sum?

A The regulations only allow one lump sum. There is not currently a factor specifically for this requirement and the LA are not permitted to introduce new factors.

Facilities Time

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

A 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 the following:

Type of union representative	Rights
Union representatives appointed to engage in collective bargaining on behalf of their members. TULR(C)A, 1992	<ul style="list-style-type: none">• 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	<ul style="list-style-type: none">• Paid time off to carry out their duties• Paid time off for training• Protection against dismissal or detriment



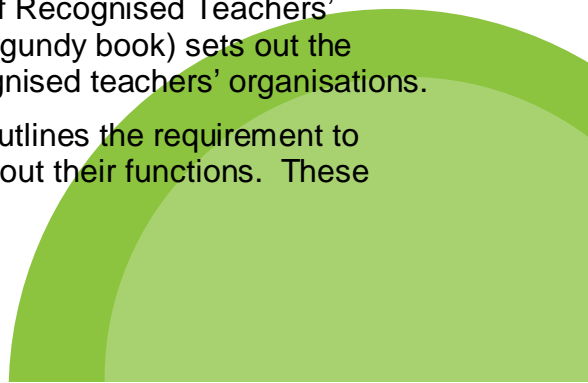
<p>Health and safety representatives appointed by trade unions in workplaces where unions are recognised.</p> <p>Safety Representatives and Safety Committees Regulations 1977</p>	<ul style="list-style-type: none"> ● Paid time off to carry out their duties ● Paid time off for training ● Facilities to help them perform their duties ● Protection against dismissal or detriment
<p>Information and consultation representatives.</p> <p>Information and Consultation of Employees Regulations, 2004</p>	<ul style="list-style-type: none"> ● Paid time off to carry out their duties ● Protection against dismissal or detriment
<p>Pension representatives elected for the purpose of consultation over changes to pension arrangements.</p> <p>Occupational and Pensions Pension Scheme Regulations, 2006</p>	<ul style="list-style-type: none"> ● Paid time off to carry out their duties ● Protection against dismissal or detriment
<p>TUPE representatives, where a trade union is recognised for collective bargaining purposes.</p> <p>TUPE, 2006 as amended.</p>	<ul style="list-style-type: none"> ● 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
<p>Collective redundancy representatives where a trade union is recognised for collective bargaining purposes. TULR(C)A, 2006.</p>	<ul style="list-style-type: none"> ● 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

31. Q 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

32. Q 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

33. Q 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.

34. Q 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.

35. Q What are the current arrangements within the Central Bedfordshire Council?

A 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. .

36. Q 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.

37. Q Does the employing school of a representative receive re-imburement?

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.

38. Q What duties are undertaken and funded in Central Bedfordshire?

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- 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 appraisal policy; the capability policy etc);
- Attendance at case work meetings with head teachers, governors and others in schools e.g. disciplinary hearings, redundancy consultations, TUPE meetings, etc.

39. Q 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.

40. Q 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

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

A Experienced local representatives/ branch secretaries would not attend case work meetings as outlined in question 40

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.

42. Q 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 2014. Schools whose funding is not de-delegated 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 2014 when the current arrangements in place with county representatives would come to an end.

43. Q 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 Julia Newbury, Employee Relations & Policy Manager by e-mail to Julia.newbury@centralbedfordshire.gov.uk or telephone 0300 300 5958 or David Waller, Senior Human Resources Manager, Schools Statutory Services david.waller@centralbedfordshire.gov.uk Telephone:0300 300 6053