

Annex C

School Funding Consultation

1. Introduction

- 1.1. This consultation provides an opportunity for schools to provide feedback on the way in which elements of mainstream school funding system operates in Gloucestershire. Specifically:
 - De-delegation of funding to support services for Local Authority Maintained schools;
 - The formula to deliver Notional SEND funding for all mainstream schools; and
 - The local funding model to support schools that provide for larger cohorts of children with Special Educational Needs (currently the 1 in 30 model).
- 1.2. Feedback from this consultation and recommendations regarding any changes to the funding models will be shared at the schools forum in November 2023 so that appropriate changes can be agreed and implemented in 2024/25 financial year.
- 1.3. Since the implementation of the [National Funding Formula](#), there has been limited local control over the way in which funding can be deployed. However, the elements being considered above are key areas in which we can affect local change to the funding received by schools.
- 1.4. In considering changes to the way in which funding systems operate, we are keen to assess whether there are improvements that can be made to ensure that we are making the best use of funding to:
 - deliver a high quality of education for all children and young people in Gloucestershire.
 - ensure that funding is supporting children and young people with SEND, where possible, to access a mainstream education.
 - enabling schools and the local authority to deliver their statutory responsibilities effectively and efficiently.

2. De-delegation for Local Authority Maintained Schools

- 2.1. The ability to de-delegate funding for specific services to support local authority maintained schools is prescribed in section 36 of the [schools operational guide](#), published by the Education Skills Funding Agency (ESFA).
- 2.2. As the guidance outlines, de-delegation provides a mechanism for all LA maintained schools to contribute per-pupil funding to deliver core services which support all

maintained schools. This is akin to top-slicing that many Academy trusts operate to provide centralised support services for the schools in the trust.

2.3. Locally, Gloucestershire schools have de-delegated funding in four core areas since 2013/14. The LA has worked hard to maintain the rates and provide value for money to schools, as such the per-pupil rate for these services has not increased since 2013/14. The four areas of de-delegation are:

- Union facilities funding for primary schools at £3.05 per pupil.
- In-year increases in pupil numbers for primary schools at £6.32 per pupil.
- Local authority statutory services for primary and secondary schools at £5.00 per pupil.
- Targeted intervention school improvement services for primary schools at £9.27 per pupil.

2.4. The range of services de-delegated to support primary schools is greater and as such primary schools are currently de-delegating £23.64 per pupil and secondary schools £5.00 per pupil. Using the minimum per pupil funding levels for 2023/24, which are £4,405 for primary and £5,715 for secondary schools, de-delegation accounts for 0.5% of primary school per pupil funding and 0.08% of secondary school per pupil funding.

2.5. Using the current funding allocation provided by the DfE and excluding the additional teacher pay and pension grant that is being allocated, per pupil funding will rise in 2024/25 to £4,655 for primary and £6,050 for secondary schools.

2.6. As stated in 2.2 above, de-delegation is akin to top-slicing. However, it's important to note that they are not comparable in the level at which they operate. Multi-Academy Trusts (MATs) that utilise top-slicing, will usually operate between 3-6% of per pupil funding. The rate of de-delegation for maintained schools is much lower as they have autonomy to purchase services, such as Information Technology support, Human Resources, Area Finance Officer support either through the LA traded services programme or the open market.

2.7. The local authority decision on whether to offer services through de-delegated funding is driven by three key factors:

- the resources required to deliver statutory services for LA maintained schools that would be reasonably expected to come from school budgets;
- the ability to provide value for money services on scale; and
- the restriction it places on school autonomy and decision making.



2.8. Although we have included all areas of de-delegated funding in the scope of this consultation, the primary focus for change has been on the delivery school improvement services and the LA support services. You will note in the guidance that the regulations were adjusted in 2022/23 to allow for 'core school improvement services' to be delivered through de-delegation. This was following the removal of the school improvement monitoring and brokering grant that was paid to local authorities.

3. De-delegation of funding for Union Facilities support

3.1. The Union facilities time allows teaching unions to provide Gloucestershire schools access to effective statutory and collective consultation, bargaining and individual representation from trained and accredited local teaching union officials. Consequently, school leaders and managers also have access to a valuable resource in the resolution of workplace issues and disputes. *This allows LA schools to meet all **statutory** and procedural entitlements to union representation.*

3.2. A full report of activity and support for the academic year 2022/23 is attached at Annex A.

3.3. As stated in 2.3 above, the rate for union facilities support has been stable at £3.05 per pupil since it was implemented. This is an effective service that has been operating efficiently for many years to provide good value for money to LA maintained primary schools. As such the local authority supports continued de-delegation at the current rate and format for 2024/25.

Questions (LA Maintained primary schools only):

Q1: Do you support the continuation of de-delegated funding to provide union facilities support. Yes/No

Q2: If no, how would you propose to access this support for your school and staff in the future?

Q3: If no, how would you ensure value for money in securing this support?

4. In-Year increases in pupil numbers for primary schools

4.1. The de-delegation for in-year increases supports maintained primary schools with significant pupil increases above a threshold in their number on roll between October census dates. The funding provides temporary support to the school until the full affect of the increase in pupil numbers is reflected in the core school funding.

4.2. The formula is reviewed by the Forum regularly and is currently agreed as follows:

Where the increase in October School Census numbers exceeds the higher of 5% or 10 pupils (the 5% threshold is subject to a ceiling of 15 pupils) then 7/12 (Sept-



March) of the Basic Entitlement (Age Weighted Pupil Unit) pupil allocation will be triggered for each pupil above this threshold.

- 4.3. The threshold (growth of 5% or 10 pupils) is set to a level at which it would be 'challenging' for a school to support the increased pupil numbers without additional funding. This is subjective and is a threshold set by the Forum and can be adjusted. Increasing or decreasing the threshold would trigger an adjustment to the per pupil rate, which is currently set at £6.32, creating a budget of £212,000.
- 4.4. In 2022/23 £186,951 of the available budget was allocated to 12 primary schools. The details are shown in fig.1 below.

Fig.1

Funded 22/23 Number on roll	Funded 23/24 Number on roll	Diff in Pupils	Diff in %	Threshold Pupils @ 5%	Pupils Funded 5% Threshold	Funded Pupils above threshc	Growth Fund Pupils	To be funded from de- delegation	Allocation £
79	93	14	18%	89	10	4	0	4	7,554
128	142	14	11%	138	10	4	0	4	7,554
296	317	21	7%	311	15	6	15	6	11,330
390	411	21	5%	405	15	6	0	6	11,330
147	161	14	10%	157	10	4	0	4	7,554
174	186	12	7%	184	10	2	0	2	3,777
164	193	29	18%	174	10	19	0	19	35,879
317	345	28	9%	332	15	13	0	13	24,549
103	125	22	21%	113	10	12	0	12	22,661
604	629	25	4%	619	15	10	0	10	18,884
344	360	16	5%	359	15	1	0	1	1,888
138	166	28	20%	148	10	18	0	18	33,991
									186,951

- 4.5. The funding allocated to schools is based on 7/12ths (period Sept-March) of the base entitlement (£3,237 per pupil in 2022/23) and does not include any additional needs factors. We have used 7/12ths, as this accurately reflects the lagged time frame of the funding (7 months). As such we would not expect this to change.
- 4.6. The use of basic entitlement without any additional factors makes the calculation straightforward to deliver. When considering additional needs factors, it would require the school and LA to agree 'which specific children' were funded. For example, if a school has post-census growth of 15 pupils, the school will receive support for 5 pupils. To apply the additional needs factors, we would need to agree which 5 of the 15 children were being funded. This approach also aligns with growth funding which is provided to schools to support planned growth in pupil admission numbers.
- 4.7. As shown in the distribution of funding in 2022/23 the in-year de-delegation provides valuable support to a small number of schools each year. We believe that the model is operating well and as intended but are keen to get the views of maintained primary schools on the efficacy of the approach.

Questions (LA Maintained primary schools only)

Q1: Do you support the continuation of de-delegated funding to support in-year increases in pupil numbers. Yes/No

Q2: The threshold for support is:

- a. Appropriate
- b. Too low and should be increased to reduce the level of support provided.
- c. Too high and should be reduced to increase the level of support provided.

Q3: The formula used to calculate funding received is appropriate Yes/No

Q4: If no, which element of the formula should be reviewed:

- a. The timeframe for funding (currently 7 months)
- b. The use of basic entitlement as the core factor to calculate the per pupil funding.

If you have answered no, please provide more detail below:

5. Local authority statutory services for primary and secondary schools

- 5.1. Since 2016/17 de-delegation to support statutory LA services for all LA maintained primary and secondary schools have been in place at £5.00 per pupil. This provides funding to support local authority services for maintained schools, including support for schools in financial difficulties, contingencies, and staff costs to support education services.
- 5.2. This is the first area where we are considering a significant change to de-delegation funding. To support the loss of the SIMBG the local authority is proposing to reallocate central services block and core LA funding to support these services, enabling the £5 per pupil to support the delivery of our statutory school improvement duties (Annex B).
- 5.3. This rationale and approach to this proposed change is explored in more detail in the next section of the consultation.

6. Targeted intervention school improvement services for primary schools

- 6.1. Since 2013/14 the maintained primary schools have de-delegated £9.27 to support targeted intervention school improvement services. This has enhanced the support that the local authority has been able to provide to primary schools that are identified as 'at risk'. This funding has enabled the resourcing and delivery of focussed project groups and provided the group with funding to commission specific intervention and support work for the school. This funding was complimented by



the School Improvement Monitoring and Brokering Grant (SIMBG) (£720k), until its partial removal in 2022/23 and full removal in 2023/24.

- 6.2. The SIMBG enabled the delivery of core school improvement services for all maintained schools, whilst the de-delegated funding provided for targeted support and intervention work with primary schools that were identified as 'at risk' ([schools causing concern guidance](#)).
- 6.3. This targeted support work did not extend to secondary schools. When a project group is setup to drive improvement in secondary schools they are expected, due to scale, to be able to fund additional support from within their budget.
- 6.4. This additional funding provided by all primary schools ensures that funding is not a limiting factor for schools 'at risk', which can often be the case. In effect all primary schools are contributing to provide a support mechanism, which they can all access when needed. This is an essential component of LA maintained schools working together as a single system to support each other when needed.
- 6.5. The loss of the SIMBG has created significant financial pressure on school improvement services. To address this pressure the local authority has:
 - agreed a number of short-term funding solutions to provide temporary support;
 - enhanced the traded service offer ([GLOSSI](#)); and
 - reduced expenditure by £300k.
- 6.6. GLOSSI was originally intended to compliment the existing core school improvement services. In enhancing the model, we have attempted to fund functions that were supported by the SIMBG through a traded service offer. However, the engagement, whilst relatively successful has fallen significantly short of addressing the reduced levels of DfE funding. In 2022/23 traded with 40% of Gloucestershire schools and generated £291k to support the continued delivery of school improvement services.
- 6.7. When the SIMBG was removed the DfE made it clear that it was aligning maintained school funding with Academies, who do not receive a similar grant and pay for school improvement support through their multi-academy trust, either through GAG pooling (pooling of all schools funding centrally) or top-slicing of the schools budget.
- 6.8. At the same time the DfE adjusted the regulations to allow for core school improvement services to be funded through de-delegation. To date, Gloucestershire has avoided increasing de-delegation rates to address the loss of the SIMBG and the year-on-year real terms cut to funding since the £9.27 de-delegation was agreed in 2017. However, we are now reaching a point where the effective delivery and

oversight of school improvement services to maintained schools is becoming unsustainable.

- 6.9. The LA recognises that the long-term policy direction set out by the Government and DfE is a move towards full academisation and that over time LA school improvement services will need to adapt to meet the needs of a changing system. However, whilst the system transitions towards full academisation, which will take some years (at least 6 if you use the 2030 target set out in the government white paper) the local authority has statutory duties (Annex B) to support all maintained schools and where necessary intervene as set out in the [Education Act 2006, chapter 4](#).
- 6.10. It is highly unusual for the LA to intervene legally in the ways described in the act, as the focus has remained on preventative intervention work, delivered through school improvement project groups. These are predominantly instigated through discussion with the school's improvement adviser, who has been able to build a strong understanding of school performance and effective relationships with school leaders and governors.
- 6.11. In attempting to mitigate the impact of the lost funding through the cost reductions and the move to a traded model there is increasing concern about the distance that is starting to form between the LA school improvement team and some of the maintained schools. This is particularly challenging for those schools that are not signed-up to GLOSSI as the current arrangements only allow for a single visit a year. This distance is creating concern regarding LA's ability to deliver our statutory responsibility to maintain oversight of and intervene where needed, but more importantly to maintain the relationships and strong understanding of school performance that are necessary to trigger intervention and preventative support.
- 6.12. In addition, the cost savings and the move to a traded model have not been able to fully mitigate the lost funding from the grant. For 2024/25 we are expecting a gap of around £150k between the costs of running the service and the current funding levels.
- 6.13. To respond to these issues, we are considering changes to the de-delegation funding as was originally intended by the DfE when they removed the SIMBG.
- 6.14. To address the current funding gap, the LA is considering adjusting the existing de-delegation that supports LA statutory services and focussing this to support school improvement. This would, at no additional cost to maintained schools, address the current funding gap, enabling current services to continue as they are.
- 6.15. This does not however, address the distance that is forming between the LA and schools that are not signed up to GLOSSI. The proposal would adjust the rate of delegation for targeted support for school improvement services as follows:

School Type	Proposed rate for de-delegation
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Primary	£14.27 (existing £9.27 + £5.00)
Secondary	£5.00

- 6.16. As outlined above, for the LA to successfully fulfil its statutory duties it is critical that we are able to maintain a good understanding of school performance and a strong relationship with governors and school leaders. The current traded service model is making this challenging with maintained schools that have not bought into any level of the GLOSSI offer (60 schools). To redress this, we are considering two options.
- 6.17. Firstly, we could continue with the existing model which allows all LA maintained schools to purchase school improvement from a preferred provider and for any school that is not subscribed GLOSSI, to share with the LA key school improvement documentation, including the school improvement plan, notes of visits and review or impact reports.
- 6.18. This would ensure that the LA has oversight of the school improvement arrangements and plans that are in place and where necessary intervene if there are concerns.
- 6.19. Alternatively, we could reduce the emphasis on GLOSSI to support core school improvement work and revert to a fully funded school improvement service. This would mean a further increase to de-delegation, which would need to be modelled. The increase in de-delegation would be offset by the reduction in the need to access traded support. As such we would expect the financial implications for maintained schools to be at least cost neutral.
- 6.20. At this stage the decision making in this area is more focussed on the balance of autonomy for maintained schools in how they access school improvement support and the need for the LA to maintain oversight, intervene and support where necessary.
- 6.21. We would welcome LA maintained schools' views on the next steps to try and stabilise the delivery of school improvement support and the LA statutory responsibilities.

Questions (LA Maintained primary schools only)

Q1: Do you currently subscribe to the LA school improvement offer via GLOSSI?

- If yes which package – Basic, Standard, Premium
- If no, how do you keep the local authority informed of school improvement priorities?

Q2: Do you support the pivoting of existing LA statutory services de-delegation to support school improvement services as described in 6.14 and 6.15. Yes/No

If no, please provide more detail.

Q3: Moving forward I would like to see LA school improvement services for maintained schools:

- Move back to a fully funded consistent model for all school's Y/N

Please explain your rationale

- Continue with a traded model in which maintained schools have autonomy to procure their preferred supplier Y/N.

Please explain your rationale

If yes, please provide detail on how you would expect to provide the LA with an understanding of school improvement priorities and performance.

7. The formula to deliver Notional SEND funding for all mainstream schools.

7.1. The local SEND funding formula has remained stable for a number of years, with no significant change since the notional budget was included in the national funding formula. As part of this consultation, we are seeking schools' views regarding the appropriateness of the current levels of notional SEND funding and whether it is necessary to make any changes to the formula.

7.2. Alongside feedback from the consultation, we will consider:

- The updated DfE [Operational guidance](#) for notional SEND funding
- The increase in children and young people identified as requiring SEN support or a statutory Education Health and Care Plan (EHCP), which has been significant since the formula was last reviewed.
- [Benchmarking data](#) provided by the DfE, which currently shows median spend on notional funding at 10.8% nationally. Our current local formula allocates 8.3%.
- Financial modelling that compares current notional SEN budgets to the number of children with SEN support needs or an EHCP.

7.3. In conjunction with the School's Forum members, a decision will be made at the November 2023 Forum meeting, as to whether any changes to the formula are necessary.

7.4. It should be noted that the DfE intend to move to a national formula as part of their drive towards a direct national funding formula. Pages 73 and 74 of the [SEND and AP Green Paper](#) provide more detail on this ambition, which is linked to the development of national standards and the need to undertake a national

consultation. As such, it is unlikely that a national formula will be in place for at least 3 years.

7.5. In relation to the formula, the DfE guidance states that:

“we would expect the calculation of the notional SEN budget to include:

- *a small part of the basic entitlement funding;*
- *a larger part of deprivation funding, reflecting the higher prevalence of lower-level SEN amongst disadvantaged pupils, and*
- *the majority or whole of the low prior attainment factor funding, as this is the best proxy we currently have for pupils with low-cost, high-incidence SEN”*

7.6. Our current local formula allocates 2.5% of the basic entitlement and the full low prior attainment allocation. Whilst we don't have any confirmation on the approach that the DfE will take to a national formula, it seems likely that the guidance above is a strong starting point.

7.7. We have done some initial modelling to explore the total notional SEND budget for all schools and how this aligns with the current levels of children and young people with SEND in mainstream.

7.8. As detailed above the current formula allocated 8.3% of the school block funding for notional funding in 2023/24. This equates to £37.2m. The current number of funded EHCPs in mainstream schools (2,162) means that schools will be required to use £12.97m of that funding to cover the first £6k for the plan. This is currently supported by £1.6 from the 1 in 30 model (targeted SEND support funding), leaving maintained schools contributing £11.3m towards the first 6k of EHCPs. Forecast growth in EHCP numbers for the rest of the year are expected to increase the schools' contributions by a further £750k and the LA contribution through the 1 in 30 by a further £1.5m. This means that the school contribution towards £6k will be around £12.1m

7.9. This leaves £25.1m to provide wider support for children with SEN. If this is allocated evenly across all the children and young people identified as requiring SEN support, it will provide an allocation of £2,022 per pupil. Broadly this means that 1/3 of notional funding is being used to provide statutory support and 2/3rds is supporting the wider cohort of children with additional needs.

7.10. At this stage we would like schools to consider:

Q1: Do you feel your current SEN notional budget enables you to deliver effective provision for children and young people with SEN? Y/N

Please provide any detail you think would be helpful to support your answer.

Q2: Is the current split between statutory support (1/3) and non-statutory support (2/3) a fair reflection of the needs you are experiencing in your school? Y/N



If no, please explain and provide a view of what you feel an appropriate split would be.

Q3: Would increasing notional funding to increase the budget available for non-statutory support, reduce requests for statutory support through an EHCP? Y/N

Q3: If we were to increase notional funding; in your opinion, which additional needs proxy factor in the national funding formulas would best support the identification of additional need:

- Deprivation Free School Meals (Y/N)
- Deprivation Free School Meals ever 6 (Y/N)
- Income deprivation affecting children index (IDACI) Y/N
- English as an Additional Language (Y/N)
- Mobility (Y/N)

8. Targeted support funding for SEND (1 in 30)

- 8.1. Since 2017, the Local Authority and Schools Forum have agreed to provide targeted support funding to mainstream schools that have disproportionately high numbers of children with additional needs.
- 8.2. The rationale for this is two-fold. Firstly, there has continued to be significant growth in the number of children and young people requiring SEN support and statutory support through an EHCP. This growth is not spread evenly amongst all schools, partly due to the local demographics that the schools serve and partly due to parental choice through via an EHCP.
- 8.3. Secondly, the NFF does not adequately provide for schools with high levels of additional need. There are a number of proxy factors referenced above, which are used to identify the complexity of a school's cohort. However, the way in which the Minimum Per Pupil Funding Level (MPPFL) is applied mitigates the benefit of these factors. The core funding formula will mean that schools with less complex cohorts initially receive less funding, but once the MPPFL is applied, they will be brought up to the same funding level as other schools. For some time now, the F40 group, which lobbies for equity of funding has asked for the additional needs proxy factors to be applied after the MPPFL, to ensure that funding is properly responding to the needs of the school's cohort. This has been unsuccessful and is unlikely to change until there is a full review of the NFF and the way in which it is operating.
- 8.4. The LA and Schools Forum have been committed to redressing this issue through the provision of additional funding to schools with more complex cohorts. This was initially delivered through the 1 in 75 model, which now operates at 1 in 30. It's a simple model which takes the schools NOR and creates an EHCP threshold, after



which the High Needs block provides the first £6k for an EHCP. If a school has 300 pupils on roll and 13 children with EHCPs, the 1 in 30 threshold would be 10 EHCPs. This would mean the High Needs Block contributing an additional £18k (3 x £6k) towards the cost of those EHCPs.

- 8.5. As stated above the model started at 1 in 75 and has reduced to 1 in 30, purely due to the associated costs. In 2023/24 we expect the model to cost around £3.2m, but if it was still operating at 1 in 40, the forecast cost would be closer to £5.5m. As such we now believe the model is not fit for purpose.
- 8.6. In considering a new model the School's Forum working group has met a number of times and has recommended that we shift towards a model that is driven by the school cohort rather than EHCP numbers and is allocated to specifically enhance the provision for children and young people with additional needs.
- 8.7. In taking this forward we need to consider two things:
- How we identify the schools that are in most need of additional support
 - How the funding is allocated and managed
- 8.8. In terms of identifying the schools that could receive additional funding we are keen to move away from the EHCP as primary mechanism. Partly we don't believe it provides an accurate reflection of the wider school cohort and partly because we are trying to move away from the increasing reliance on the statutory process for funding support.
- 8.9. A clear starting point is the proxy factors for additional needs that exist in the NFF. These are:
- Low prior attainment
 - Deprivation Free School Meals
 - Deprivation Free School Meals ever 6
 - Income deprivation affecting children index (IDACI)
 - English as an Additional Language
 - Mobility
- 8.10. Other factors that could be considered alongside these are the SEN numbers within the school; so, both SEN support and EHCP numbers. However, we would be keen to understand from schools whether there are other factors that should be considered in considering the complexity of the school cohort.



- 8.11. In respect to the allocation of funding, we are keen to ensure that the process is straightforward and provides sustainable support for the school. It is anticipated that the School's Forum will agree the funding envelope for targeted support and that a formula will be developed (based on feedback on the proxy factors above) to allocate the funding to schools.
- 8.12. Funding would be allocated as an enhancement to the school's notional SEN funding. The school would be expected to report on how notional SEN funding is used and how the targeted funding will be used to enhance provision in the school. We would expect this to be done through engagement and advice from key services including, the Education Psychology and Advisory Teacher Services. The plan for use of the funding, would be provided to the LA at the start of the academic year, with an impact summary provided at the end of the year. In delivering the funding we are considering the benefits of a multi-year allocation to enable schools to invest with more confidence.

Questions

- Do you agree that a target SEND model is required to support schools with more complex cohorts Y/N.
- Please weight the potential proxy factors that will drive the formula in terms of their importance:
 - Low prior attainment (Very high, High, Low, Very low, not needed)
 - Deprivation Free School Meals (Very high, High, Low, Very low, not needed)
 - Deprivation Free School Meals ever 6 (Very high, High, Low, Very low, not needed)
 - Income deprivation affecting children index (IDACI) (Very high, High, Low, Very low, not needed)
 - English as an Additional Language (Very high, High, Low, Very low, not needed)
 - Mobility (Very high, High, Low, Very low, not needed)
 - SEN Support (Very high, High, Low, Very low, not needed)
 - Education Health and Care Plan (EHCP) (Very high, High, Low, Very low, not needed)
- Please provide any clarifying rationale for your weightings that you think is important.
- Are there other factors that we should consider? Y/N
 - If yes, which factor



- Do you think a multi-year allocation is helpful? Y/N
 - If yes, over what time frame 2 years/3 years/3+years

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Annex A

Local Authority Teaching Union Facilities 2023 Report for Schools' Forum

Overview

LA facilities time allows teaching unions to provide Gloucestershire schools access to effective statutory and collective consultation, bargaining and individual representation from trained and accredited local teaching union officials. Consequently, school leaders and managers also have access to a valuable resource in the resolution of workplace issues and disputes. *This allows LA schools to meet all **statutory** and procedural entitlements to union representation, which include:*

- capability
- grievance
- disciplinaries
- long term absence
- pay and grading appeals
- redundancy and restructuring consultations (all relevant unions)
- equality and discrimination issues
- introduction of new or revised policies and procedures
- health and safety issues

It also allows local officers to respond to the large proportion of queries for informal advice from members, via phone and email, which result in issues being dealt with without having to involve the school or without escalation to any formal procedure. We strongly believe that this de-escalation saves head teachers a substantial amount of time and helps to enhance school cohesiveness.

To enable a certified union representative to be available, facilities time allows for:

- time off for relevant training
- time to prepare for the meeting
- travel time
- “follow up” time

Elected County Union representatives – Tony Chong (TC) (NASUWT), Sarah Murphy and David Hampson (SM, DH) (NEU) are trained in current employment law and related matters, have an excellent working knowledge of procedures and have considerable experience in bringing issues to a speedy conclusion and resolving disputes. They work across the county and hence have an understanding of how disputes and employee issues have been **resolved in a mutually**



acceptable way across the whole of the Gloucestershire building up a substantial amount of **local knowledge**. This provides a unique insight into the **background and historical development of local schools**. This expertise is supported by high-level regular training arranged and funded by the respective teacher unions (not by facilities funding). They have access to resources, colleagues and solicitors at regional and national level who provide information and advice on policy and professional matters and on employment relations issues.

What are the implications of not buying this service?

Without this service LA schools would **individually** be responsible for meeting all statutory obligations (for example: individual right to representation and legal obligation to consult on redundancies and staff changes) **from their own budget**. Schools would be taking on responsibility for agreeing, co-ordinating and paying for release time and paid time off for duties and training of their own school-based reps. This release would be in addition to the normal training required by School Representatives and would need to replicate the training undertaken by County representatives to enable those functions to be fulfilled at school level rather than through the buy-in scheme. This would be necessary if the school is to meet *its statutory obligations in respect of trade union duties for which money is delegated to schools through the funding formula*. The cost of training school reps to this level would, however, be considerably greater than that of the current facilities arrangements. The **cost at £3.05 per student** means that to the majority of primary schools this service will cost just a few hundreds of pounds.

In addition, these trained school-based reps would have to be released from lessons to provide the support required by their colleagues. *LA facilities funding pays for the availability of county representatives to respond to schools' issues*.

All other areas of trade union work and representation are paid for by member subscriptions. With minor variations, this is the same for all recognised teacher unions including the Headteacher associations. Some examples of work paid for by subscriptions are:

- Regional staffing team including regional officials who undertake serious and high-level case work (for example NCTL cases, external exam malpractice and employment tribunal cases).
- Legal advice and support including solicitor teams
- Campaigning and policy work – locally, regionally and nationally
- National telephone advice line for all members and reps to access seven days a week
- Website advice and resources
- Workplace reps training programme
- Advance training programmes for county representatives
- CPD programmes and courses for members of the NEU and NASUWT

Gloucestershire officials (TC, SM and DH) receive paid release time from the facilities funding to provide advice, support and representation (a summary to follow). The time is allocated on the basis of the respective membership of each union in the county. We promote and maintain partnership working, best practice and consistency across the county. **We work with schools**

and academies to facilitate early resolution of difficulties to reduce the risk of disputes or legal claims. TC, SM and DH, in many instances work collaboratively within schools.

How facilities time was spent in 2022-2023 by NEU and NASUWT

Report for Schools' Forum by Sarah Murphy (District and Branch Secretary Gloucestershire NEU)

From September 2022 I have been carrying out casework on behalf of National Education Union Members for 3 days per week funded through Union Facilities Time as has my colleague, David Hampson.

We currently have 111 Work Place Representatives (Reps) who have also supported their colleagues in schools.

We receive casework via our Advice Line, our Regional Office and direct from members.

During the past year we have supported teaching assistants and HLTAs, teachers (including supply), TLR holders, assistant head teachers and head teachers.

Breakdown of cases September 2022 – August 2023:

• Disciplinary 57 • Sickness/ R to W/ absence 26 • Restructuring/ Redundancies 11 • Flexible working and part time issues 13 • Grievance 23 • Capability 28 • Contract Issues 40 • Maternity/Paternity Issues 11 • Pay disputes 44 • H & S and injuries at work 13 • Other 124

Total 390

To note: often when we are contacted by an NEU member it is not over just one issue, I have done my best to give a flavour of the main areas of concern. Some of these 390 cases are not individual but represent a group of members.

Interesting changes from last year's analysis: Disciplinary up 24%, Issues around pay up 47%, sickness/absence up 37%, dramatic increase in grievances being taken out 64%

Distribution across Educational Institution:

Primary 40%, Secondary 38%, Independent 6%, APS/Special School 14%, Supply staff 2%,

It is important to recognise that as union representatives and caseworkers we see it as a priority to resolve issues within education settings swiftly and constructively for all those involved. We visit schools to speak to members on a collective and individual basis, members contact us directly by email on a daily basis, we speak over the phone and meet with members out of school. Head teachers and HR representatives call us directly.

Advice is sought via email from us 24 hours a day with the nature of the query or incident being completely unpredictable. Our role will often involve 'coaching' with the result that teachers return to the classroom ready to teach again without the headteacher probably even being aware that their staff member has raised a concern.

Sarah Murphy

District and Branch Secretary Gloucestershire NEU

N.A.S.U.W.T. [National Association of Schoolmasters and Union of Women Teachers]

Report for 2022 to 2023

Title: Gloucestershire Federation and Negotiating Secretary and Local Association Secretary for Gloucester Severnside. An Accredited Caseworker, working for N.A.S.U.W.T. two days a week funded through Union Facility Time.

Work Place [School and College] Representatives and Points of Contact have also contributed to supporting member colleagues and employers.

Nature of work: The face and voice of NASUWT in Gloucestershire, providing a point of contact for members – regardless of their setting – concerning every aspect of their current employment. As well as ensuring that current and possible future working conditions and pay as qualified professional educators are within the framework of Employment law.

The benefits of the role to members: For colleague members the benefits are many but crucially it is having an easily contactable local point of contact with a person who has an in-depth understanding, knowledge and experience of the Gloucestershire Education landscape. That contact is then in turn able to access the expertise and knowledge of a National professional organisation dedicated solely for Teachers, regardless of their educational setting.

Individual cases: These are cases that are recorded at and generated from the N.A.S.U.W.T. Regional Centre in Exeter for Gloucestershire.

During the period 1st April 2022 to 31st March 2023, there were some one hundred individual member cases from across educational settings [an increase of 25% from the last reporting period] who received direct support.

The following list indicates the type of educational institutions members worked.

Secondary 30, Independent Schools 8, Supply 2, Primary 38, Special Schools 5,

Infant 8, Further Education 5, Alternative Provision 4

This Casework ranged from: Flexible Work Requests – particularly for colleagues returning from Maternity leave – allegations made against colleague members by students / parents and carers / fellow colleagues, individual staff grievances taken out against Senior Leaders, through to Long-term medical absence – associated with CoVid19 and Directed Time Calendars remain an on-going difficulty.

Additionally, there were some two hundred and sixty-four ‘one off’ member contacts made, an increase of 10% from last year.

Collective Cases: Eight:

Two cases concerned – Schools forming a Trust.

Six cases concerned – New School policies [Performance Management / Appraisal]

General Policy requests: Fourteen

These have included areas such as: Pay Progression, Performance Management, Redundancy, Attendance and Competency.

Unfortunately, the impact of the Pandemic [CoVid19] is still evident in Education generally, whether that be staff leaving due to Long Co.Vid or the pressure on pupils and students experiencing 'Catching Up'!

This is my last report to School Forum and I would like to take this opportunity to thank my colleague Sarah Murphy who has represented colleague members from both NEU and NASUWT so well over these past years and Margaret WILKINS [GCC] who has always provided such sound professional advice.

Mr. A. Chong

12th July 2023

DRAFT

Annex B

Education Act 1996

1. The Council as an education authority has a duty to promote high standards of education and fair access to education.

Special Educational Needs

- To educate children with SEN in mainstream schools where possible
- The need to support the child or young person and help them achieve the best possible educational and other outcomes.

Curriculum and assessment

2. The local authority, and governing bodies have a duty to exercise their functions with a view to securing, and a head teacher has a duty to ensure, that the curriculum provided is:
 - broad and balanced
 - comprises the National Curriculum, including implementing key stage test arrangements (SATs)
 - includes provision for religious education and
 - for pupils in secondary school, sex education
 - and that they have regard to statutory guidance issued by the Secretary of State (Education Act 2002, s79,85(9) and 88 1(A))
 - In relation to key stage 2 assessment, local authorities must visit 10% of schools administering tests for monitoring purposes.
 - Local authorities must monitor at least 10% of relevant schools to ensure Yr 1 phonics screening check is being administered correctly. They must visit at least 10% of relevant schools before, during and after the check and submit information to the DfE. (Key Stage 1 assessment Order and statutory guidance).

Religious Education

3. The local authority must establish a body called a standing advisory council on religious education. (s390-391 Education Act 1996).

4. The local authority must ensure that head teachers comply with their duties to secure due provision of religious education, and that all pupils take part in a daily act of collective worship. (ss 69-70 School Standards and Framework Act 1998)

School Governors

5. The local authority has a duty to:
 - appoint parent governor representatives to local authority committees dealing with education (s499 Education Act 1996)
 - appoint local authority governors to all maintained school governing bodies (s19 School Standards and Framework Act 1998)
 - provide training and information for school governors (s22 Education Act 2002)
 - set up temporary governing bodies for new maintained schools (s34 Education Act 2002)

Inspection/intervention

6. The local authority has a duty to:
 - provide information, distribute report and to produce and distribute a post-inspection action plan for Joint Area Reviews and OFSTED inspections
 - produce an action plan if a school goes into special measures following an OFSTED inspection
 - comply with statutory requirements if the authority decides to use its powers to intervene (s64-66 of the Education and Inspections Act 2006)
 - to comply with a direction of the Secretary of state to give a school a warning notice (s60A and 69B of the Education & Inspections Act 2006)

Statutory guidance on the roles and responsibilities of the Director of Children's Services and the Lead Member for Children's Services

7. Educational excellence
 - Working with headteachers, school governors and academy sponsors and principals, local authorities should promote educational excellence for all children and young people and be ambitious in tackling underperformance. More specifically, the DCS and LMCS should in their respective roles:
 - take rapid and decisive action in relation to poorly performing schools, including using their intervention powers with regard to maintained schools and considering alternative structural and operational solutions;

- develop robust school improvement strategies, including choosing whether to offer such services in a competitive and open school improvement market, working beyond local authority boundaries;
- promote high standards in education by supporting effective school to school collaboration and providing local leadership for tackling issues needing attention which cut across more than one school, such as poor performance in a particular subject area across a cluster of schools;
- support maintained schools in delivering an appropriate National Curriculum and early years providers in meeting the requirements of the Early Years Foundation Stage (as outlined in the EYFS Statutory Framework);
- undertake specified responsibilities in relation to staffing and governance of maintained schools

Schools Causing Concern 2021

8. Warning notices in maintained schools Warning notices can be given to schools that are causing concern but are not currently eligible for intervention. Both RDs and local authorities may issue warning notices but there are differences in the circumstances under which they may be issued.
9. Local authorities may issue warning notices to their maintained schools under the following circumstances:
 - the standards of performance of pupils at the school are unacceptably low and are likely to remain so; or
 - there has been a serious breakdown in the way the school is managed or governed which is prejudicing, or likely to prejudice, such standards of performance; or
 - The safety of pupils or staff at the school is threatened (whether by a breakdown of discipline or otherwise); or . The governing body have failed to comply with a provision of an order under section 122 of the Education Act 2002 (teachers' pay and conditions) that applies to a teacher at the school; or have failed to secure that the head teacher of the school complies with such a provision