
De-delegation, Education Functions and Health and Safety Service Proposals 2023/24

Report being considered by: Schools Forum
On: 17th October 2022
Report Author: Lisa Potts, Ian Pearson
Item for: Decision **By:** All Maintained Schools Representatives

1. Purpose of the Report

1.1 This report sets out the details, cost, and charges to schools of the services on which maintained school representatives are required to vote (on an annual basis).

2. Recommendation

2.1 Maintained primary, secondary, special, nursery and PRU heads (as applicable) to agree the De-delegations and Education Functions as set out in Table 7.

2.2 Maintained primary, secondary, special, nursery and PRU heads (as applicable) to agree the Health and Safety Service as set out in Table 8.

| | | |
|---|-------------------------------|---|
| Will the recommendation require the matter to be referred to the Council or the Executive for final determination? | Yes: <input type="checkbox"/> | No: <input checked="" type="checkbox"/> |
|---|-------------------------------|---|

3. Introduction

3.1 This report sets out the details, cost, and charges to schools of the services on which maintained school representatives are required to vote (on an annual basis).

3.2 De-delegated services consist of Behaviour Support, Ethnic Minority Support, Trade Union Local Representation, Schools in Financial Difficulty fund (primary), Consortium of Local Education Authorities for the Provision of Science Services (CLEAPSS) and School Improvement

3.3 Education functions consist of the statutory and regulatory duties held by the local authority in respect of maintained schools.

3.4 The Health and Safety service provides a compliance, advice and training role for schools.

4. De-delegated Services

4.1 De-delegated services are for maintained schools only. Funding must be allocated through the formula but can be passed back, or de-delegated for maintained primary and secondary schools with schools forum approval.

4.2 Funds cannot be de-delegated from Special and Nursery Schools and PRUs for these services, but those schools will have the option to buy back these services at

a cost based on the same amount per pupil as for primary and secondary schools. Academies may also be given the option to buy into the service.

- 4.3 The schools funding regulations for 2023/24 have now been published and these confirm that similar arrangements for de-delegation of the cost of these services will apply for 2023/24. Funding arrangements are expected to change in 2024/25, but details of the changes have not yet been announced.
- 4.4 Primary and secondary school representatives are required to recommend to Schools Forum on whether each service is to be de-delegated or not. The services below were de-delegated in 2022/23 and are proposed to be de-delegated in 2023/24:

Primary and Secondary only:

- Behaviour Support Services
- Ethnic Minority Support
- Trade Union Local Representation
- Schools in Financial Difficulty (primary schools only)
- CLEAPSS
- School Improvement

5. Therapeutic Thinking Service (previously Behaviour Intervention)

- 5.1 The Therapeutic Thinking Service proposal for 2023/24 is set out in Appendix B.
- 5.2 Table 1 shows the budget and unit charge for 2023/24 compared to 2022/23. The total cost will be divided by the total numbers of pupils in the October 2022 census to determine a unit charge per pupil on which the de-delegated amount per school will be based. As all schools will have access to all aspects of the service, the same unit charge will apply to both primary and secondary schools. Based on the October 2021 census this is estimated to be £17.06 per pupil but the final rate will be determined according to the October 2022 census.

| TABLE 1 | 2022/23 | | | 2023/24 | | |
|------------------------------|------------------|-----------------------|-----------------|------------------|-----------------------|-----------------|
| | Number of pupils | Unit Charge per pupil | Budget | Number of pupils | Unit Charge per pupil | Budget |
| Maintained Primary Schools | 11,418 | £15.17 | £173,230 | 11,418 | £17.06 | £194,772 |
| Maintained Secondary Schools | 3,337 | £15.17 | £50,628 | 3,337 | £17.06 | £56,923 |
| Total | | | £223,858 | | | £251,695 |

6. Ethnic Minority and Traveller Achievement Service

- 6.1 The detail of the Ethnic Minority and Traveller Achievement Service (EMTAS) is set out in Appendix C.
- 6.2 Table 2 shows the budget and the unit charge for the service for 2023/24 compared to 2022/23. The total cost in respect of Primary and Secondary schools will be divided by the total number of pupils recorded as having English as an additional language (EAL) in the October 2022 census to determine a unit charge per EAL pupil on which the de-delegated amount per school will be based. As all schools will have access to all aspects of the service, the same unit charge will apply to both primary and secondary schools. Based on the October 2021 census this is

estimated to be £305.95 per pupil but the final rate will be determined according to the number of EAL pupils in the October 2022 census.

- 6.3 The value of the carry forward balance is lower than previous years, resulting in a higher charge per pupil.

| TABLE 2 | 2022/23 | | | 2023/24 | | |
|------------------------------|------------------|--------------------------------|-----------------|------------------|--------------------------------|-----------------|
| | Number of pupils | Unit Charge per pupil with EAL | Budget | Number of pupils | Unit Charge per pupil with EAL | Budget |
| Maintained Primary Schools | 712 | £233.70 | £166,270 | 712 | £305.95 | £217,676 |
| Maintained Secondary Schools | 11 | £233.70 | £2,594 | 11 | £305.95 | £3,396 |
| | | | £168,864 | | | £221,072 |

7. Trade Union Representation

- 7.1 The detail of the service provided by Trade Union representatives to schools is set out in Appendix D.
- 7.2 Table 3 shows the budget and unit charge for the service for 2023/24 compared to 2022/23. The proposal for 2023/24 is based on the cost of 1FTE supply teacher on UPS3. The total net cost in respect of primary and secondary schools will be divided by the total number of pupils in the October 2022 census to determine a unit charge per pupil on which the de-delegated amount per school will be based on. As all schools have access to all representatives (regardless of which school they are based in), the same unit charge will apply to both primary and secondary schools. Based on the October 2021 census the charge will be £4.41 per pupil.

| TABLE 3 | 2022/23 | | | 2023/24 | | |
|------------------------------|------------------|-----------------------|----------------|------------------|-----------------------|----------------|
| | Number of pupils | Unit Charge per pupil | Budget | Number of pupils | Unit Charge per pupil | Budget |
| Maintained Primary Schools | 11,418 | £3.95 | £45,158 | 11,418 | £4.41 | £50,396 |
| Maintained Secondary Schools | 3,337 | £3.95 | £13,198 | 3,337 | £4.41 | £14,729 |
| | | | £58,356 | | | £65,125 |

8. Schools in Financial Difficulty

- 8.1 The Schools in Financial Difficulty fund is largely used for one off exceptional costs such as those in relation to staffing restructures. The fund was topped up by £30k to £200k as part of the 2022/23 budget process. Bids amounting to £72k were approved at Schools Forum in March 2022, unfortunately this was too late to affect the 2022/23 de-delegations value.
- 8.2 The fund is currently at £105k. The request for 2023/24 includes an additional requirement to top the fund to the original £200k.

9. Consortium of Local Education Authorities for the Provision of Science Services (CLEAPSS)

- 9.1 The detail of the service provided by this subscription is set out in Appendix E.

- 9.2 As the actual pricing from CLEAPSS will not be available until after the schools budget has been set, an assumption has been made on the 2023/24 fee. Any over or under spend will be recovered the following year, as in all de-delegated services. Table 5 shows the budget and unit charge for the service for 2023/24 compared to 2022/23. The unit charge includes the administration fee. Note that secondary schools will need to pay the fee relating to sixth form pupils separately as de-delegation is based on pre 16 pupils only.

| TABLE 5 | 2022/23 | | | | 2023/24 | | | |
|------------------------------|------------------|-----------------------|-------------------|---------------|------------------|---------------------------|-----------------------|------------------|
| | Number of pupils | Unit Charge per pupil | Charge per school | Budget | Number of pupils | Est Unit Charge per pupil | Est Charge per school | Estimated Budget |
| Maintained Primary Schools | 11,418 | £0.17 | | £1,941 | 11,418 | £0.17 | | £1,941 |
| Maintained Secondary Schools | 3,337 | £0.17 | £235 | £1,272 | 3,337 | £0.17 | £235 | £1,272 |
| | | | | £3,213 | | | | £3,213 |

- 9.3 The total cost of each de-delegated service and an initial estimate of the amount to be de-delegated from each school is shown within Appendix A.

10. School Improvement Team

- 10.1 The detail of the service provided by the School Improvement Team is set out in Appendix F.
- 10.2 Since 2017, the School Improvement Team has been funded by a grant. A consultation in 2021 by the DFE set out new funding for the service. From 2023/24 onwards the service is to be fully funded via dedelegation.
- 10.3 Table 6 shows the budget and unit charge for 2022/23. The total cost will be divided by the total numbers of pupils in the October 2021 census to determine a unit charge per pupil on which the de-delegated amount per school will be based. As all schools will have access to all aspects of the service, the same unit charge will apply to both primary and secondary schools. Based on the October 2021 census the charge will be £14.45 per pupil.

| TABLE 6 | 2022/23 | | | 2023/24 | | |
|------------------------------|------------------|-----------------------|-----------------|------------------|-----------------------|-----------------|
| | Number of pupils | Unit Charge per pupil | Budget | Number of pupils | Unit Charge per pupil | Budget |
| Maintained Primary Schools | 11,418 | £10.48 | £119,612 | 11,418 | £14.45 | £164,957 |
| Maintained Secondary Schools | 3,337 | £10.48 | £34,957 | 3,337 | £14.45 | £48,210 |
| | | | £154,569 | | | £213,167 |

11. Education Functions for Maintained Schools

- 11.1 Education responsibilities held by local authorities for **all** schools are funded from the Central Schools Services Block of the DSG. Education functions held by local authorities for **maintained schools only** can be funded from maintained schools budget shares and de-delegated, with agreement of the maintained schools members of schools forums.

11.2 Education functions consist of the statutory and regulatory duties held by the local authority in respect of maintained schools. These consist of Accountancy, Internal Audit and Pension scheme administration. The Accountancy, audit and pension administration services are described in appendix G.

11.3 Representatives of all maintained schools (including Special and Nursery Schools and PRUs) are required to recommend to Schools Forum whether or not these services should be funded from maintained school budget shares and de-delegated for 2023/24:

All Maintained Schools:

- Statutory and Regulatory Duties comprising:
 - Statutory accounting functions in respect of schools
 - Internal Audit of schools
 - Administration of pensions for school staff

11.4 Academies and other non-maintained schools also may be able to choose to buy into any of the above services subject to service provider agreement.

11.5 Table 7 shows the budget and estimated unit charges for these services in 2023/24 compared to 2022/23. The total cost will be divided by the total numbers of pupils in the October 2022 census to determine a unit charge per pupil on which the de-delegated amount per school will be based. The same unit charges will apply to both primary and secondary schools. Based on the October 2021 census the charge will be £9.42 per pupil.

| TABLE 7 | 2022/23 | | 2023/24 | | | | |
|----------------------------------|------------------|-----------------|-----------------------|-----------------|-----------------|------------------|--|
| | Charge per Pupil | Budget | Unit Charge per pupil | Total Budget | Primary Budget | Secondary Budget | Budget for Nursery, Special Schools and PRUs |
| Accountancy | £3.40 | £51,756 | £3.58 | £54,411 | £40,824 | £11,931 | £1,655 |
| Audit | £3.29 | £50,075 | £3.50 | £53,198 | £39,914 | £11,665 | £1,618 |
| Pension Scheme Administration | £2.37 | £36,025 | £2.35 | £35,728 | £26,807 | £7,834 | £1,087 |
| Total Education Functions | £9.06 | £137,856 | £9.42 | £143,337 | £107,545 | £31,431 | £4,361 |

12. Health and Safety Service to Schools

12.1 As the Council is the employer and therefore the principal legal duty holder (notwithstanding any delegated responsibilities to a schools, Head Teachers and Governors) in relation to health and safety, it makes sense to ensure an adequate, effective and efficient health and safety service is provided to all Local Authority maintained schools and a buy-back option offered to non-maintained schools.

12.2 The Health and Safety Team provide a compliance, advice and training role for schools and the Team continue to be heavily involved in assisting schools developing and reviewing covid secure arrangements, plans and risk assessments.

- 12.3 Following a decision to change the way the service operated in 2020/21, for the last year all maintained schools have had the Level Two (Enhanced) service. This is a comprehensive health and safety support service and covers all aspects of health and safety management and support including necessary health and safety training.
- 12.4 It is proposed to provide the full schools health and safety service to all maintained schools, continuing on from the previous year. This will meet the requirements of the employer under the Health and Safety at Work etc. Act 1974 and the Management of Health and Safety at Work Regulations and other related legislation.
- 12.5 Schools will pay a graduated fee based on pupil numbers for the Level 1 element of the service and a top up cost to cover the combined service. All maintained schools will need to agree to be part of this collective agreement to equitably fund the service.
- 12.6 A buy-back option would continue to be offered to schools such as academy and independent schools. Income generated from buy-back services would be invested in the service or offset to reduce costs for the schools in the collective agreement.
- 12.7 Table 8 below shows the 2023/24 cost if all Local Authority maintained schools, Voluntary Controlled, Voluntary Aided and special schools agree to one equal service.

Table 8

| Pupil No's | Band A 0-60 | Band B 61 - 100 | Band C 101-200 | Band D 201-300 | Band E 301-650 | Band F 650+ | Band G Secondary |
|------------|----------------|--------------------|-------------------|-------------------|-------------------|-----------------|---------------------|
| 21/22 | £800.00 | £1,300.00 | £1,600.00 | £2,000.00 | £2,600.00 | £4.47 Per pupil | £4.47 Per pupil |
| 22/23 | £800.00 | £1,300.00 | £1,600.00 | £2,000.00 | £2,600.00 | £4.57 Per pupil | £4.57 Per pupil |
| 23/24 | £832.00 | £1,352.00 | £1,664.00 | £2,080.00 | £2,704.00 | £6 Per Pupil | £6 Per Pupil |

13. Consultation and Engagement

- 13.1 The proposals set out in this report will be included in the consultation with all schools on the proposed school funding arrangements for 2023/24.

14. Appendices

Appendix A – De-delegations per school for 2023/24

Appendix B – Therapeutic Thinking Support Service

Appendix C – Ethnic Minority & Traveller Achievement Service

Appendix D – Trade Union Representation Service

Appendix E – CLEAPSS Service

Appendix F – School Improvement Team

Appendix G – Accountancy, Audit and Pension Administration (Education Functions)

Appendix H – Health and Safety service to schools

West Berkshire Council Maintained Schools

Proposal to De-Delegate Formula Funding 2023/24

Therapeutic Thinking Support Team

Outline of Proposed Service 2023/24

The Therapeutic Thinking Support Team (TTST) offers evidence-based advice and support to schools through promotion of Therapeutic Thinking approach and tools. The type of involvement includes whole school support, staff training, staff support, class or year group support, as well as individual support.

Key Features

1. Quick and flexible response for schools who have pupils presenting with difficult and dangerous behaviours.
 2. Different levels of response within the team (whole school, group, individual).
 3. Support and advice in relation to Therapeutic Thinking; developing therapeutic plans as a result of analysis tools such as anxiety mapping, conscious and subconscious checklists, therapeutic tree
1. The Team –
 Beth Cartwright (TTST Manager & Senior EP)
 Robyn Stevens (Assistant EP)
 Sue Butcher (Primary TTST Adviser)
 Kayleigh Chocian (SEMH Practitioner)
 Jessica Durham (SEMH Practitioner)
 Madeleine Williams (SEMH Practitioner)
Vacant post (SEMH Practitioner: Secondary schools)
 Roslyn Arthur (Exclusions Officer)
 2. Rapid Response: capacity to respond rapidly to school concerns. This could relate to children but also whole school situations that arise. Anti-social behaviour would be the main focus but wouldn't exclude other complex situations.
 3. For those needing some quick advice, signposting, or consultation, Beth or Roslyn are available for telephone consultations.
 4. TTST referrals will be triaged weekly and the most appropriate level of support offered within 5 days.
 5. The team will be informed by evidence based practice and the Therapeutic Thinking approach, which will result in clear suggestions of what needs to happen to move the situation forward.

6. Partners and working relationships: In partnership with other agencies Beth will continue to develop a clear referral pathway for social emotional and mental health issues. This will include consideration of EHA, iCollege, EPS, EWS, and ASD support teachers.
7. All of the above sits neatly with Local Authority social and emotional mental Health and well-being agenda and restorative themes.
8. Research indicates that a number of children and young people presenting with difficult behaviour have unidentified mental health problems. Revised request for involvement forms have been created along with screening tools to identify any mental health problems. This will enable these needs to be addressed by TTST team members or for referrals to be made to appropriate services.

What would schools get?

1. Screening and signposting for identified mental health difficulties.
2. A stepped approach using the Therapeutic Thinking flowchart to support analysis and help identify appropriate strategies and interventions, which is likely to often lead to writing or revision of a mini or full Therapeutic plan.
3. Having identified a child or young person's need following consultation and use of the Therapeutic Thinking tools, a SEMH Practitioner may offer an intervention to develop the unmet need, e.g. Social skills through Lego Therapy,
4. Support in developing Small garden provision as well as support to transition pupils back into the classroom, when appropriate
5. More direct support with very complex cases involving a wide range of services.
6. Support from practitioners where appropriate to help implement/model strategies in school.
7. Access to support for challenging whole school situations through advisers with senior level management experience and experienced educational psychologists.
8. Teacher consultations and support from the Adviser or EP
9. Write up and actions as well as agreed review of cases where appropriate.
10. Direct links into PPP (Pupil Placement Panel & Fair Access process), VCF (Vulnerable Children's Fund), Therapeutic Thinking funding and other relevant systems/services
11. Links with other support services and help in securing necessary actions
12. Clear information of key personnel and agencies within West Berkshire –regularly updated.

13. Training in some interventions so that school staff can deliver SEMH interventions to pupils
14. Team Teach (level 1) training available at a Local Authority level
15. De-escalation training for whole schools
16. Access to circle of adults meetings facilitated by an Assistant Educational Psychologist or a SEMH Practitioner for pupils at risk of permanent exclusion. A Circle of Adults meeting is led by 2 trained workers and involves key staff and professionals from the school. It lasts 1.5 – 2 hours and provides a structured approach to problem-solving and identifying agreed strategies.

Feedback from 2021/2022 delivery

- 100% of respondents found TTST involvement extremely or very helpful

'Clear advice, timely responses, knowledgeable and supportive staff'

- Schools in particular valued:
 - Receiving general advice and strategies
 - SEMH Practitioners running interventions for pupils
 - Completion of Therapeutic Thinking tools and plans
- 60% of respondents thought the pupils' wellbeing had extremely improved or improved a lot following TTST involvement
- 100% of respondents felt that children's antisocial behaviours had reduced following TTST involvement:

'Following instructions rather than ignoring or defying'

'Improved self regulation in school'

- Where we ran an intervention for a pupil, 100% of respondents felt it was beneficial to the pupil:

'It was a positive interaction with an adult that he really looked forward to each week. It made him feel good about himself.'

Additional testimonials:

'Thanks for all involved at TTST – always a pleasure to work with the supportive and knowledgeable team.'

'Highly valued'

Proposed Cost of Delivery in 2023/24

The following table summarises the proposed cost of the service for 2023/24. It is based on employing the team members outlined above.

| | 2021/22 £ | 2022/23 £ | 2023/24 Proposed £ | % increase |
|----------------------------------|----------------|----------------|--------------------------|---------------|
| Staffing Costs | 197,472 | 207,897 | 221,944 | |
| Other Costs | 6,870 | 6,870 | 6,870 | |
| Support Service Recharges | 20,434 | 21,477 | 22,881 | |
| Total Cost | 224,776 | 236,243 | 251,695 | 6.14% |
| Less Surplus Brought Forward | 0 | -12,385 | 0 | |
| Amount to be De-Delegated | 224,776 | 223,858 | 251,695 | 11% |

The overall cost of delivering the service has increased by 11% taking into account the expected April 2023 pay award and salary increments.

This does not take into account income which will be earned from any Academies which choose to buy back this service. Any additional income received from this source will reduce the net cost and the charge to maintained schools.

Method of charging in 2023/24

The total net cost of the service will be divided by the total number of pupils recorded in the October 2022 census to arrive at a per pupil amount for charging purposes. Using October 2021 census data, this would equate to £17.06 per pupil. Appendix A of the main report shows the indicative total amount per school.

Other Options which *may* be considered

1. The local authority offer a fully traded service (likely to increase the cost to individual schools).
2. Schools “pay as you go” either by employing/using own staff when needed or purchasing support from external providers (may include the local authority if still able to offer this service).
3. Local authority to consider an alternative (cheaper) service to offer.

West Berkshire Council Maintained Schools

Proposal to De-Delegate Formula Funding 2023/24

Ethnic Minority & Traveller Achievement Service (EMTAS)

Context

EMTAS has been funded through a de-delegation process as agreed with the Heads Funding Group. All of the support for Black Minority Ethnic, English as an additional language (EAL) pupils and Gypsy, Roma and Traveller (GRT) pupils is provided by the West Berkshire EMTAS Service.

Current Structure

In September 2020 EMTAS was restructured and moved to be part of the Education Welfare and Safeguarding Service.

Currently, EMTAS is led by a Team Leader (0.6FTE), supported by a Learning Adviser/Pupil Support Officer EAL (1.0 FTE). There are 3 part time Pupil Support Officers (Teaching Assistant level posts) who are employed for a total of 2.0 FTE (this includes 0.4fte, funded by the Afghan fund to support the Afghan children). The service has administrative support for 2 days per week, since September 2021.

The Team Leader is responsible for the day to day management of the service.

- Organisation and completion of English language assessments of new arrivals and advanced bilingual speakers; then writing reports with recommended strategies.
- Arranging advice and support for individual pupils, including those with EAL and SEND, EHC planning.
- Arranging support for first language GCSE/AS/A2 papers; SATs, Maths, translation.
- Delivery of school INSET focusing on EAL teaching and learning.
- Leading training for teachers and teaching assistants on EAL and Equalities.
- Organisation of tailored packages of support to schools to meet the needs of ethnic minority pupils and those from Gypsy, Roma, Traveller families e.g. managing the GReaT 121 project – training teaching assistants to deliver intervention programmes to narrow the attainment gap with their peers and to reduce inequalities.
- Tracking the attainment of GRT pupils termly.
- Joint working with other agencies to support schools with ethnic minority pupils.
- Provision of language assessments and support of unaccompanied asylum seeking children (UASC) in schools.
- Advice, guidance documents and resources to schools.

The Learning Support Adviser/PSO is responsible for providing support to schools. This includes:

- Completion of English language assessments for new arrivals. Providing assessment reports with recommendations and guidance for classroom teachers.
- Supporting the Team Leader in delivering training in schools.

The Pupil Support Officers (PSO) work in schools supporting individual and small groups of pupils:

- Bilingual support is provided for Polish, Portuguese, Spanish, Italian and Romanian pupils.
- Support is focused on helping pupils to access the curriculum and English acquisition which can include pre-teaching of concepts; support for written work; translations; support for external examinations.

- PSOs support schools with parent meetings/ Free School Meals/letters/interpreting for parents at SEND reviews/EHC planning/CP and CIN cases.
- The Pupil Support Officer for GRT pupils has a wider brief involving intensive liaison between families and staff as well as supporting pupils in schools. GRT families are supported with attendance, admissions, transition, access to extra-curricular activities and engagement with learning.

Benefits of Service

EAL assessments

Referrals for EAL assessments were received from 22 Primary Schools and 2 Secondary Schools from the beginning of the September 2021 to August 2022 academic year; a total of 156 pupils. This is an additional 2 schools compared to the previous academic year.

| | |
|---------------|---------------------|
| Beenham | Robert Sandilands |
| Birch Copse | Shaw-cum-Donnington |
| Calcot | Speenhamland |
| Chaddleworth | Spurcroft |
| Compton | St Finian's |
| Curridge | St John's |
| Downsway | St Joseph's |
| Inkpen | St Paul's |
| Kennet Valley | Theale Primary |
| Mrs Bland's | The Willows |
| Pangbourne | The Winchcombe |
| | |
| Denefield | Little Heath |

During the summer term of 2022, 55 referrals were made from 7 Primary schools for EAL assessments for pupils moving from FS2 to Year 1. These were allocated 800 TA hours or bilingual support from September 2022.

Pupil Support Officer (Romanian)

Bilingual support has been provided in the following schools in 2021/22:

| | |
|---------------|----------------|
| Kennet Valley | St Joseph's |
| Spurcroft | The Winchcombe |

A total of 5 pupils were supported by the part-time PSO. Schools have also received assistance with Romanian first language assessments, CP cases, Early Years, Speech and Language, SEND, EHC planning and parental liaison.

Pupil Support Officer (Polish)

Polish bilingual support and/or translation has been provided in the following schools in 2021/22:

| | |
|---------------|----------------|
| Kennet Valley | The Winchcombe |
| The Willows | |

A total of 4 children have been supported by a member of the team undertaking 2 roles (Adviser/PSO). Schools have also received assistance with Polish first language assessments, Student Assisted Programme (SAP) meetings and EHC planning meetings/form completion, translating documents (including medical documentation), also interpreting during meetings between parents and school, enabling fluent communication between all the parties involved.

Pupil Support Officer (Portuguese/Italian/Spanish)

Portuguese, Brazilian, Spanish and Italian pupils in the following schools have received bilingual PSO support in this academic year.

| | |
|------------------------|----------------|
| Calcot | The Willows |
| St John the Evangelist | The Winchcombe |
| St Joseph's | |
| St Paul's | Little Heath |

A total of 10 pupils have been supported by the part-time PSO.

Schools have also received assistance with Portuguese, Spanish and Italian first language assessments and EHC planning meetings, enabling the parents and children to have their opinions heard.

GCSEs

Exam support was given to students in Little Heath and Denefield; 2 students received A-Level support and 3 students received GCSE support.

Teaching Assistant funding

EMTAS provides funding for Teaching Assistants within schools to support specific ethnic minority pupils. EMTAS increased the hourly rate to £10.43 per hour in September 2018 to be more in line with current Teaching Assistant pay.

Number of TA funded hours given to schools:

| |
|-------------------|
| 2021/22 |
| 1030 hours (EAL) |
| 45 hours (GRT) |
| Total: £11,212.25 |

Schools in receipt of GReaT 1 to 1 project funding during 2021/22 to provide targeted intervention for Gypsy, Roma and Traveller pupils (hours included in the figures above):

| |
|--|
| Aldermaston: 3 pupils, 45 hours funding in total |
|--|

Training provided (both general and school specific)

| |
|--|
| Academic Year 2021/22 |
| EMTAS delivered their corporate training – ‘How to meet the needs of New Arrivals’; this year they included refugee children and had guest speaker Martin Parsons. |
| EAL training for TAs in 2 primary schools – St John the Evangelist and The Willows. |

Number of families supported by Pupil Support Officer (GRT)

West Berkshire has 119 children who are ascribed as Gypsy, Roma or Traveller.
33 West Berkshire schools have Gypsy, Roma and Traveller pupils on roll.

Approximately 29 GRT children have been supported in 10 schools by the PSO GRT and work continues with new families being ascribed to GRT status. Transition support has been provided between schools and also when pupils have been transferring from out of West Berkshire into our schools. This work involves 'in year' changes as well as end of Key Stage transitions.

Number of schools supported with GRT pupils

EMTAS Pupil Support Officer for GRT pupils has supported children and families from GRT backgrounds during 2021/22. This included face to face sessions and a range of home/school visits.

The following schools have received support from EMTAS for Gypsy, Roma and Traveller pupils.

| | |
|--------------------|--------------|
| Aldermaston | Mrs Bland's |
| Brimpton | The Willink |
| Garland Junior | Theale Green |
| John O'Gaunt | Trinity |
| Mortimer St Mary's | Woolhampton |

Schools have been supported with engagement with their GRT families, issues around safeguarding, behaviour, avoiding exclusion, intervention for gaps in learning, transport, admissions and attendance. Theale Green School bought in EMTAS for 4 students.

Michaelmas Fair 'School' 2021

The EMTAS Team Lead and PSO for GRT children prepared 30 learning packs, after visiting Michaelmas Fair to see if there were children and the Team Leader returned to distribute them. The packs were appreciated and the owner of the fair said no other authority does this for their children.

Afghan refugees

Initially EMTAS supported the newly arrived Afghan refugee children daily by delivering educational activities in the Calcot hotel. Following the children's admission to schools, an EMTAS Pupil Support Officer (0.4 fte) has been employed to work with these children, funded by the Afghan budget. 62 Afghan pupils have been referred and assessed; schools for 52 of the assessed pupils received TA funding:

Ukrainian families

Since the Ukrainian families arrived earlier in the year, there have been 21 referrals to EMTAS across 10 schools. All children have been assessed and schools have received funding directly from the Ukrainian budget.

The following schools have received support from EMTAS for Ukrainian children.

| | |
|------------|---------------------|
| Calcot | Pangbourne |
| Compton | Shaw Cum Donnington |
| Downsway | Spurcroft |
| Englefield | Speenhamland |
| Mrs Blands | Stockcross |

Number of outreach sessions on Traveller Site

Following the lifting of COVID restrictions, the outreach sessions for pre-school GRT children have been able to resume, the first dates being 18 May and 29 June 2022. The Bus of Hope operates from Paices Hill Traveller site and provides Parent and Toddler activities for families and support with school applications for children who stay on a short term basis on the site. Usually, children attend sessions at different times over the course of the year because their families are travelling and staying temporarily on the transit part of the site.

Proposed Cost of Delivery in 2023/24

The following table summarises the proposed cost of the service for 2023/24 in comparison with 2022/23 and 2021/22.

| | 2021/22 £ | 2022/23 £ | 2023/24 Proposed £ | % decrease |
|----------------------------------|----------------|----------------|--------------------------|---------------|
| Staffing Costs | 171,455 | 177,120 | 191,038 | |
| Other Costs | 26,020 | 26,020 | 26,020 | |
| Support Service Recharges | 19,748 | 20,314 | 21,706 | |
| Total Cost | 217,223 | 223,454 | 238,764 | 6.41% |
| Less Surplus Brought Forward | -31,496 | -54,590 | -17,692 | |
| Amount to be De-Delegated | 185,727 | 168,864 | 221,072 | 23.6% |

The cost of delivering the service has increased by 23.6% taking into account the expected April 2023 pay award, salary increments and a lower carried forward balance.

Method of charging in 2023/24

The total cost of the service will be divided by the total number of pupils recorded as having English as an additional language (for up to 3 years after they enter the statutory school system) in the October 2022 census to arrive at a per pupil amount for charging purposes. Based on October 2021 census data, this equates to £305.95 per pupil. Appendix A of the main report shows the total amount per school.

Other Options which may be considered

Schools receive a high quality level of support in West Berkshire which has been highly valued by those that have used the service. The centrally funded service has allowed all schools to receive the level of support that they need which has not been directly linked to the number of pupils in schools.

If schools did not support a centrally delivered service to meet the needs of English as an additional language learners/Black Minority Ethnic pupils and those from the Gypsy Roma Traveller community they could expect to have to purchase support at the following rates:

| | |
|--|------------------|
| An EAL assessment and report | £500-£600 |
| Support for individual pupils by a Pupil Support Officer | £200 a day |
| Training on Equality and Diversity including Equality Act requirements; EAL bilingualism, meeting the needs of GRT pupils tailored to schools Requirements | £600-£800 a day |
| Tailored support provided by staff with relevant expertise | £400-£500 a day. |

West Berkshire Council Maintained Schools**Proposal to De-Delegate Formula Funding 2023-24****Trade Union Representation Service****Outline of Proposed Service 2023/24**

West Berkshire Council has a school trade union facilities agreement which includes provision for compensating individual schools for release time for teacher trade union representatives they employ. Compensation is paid from the dedicated schools grant (DSG).

Union representatives attend joint consultation meetings with the authority and meetings with head teachers and HR on a variety of employee relations matters. The latter includes TUPE consultation meetings where schools converted to academy status; consultation on reorganisations of teaching and support to staff (note: NASUWT and ATL also represent non teaching staff; NUT only represents teachers); disciplinary issues; grievances; ill health cases; capability cases; and settlement agreements

What union officers do

Union officers use 'facilities time' to work with members experiencing professional difficulties (casework) and to support groups of members either in individual schools or through negotiation and consultation with the local authority acting on behalf of its schools (collective work). The casework dealt with by union officers falls into two broad categories: individual issues and collective issues.

Individual casework issues

The union officers spend most of the facilities time dealing with members. Union members in West Berkshire schools are able to contact their union representative directly by email or telephone. Issues raised by members in this way are known as casework. Casework can be divided into capability; disciplinary; grievance; and contracts, pay and conditions

Advice is often given on how the teacher/support staff can seek to resolve the matter for themselves. However, there are a number of cases where the union officer has to make contact with school management, human resources providers or an LA officer directly. Employees are entitled to be accompanied by a union officer at formal meetings under school HR procedures.

Contracts, Pay and Conditions issues such as pay determination appeals and questions of what teachers can be directed to do are becoming increasingly common.

Collective Issues

These include consultation on changes to working conditions such as pay policies, sickness absence policies, codes of conduct restructuring and redundancy.

This school year has seen an increase in the number of school restructurings accompanied by the risk of redundancy, as school budgets come under increasing pressure. The redundancy procedure is complex and often involves multiple meetings. The

threat of redundancy can quickly undermine morale in a school and often the role of union officers is to reassure and support employees as well as ensuring that correct procedures are followed.

Proposed Cost of Delivery in 2023/24

The following table summarises the proposed cost of the service for 2023/24, compared to 2022/23. It is based on engaging a representative from each of the unions:

| Union | 2022/23 £ | Proposed UPS3 2023/24 £ |
|--|----------------|-------------------------------|
| NASUWT | £17,365 | £18,922 |
| NEU (previously NUT) | £32,188 | £35,075 |
| NAHT | £3,843 | £4,188 |
| ASCL | £2,640 | £2,877 |
| Total Direct Costs | £56,036 | £61,062 |
| Support Service Recharges | £5,604 | £6,106 |
| Total Cost | £61,640 | £67,168 |
| Income from Nursery and Special Schools and PRUs | £2,187 | £2,043 |
| Cost to Primary and Secondary Schools | £59,453 | £65,125 |

The proposed budget for 2023/24 is based on:

- Reimbursement to schools providing release time (not the salary of the union representative for trade union activities) is dependent on agreement by Schools Forum in respect of maintained primary and secondary schools and from other schools which elect to buy in the facilities time – the budget is calculated as approximately equivalent to 1fte teacher paid on UPS3 across all unions;
- Each trade union to have five days for regular activities including attendance at local authority consultative meetings;
- Balance of budget available is divided proportionately by the number of current members in each union as at 1st June (the budget will be adjusted depending on the actual level of buy back from other schools).

Note that representatives work across all sectors, and it is irrelevant what type of school they are employed by. Therefore the total net cost is divided between all schools de-delegating rather than taking each sector separately.

Method of charging in 2023/24

The total cost of the service will be divided by the total number of pupils recorded in the October 2022 census to arrive at a per pupil amount for charging purposes. Using October 2021 census data, this would equate to £4.41 per primary and secondary pupil. Appendix A of the main report shows the indicative total amount per school. Academies and other schools may choose to buy into the service at the same per pupil rate (this would provide funding for additional hours).

Other Options which *may* be considered

It should be noted that once a decision has been made to discontinue pooling arrangements, it would be almost impossible to reverse that decision at a later date. Therefore the HFG and SF need to be aware that a decision to cease pooling arrangements for this budget would be permanent.

There may be the option to consider a reduced service at a lower cost to schools.

West Berkshire Council Maintained Schools Proposal to De-Delegate Formula Funding 2023-24 CLEAPSS Service

Outline of Proposed Service 2023/24

West Berkshire Council has an agreement with CLEAPSS (Consortium of Local Education Authorities for the Provision of Science Services) which includes the provision of support and advice to teachers, technicians, head teachers and governors/trustees on how best to use high quality practical work to support pupils learning in science, design & technology and, most recently, art & design.

All but two of the 182 authorities, with the duty to provide education, in England, Wales and Northern Ireland and the various islands, are members of CLEAPSS.

The Local Authority can offer schools and academies the opportunity to purchase an annual CLEAPSS subscription at a heavily discounted price from that which schools would pay to CLEAPSS independent of West Berkshire Council.

The CLEAPSS service also requires the provision of a Radiation Protection Officer (RPO) and the Radiation Protection Adviser (RPA) for secondary schools and academies who will require some radiation sources on site as part of the national curriculum.

Benefits of Service

CLEAPSS covers:

- Health & safety including model risk assessments
- Chemicals, living organisms, equipment
- Sources of resources
- Laboratory design, facilities and fittings
- Technicians and their jobs
- D&T facilities and fittings

CLEAPSS provides:

- Termly newsletters for primary and secondary schools
- A wide range of free publications
- Model and special risk assessments
- Low-cost training courses for technicians, teachers and local authority officers
- A telephone helpline
- A monitoring service, e.g. for mercury spills
- Evaluations of equipment
- Advice on repairs
- A H&S / Review of service publishers, exam boards and other organizations producing teaching resources

The local authority will have met the conditions of membership if all community schools subscribe.

Costs and Method of charging for 2023/24

CLEAPSS set the pricing each year in January/February for the financial year April to March ahead. In 2022/23 the charge to schools was 17 pence per pupil including administration costs. For secondary schools who require the service of a Radiation Protection Officer (delivered by WBC Health & Safety Team) and a Radiation Protection Adviser (delivered by CLEAPSS) there are additional costs of £185 per annum for the Radiation Protection Officer and £50 per annum for the Radiation Protection Adviser totalling £235 for the RPA and RPO services.

The proposal for 2023/24 is to maintain the rate per pupil of 17 pence per pupil. As the de-delegation covers pre-16 pupils only, maintained secondary schools will need to pay the 6th form element of the fee as a separate sum.

The charges for the RPA and RPO service will be maintained as above.

Independent, Academies, Foundation and VA schools may purchase the CLEAPSS subscription directly through CLEAPSS.

The cost per pupil/school is shown in the table below in comparison with the cost of buying this service directly from CLEAPSS, the RPA/RPO service is not available directly from CLEAPSS.

| School | Cost through local authority per pupil | Cost directly per pupil (min 200 pupils/ 350 secondary) | Radiation Protection Advisor | Radiation Protection Officer |
|-----------------------|--|---|------------------------------|------------------------------|
| Nursery | 17p | 30p | N/A | N/A |
| Primary | 17p | 30p | N/A | N/A |
| Secondary | 17p | 30p | £50 | £185 |
| Special | 17p | 30p | N/A | N/A |
| PRU | 17p | 30p | N/A | N/A |
| Primary Academy | 17p | 30p | N/A | N/A |
| Secondary Academy | 17p | 30p | £50 | £185 |
| Incorporated colleges | 17p | 30p | £50 | £185 |

West Berkshire Council Maintained Schools
Proposal to De-Delegate Formula Funding 2023-24
School Improvement Team

Outline of Proposed Service 2023/24

1. Statutory Functions

1.1 From section 13A of Education Act 1996:

“Duty to promote high standards and the fulfilment of potential”

When delivering school improvement functions, LAs must also have regard to the Schools Causing Concern statutory guidance. The guidance covers “Schools Causing Concern” but also other maintained schools which the LA has serious concerns about and needs to be addressed.

To fulfil these requirements, the LA is required to have the expenditure to:

- Monitor all maintained schools (visit to schools at risk, data monitoring; categorisation of support)
- Have the resources to be able to take action where necessary to support the improvement of standards in particular, This includes issuing Warning Notices where there are concerns about standards, leadership, governance , finance or the safety of pupils.

1.2 Monitoring National Curriculum Assessment Arrangements

Expenditure on monitoring NC assessment arrangements required by orders made under section 87 of the 2002 Education Act.

Under the Education (NC) (KS1 Assessment Arrangements) Order 2004, a local authority must:

- Moderate teacher assessments carried out at the end of KS1 by schools in at least 25% of maintained schools each year and ensure that every school will be subject to moderation at least once every 4 years.
- Appoint a person who has recent experience of provision of the NC in primary schools.
- LAs have equivalent duties in KS2

(Currently costed at £25k per annum)

1.3 Religious Education

A local authority must:

- Set up a standing advisory council on religious education (section 390 Education Act 1996); and
- Prepare an agreed syllabus of religious education in accordance with Schedule 31, Education Act 1996. (currently costed at £4K per annum)

2. Other services provided free of charge

2.1 The School Improvement Team is currently funded by the School Improvement Grant and also the traded side of the service. There is however a significant part of the service that is provided free for all maintained schools, regardless of whether they buy into the Traded service or not.

This includes:

1. An annual **Footprint visit** – that not only bring the successes of the school together but also ensures that we are able to plan bespoke training or training that multiple schools are asking for. The information gives us an accurate picture and helps put schools in touch with each other, where particularly strong practice is happening.
2. **Ofsted** support – 24/7 support from an experienced adviser from the first phone call from Ofsted to the feedback at the end of the inspection. Support for staff as and when needed and rapid support when issues need to be closed down, school end.
3. Supporting schools when they are making **formal complaints to Ofsted**. Meeting with the HT/Governors and compiling and producing reports to support the complaints procedure.
4. **Ofsted Meetings** – attending regular meetings with HMI and the regional director to support our schools during Inspection and ensure that issues and concerns are raised promptly and that action is taken. E.g certain inspectors were not operating within the guidelines for their Code of Conduct. These inspectors were not scheduled again within the authority.
5. **Weekly KIT emails** – to ensure that links and resources are sent in a timely manner, so that Head Teachers have current DFE and Ofsted updates and are not missing deadlines for statutory compliance.
6. **Primary Heads Forum** – Focused presentations that share information to upskill and support Head teachers 5x across the year.
7. **Head teacher recruitment** – a School Improvement Adviser to support, sit on the Headteacher Appointment Panel, advise the panel on the process of recruitment, support with panel questions and presentations and both the adviser and Director Of Education attends the final panel.
8. **Heads Together** – 6 sessions per annum to support Head Teachers through the year.
9. **Documentation** – Any documents we produce are sent out to all schools e.g
 - (i) Recovery curriculum resources

- (ii) Bitesize Learning in first lockdown – daily from March to July 2020
- (iii) Templates for Deep Dives
- (iv) Questions for middle leaders
- (v) Expertise knowledge and signposting in any area
- (vi) Remote education plans checked for compliancy in January & February 2021
- (vii) School Led Tutoring “End of Year Statement” deadline, to ensure that school’s do not get their financial allocation taken back by the DFE.

10. Re categorisation –

- a. **Outcome 3 for Section 8 Inspections** – up to 3 days further support for maintained schools that are a cause for concern.
- b. **Support of Outcome 4 schools** – at least 3+ days of intensive support.
- c. **Schools that have to operate a MOU** to ensure that they have a HT are supported by an experienced School Improvement Adviser.

11. **Email queries** from all school staff and leaders about all areas of school improvement.

12. **Support for schools receiving Ofsted complaints** – supporting Chairs of Governors through the complaints procedure, meeting with HTs and offering bespoke support as needed.

13. **Pupil Premium Grant/Diminishing the Difference training** and bespoke support for every school in the county. 2 advisers have been contracted to work on school’s behalf.

- Pupil Premium Grant queries – eg contacting the DFE on schools behalf.
- Shape and support the Pupil Premium Grant template writing, which includes a 2 hour meeting that is completely free and checking the Pupil Premium Statement templates if needed for all schools and give feedback.
- Work on reviewing 2021/2022 template and supporting the writing and choosing strategies that best support children’s outcomes.

14. **Free and subsidised courses.** This year there have been the following courses provided:

- Amjad Ali - 4 ½ hours of a national speaker – as many of the staff team in every school requested.
- A subsidised leadership day and a “Train the Trainer” model of EDI training.

15. **New to Headship** – 3 days of free support from an experienced School Improvement Adviser and a mentor provided by the LA.

16. **The Key documents** - due to a new relationship with The Key in 2021/2022, documents are sent out, saving schools the cost.
17. **Early Reading – Phonics Training.** All schools are invited to attend four strategic sessions. The training will enable school leaders to ensure early reading is supported with a high quality whole school approach towards phonics. Phonics Satellite group meetings for specific schools will take place each term. Themes regarding good practice in phonics will be explored.
18. **Phonics Scheme** – has been offered free to schools until we hear back about the validation. Free training, resources and handbook and then when validated a reduced price to all West Berkshire Schools.
19. **Free SEND Governor network** – to support this vital area within the responsibilities of the Governing Body.

3. Proposed Cost of Delivery in 2022/23

3.1 The School Improvement service has been funded by a grant since 2017.

3.2 In October 2021, the DFE consulted on the future funding of the service with the proposal to:

- (i) Phase out the current grant funding by the start of 2023/24
- (ii) Reduce the grant in 2022/23 to 50% of the current amount on a per school basis
- (iii) The remaining 50% funding to be de-delegated to schools in 2022/23

3.3 For the 2023/24 year the service will be wholly funded by de-delegation

3.4 The following table summarises the proposed cost of the service for 2023/24.

| | 2022/23 £ | 2023/24 Proposed £ |
|---------------------------------------|----------------|--------------------------|
| Staffing Costs | 289,356 | 300,110 |
| Other Costs | 11,860 | 11,860 |
| Support Service Recharges | 30,122 | 31,197 |
| Total Cost | 331,338 | 343,167 |
| Forecast grant funding | -135,769 | 0 |
| De-delegation underspend from 2017/18 | -41,000 | 0 |
| Less Surplus Carried Forward | | -130,000 |
| Amount to be De-Delegated | 154,569 | 213,167 |

The overall cost of delivering the service has increased compared to 2022/23 as the total cost will be funded by de-delegation. We have shown a £130k carry forward value which is an estimate of the 2022/23 underspend on de-delegation, which can be used to reduce the cost to schools in 2023/24.

This does not take into account income which will be earned from any Academies which choose to buy back this service. Any additional income received from this source will reduce the net cost and the charge to maintained schools.

Method of charging in 2023/24

The total net cost of the service will be divided by the total number of pupils recorded in the October 2021 census to arrive at a per pupil amount for charging purposes. Using October 2021 census data, this would equate to £14.45 per pupil. Appendix A of the main report shows the indicative total amount per school.

Other Options which *may* be considered

1. The local authority offer a fully traded service (likely to increase the cost to individual schools).
2. Schools “pay as you go” either by employing/using own staff when needed or purchasing support from external providers (may include the local authority if still able to offer this service).
3. Local authority to consider an alternative (cheaper) service to offer.

West Berkshire Council Maintained Schools

Proposal to De-Delegate Formula Funding 2023-24

Statutory and Regulatory Duties - Accountancy, Audit and Pension Scheme Administration

Accountancy (Statutory Functions)

Description of Duties:

Consolidation of school accounts into Council's year end statement of accounts.

Overview of school budget submissions & budget monitoring reports.

Monitoring of schools in financial difficulty/deficit.

Monitoring adherence to Scheme for Financing Schools.

Returns to Central Government – CFR, CFO grants return.

Administration of grants & other funding to maintained schools eg. PPG, budget allocations & adjustments.

Budgeting and accounting functions relating to maintained schools (Sch 2, 74)

Cost: £54,411

0.42 FTE Accountants; 0.34 FTE Senior Accountant; 0.05 Schools Accountancy Manager;
0.12 FTE Finance Manager

Total FTE 0.93

Pension Scheme Administration

Description of Duties:

Administration of Teachers and Local Government pension schemes in relation to staff working in maintained schools:

Amending and updating employee records in relation to pensions

Responding to queries from employees in relation to pensions

Completion of statutory monthly returns to Teachers Pensions and Local Government pension scheme, including service and pay calculations.

Cost: £35,728

1.0 FTE Pensions Assistant

Internal Audit of Schools – Statutory Requirements**Description of Duties:**

Annual internal audit of maintained schools according to level of risk - circa 10 schools are audited per year. Each audit takes on average 7 days. The audit covers Governance; financial planning and management; financial policy, processes and records; benchmarking and value for money; school fund, SFVS.

We also carry out follow-up reviews for those schools that have a weak or very weak audit report opinion.

There is provision for adhoc advice to schools/issuing the Anti Fraud Advisory Bulletins and the investigation of any financial irregularities. We also monitor compliance with submitting the SFVS returns.

We have also included an element of time for the planning and monitoring of the school visit programme, and liaising with Accountancy /governor support etc on queries when they arise.

Cost: £53,198

0.65 FTE Senior Auditor; 0.09 FTE Audit Manager

Proposed Cost of Delivery in 2023/24

The following table summarises the proposed cost of the service for 2023/24, compared to 2022/23.

| | 2022/23 £ | 2023/24 Proposed £ |
|---|----------------|--------------------------|
| Accountancy | 51,756 | 54,411 |
| Audit | 50,075 | 53,198 |
| Pension Scheme Admin | 36,025 | 35,728 |
| Total Cost | 137,856 | 143,337 |
| Less income from Special and Nursery Schools and PRUs | 4,194 | 4,361 |
| Amount to be De-Delegated | 133,662 | £138,976 |

Method of charging in 2023/24

The total net cost of the service will be divided by the total number of pupils recorded in the October 2022 census to arrive at a per pupil amount for charging purposes. Using October 2021 census data, this would equate to £9.42 per pupil. Appendix A of the main report shows the indicative total amount per school.

Other Options which *may* be considered

1. The local authority offer a fully traded service (likely to increase the cost to individual schools).
2. Schools “pay as you go” either by employing/using own staff when needed or purchasing support from external providers (may include the local authority if still able to offer this service).

Local authority to consider an alternative (cheaper) service to offer.

West Berkshire Council Maintained Schools

Proposal to De-Delegate Formula Funding 2023-24

Statutory and Regulatory Duties – Health and Safety

15. Introduction

- 15.1 The Council has an established, professional and well regarded Health and Safety Team that already supports West Berkshire schools.
- 15.2 Over the course of 2020/22 pandemic the Schools Health and Safety Team have been significantly involved in producing guidance and helping schools to develop and review their covid secure plans, risk assessments and arrangements.

16. Background and Legislative Context

- 16.1 The principal legislation in the United Kingdom for health and safety is the Health and Safety at Work etc. Act 1974. There is also a considerable amount of health and safety legislation under the Health and Safety at Work Etc Act 1974 including the Management of Health and Safety at Work Regulations etc.
- 16.2 The Management of Health and Safety at Work Regulations set out that every employer shall appoint one or more competent persons to assist him in undertaking the measures s/he needs to take to comply with the requirements imposed by the relevant statutory provisions.
- 16.3 The regulations state that the employer shall ensure that the number of competent persons appointed, the time available for them to fulfil their functions and the means at their disposal are adequate having regard to the size of the undertaking, the risks to which employees are exposed and the distribution of those risks throughout the organisation. It should be noted that the regulations do not suggest any limit or scope to the competent advice or how it should be delivered practically.
- 16.4 The regulations also state that where there is a competent person in the employer's employment, that person shall be appointed in preference to a competent person not in his employment.
- 16.5 The duties imposed by the health and safety at work Act 1974 and associated regulations apply to the Council as an employer and it would also apply to the Council in relation to Local Authority maintained schools as the Council is the employer.
- 16.6 In the case of Foundation and Voluntary Aided schools the Governors are the employer. In independent schools and Academies the Governors or the Academy Trust are the employers.

- 16.7 The Council also has the general “duty to educate”, even where the Governors or an Academy Trust are the employer, there could be some limited involvement for the Council if a serious incident were to occur. See Appendix B for further information on the legal duty holders.

17. The Councils Health & Safety Support Service to Schools

- 17.1 The Council offers a health and safety support services to West Berkshire schools in line with the service level agreement offered to all schools included in the dedelegation system.
- 17.2 Following a decision to change the way the service operated in 2020/2021 for the last year all maintained schools have had the Level Two (Enhanced) service. This is a comprehensive health and safety support service and covers all aspects of health and safety management and support including necessary health and safety training.
- 17.3 The Health and Safety Team provide a compliance, advice and training role for schools and the Team continue to be heavily involved in assisting schools developing and reviewing covid secure arrangements, plans and risk assessments.
- 17.4 As the Council is the employer and therefore the principal legal duty holder (notwithstanding any delegated responsibilities to a schools, Head Teachers and Governors) in relation to health and safety, it makes sense to ensure an adequate, effective and efficient health and safety service is provided to Local Authority maintained schools and then a buy-back option offered to non-maintained schools.

18. Update on position since last year

- 18.1 An options paper setting out a number of alternative ways that the schools health and safety service could be funded into the future was taken to the Schools Funding Forum in 2020/21. There were options to move to a uniform service level to all maintained schools funded by all maintained schools paying an equal share or to remain with the part funded and part buy-back service. Head Teachers voted to change to a system where all schools paid for the enhanced Level 2 buy-back service.

19. Proposals

- 19.1 The full schools health and safety service would be provided to all maintained schools, continuing on from the previous year. This will meet the requirements of the employer under the Health and Safety at Work etc. Act 1974 and the Management of Health and Safety at Work Regulations and other related legislation.
- 19.2 Schools will pay a graduated fee based on pupil numbers for the Level 1 element of the service and a top up cost to cover the combined service. All maintained schools will need to agree to be part of this collective agreement to equitably fund the service.
- 19.3 A buy-back option would continue to be offered to schools such as academy and independent schools. Income generated from buy-back services would be invested in the service or offset to reduce costs for the schools in the collective agreement.

- 19.4 Table 1 below shows the 23/24 cost if all Local Authority maintained schools, Voluntary Controlled, Voluntary Aided and special schools agree to one equal service. Having frozen the price for the previous 2 years due to rising costs it is unfortunately necessary to increase the cost of the service by 4%

Table 1

| Pupil No's | Band A 0-60 | Band B 61 - 100 | Band C 101-200 | Band D 201-300 | Band E 301-485 | Band F 485+ | Band G Secondary |
|------------|----------------|--------------------|-------------------|-------------------|-------------------|-----------------|---------------------|
| 21/22 | £800.00 | £1,300.00 | £1,600.00 | £2,000.00 | £2,600.00 | £4.47 Per pupil | £4.47 Per pupil |
| 22/23 | £800.00 | £1,300.00 | £1,600.00 | £2,000.00 | £2,600.00 | £4.57 Per pupil | £4.57 Per pupil |
| 23/24 | £832.00 | £1,352.00 | £1,664.00 | £2,080.00 | £2,704.00 | £6 Per Pupil | £6 Per Pupil |

There are no discounts based on federated schools. However schools with infants and juniors on the same site would pay one fee based on a combined pupil total up to 485 pupil when it will be charged per pupil. Maintained nursery schools would pay Band A due to the part time nature of their pupils.

- 19.5 Table 2 below shows the cost of providing the enhanced service:

| Table 2 | 2023/24 Proposed £ |
|--|---------------------------|
| Staffing Costs | £139,096 |
| Other Costs | £5,000 |
| Support Service Recharges | £14,410 |
| Total Cost | £158,506 |
| De-delegated basic level one income @ £6 per pupil | -£91,285 |
| Remainder cost to be met by all Maintained Primary and Secondary Schools via a top up for enhanced Health & Safety package | £67,221 |

20. Recommendation

- 20.1 Schools consider the option set out above to maintain the current level of service. If this is not acceptable schools should identify what system they would prefer and the financial implication can be calculated.

21. Conclusion

- 21.1 The Council recognises that safety is important but needs to be approached creatively and should not be seen as simply another legal burden or bureaucratic chore. A planned approach to managing risk should be seen as an enabler, not just to prevent accidents and work related health problems for both staff and pupils but to build a culture of sensible risk management, linked to a curriculum where teaching young people can develop their capability to assess and manage risk.

- 21.2 The Council will continue to support sensible and pro-active health and safety management in schools by providing a supportive infrastructure and service to schools.
- 21.3 The pandemic has brought health and safety front and centre in the minds of everyone in 2020/2021 and schools continue to be under significant pressure and scrutiny around their covid arrangements.
- 21.4 The Schools Health and Safety Team continue to be significantly involved in helping schools to develop and review their covid secure plans, risk assessments and arrangements.

West Berkshire Council Maintained Schools

Health and Safety Service 2023/24

Overview of Service

West Berkshire Council has a professional and dedicated Schools Health and Safety Team who provide support and advice to schools on all aspects of health and safety including an online safety management system incorporating accident reporting, compliance management and a resource library.

The Schools Health and Safety Team also work on policy development and effective implementation, user friendly guidance and information, support in completing risk assessments, a complete range of health and safety training, safety alerts and health and safety newsletters.

Schools Health & Safety Needs Assessment

Schools Health & Safety Needs Assessment are designed to measure levels of compliance with legislation and best practice. The associated action plan will help you prioritise your improvements.

The assessment is conducted using a process of objective evidence gathering including a review of safety documentation, discussions with relevant managers and staff and a tour/inspection of the site.

We have operated the current system of needs assessments for four years now and have seen schools develop their health and safety management system but continued improvement is still required.

In order to free resource time that could be better utilised helping schools improve on the areas identified in the needs assessments, we propose to continue with the needs assessments with an amended schedule and to develop topic based assessments that will enable greater depth and time to be devoted to specific topics.

We propose that we would move the needs assessment process onto re-inspection frequencies similar to Ofsted.

Schools achieving a score of 91% and above on the previous needs assessment will require a new needs assessment completed in up to 5 years. Support will be provided in intervening years on the areas identified for improvement and topic specific assessments will be completed, where required.

Schools achieving a score of 80% to 90% on the previous needs assessment will require a new needs assessment completed in up to 4 years. Support will be provided in intervening years on the areas identified for improvement and topic specific assessments will be completed, where required.

Schools achieving a score of 60% to 79% on the previous needs assessment will require a new needs assessment completed in up to 3 years. Support will be provided in intervening years on the areas identified for improvement and topic specific assessments will be completed, where required.

Schools achieving a score of 59% and below on the previous needs assessment will require a new needs assessment completed in up to 1 year. Support will be provided in intervening years on the areas identified for improvement and topic specific assessments will be completed, where required.

Schools will be able to request a new needs assessment at any time, which will be booked at the earliest mutually convenient opportunity at no additional cost to the school.

There are 20 questions in the Schools Needs Assessment, each carrying a maximum of 4 marks giving a total maximum possible score of 80. Any question marked not applicable will reduce the total maximum score possible accordingly. Terminology has been taken from Ofsted, which should make it more familiar to schools and the scoring system has been influenced by British Safety Council and RoSPA health and safety audit systems. The frequency of needs assessments discussed above has been included in Table 1 below.

Table 1

| Benchmark | Overall Score | Description | Score Range Achieved | Frequency between needs assessments |
|----------------------|---------------|--|----------------------|-------------------------------------|
| Outstanding | 91%+ | Schools judged as 'outstanding' on the previous needs assessment will require a new needs assessment completed in up to 5 years. Support will be provided in intervening years on the areas identified for improvement and topic specific assessments will be completed for all maintained schools and those schools purchasing the service. | 91% and above | Up to 5 years |
| Good | 80% to 90% | Schools judged as 'good' on the previous needs assessment will require a new needs assessment completed in up to 4 years. Support will be provided in intervening years on the areas identified for improvement and topic specific assessments will be completed for all maintained schools and those schools purchasing the service. | 80% to 90% | Up to 4 years |
| Requires Improvement | 55% to 79% | Schools judged as 'requires improvement' on the previous needs assessment will require a new needs assessment completed in up to 2 years. Support will be provided in intervening year on the areas identified for improvement and topic specific assessments will be completed for all maintained schools and those schools purchasing the service. | 60% to 79% | Up to 3 years |
| Inadequate | Up to 54% | Schools judged as 'inadequate' on the previous needs assessment will require a new needs assessment completed in up to 1 year. Support will be provided in intervening months on the areas identified for improvement and topic specific assessments will be completed for all maintained schools and those schools purchasing the service. | 59% and below | Up to 1 year |

West Berkshire Council Health and Safety**Table 2**

| Health and Safety Enhanced Service |
|--|
| <p>Summary</p> <p>The aim of this service is to provide schools with a named, dedicated and professional Health and Safety Adviser to provide 'on-site support and advice' to the school, guiding and prioritising the integration of an effective and efficient safety management system and documentation in support of the School's Health and Safety Policy.</p> <p>The schools dedicated Health and Safety Adviser will begin by arranging and completing a Health and Safety Audit (Needs Assessment) of the school that will help to identify the strengths and areas for improvement in the schools existing arrangements. The Schools dedicated Health and Safety Adviser will then continue to work closely with the school to help plan, develop and implement your health and safety policy and the areas for improvement you need.</p> |

The Management of Health and Safety at Work Regulations require you to appoint someone competent to help you meet your health and safety duties. A competent person is someone with the necessary skills, knowledge and experience to manage health and safety.

West Berkshire Council, Schools Health and Safety Team will be your competent person and help ensure you meet your health and safety duties. Details of the Health and Safety service are listed below in further detail.

| Service Provided | Service Standard |
|--|---|
| 1) Advice | Advice and support will be provided to the school on specific questions/issues. If required the schools dedicated Health and Safety Adviser will arrange to visit the school and meet with relevant persons to ensure the enquiry is resolved. |
| 2) Health and Safety Needs Assessment | <p>Schools will receive a health and safety needs assessment designed to assess and measure levels of compliance with health and safety legislation and best practice. The associated action plan will help you prioritise your improvement plan.</p> <p>Your dedicated Health and Safety Adviser will then arrange to assist and support the school in progressing the recommendations to ensure continual improvement.</p> <p>Health and Safety Needs Assessments will be completed for all maintained schools and those schools purchasing the service on a cycle subject to the outcome of the previous needs assessment as per Table 1 above.</p> <p>Schools will be able to request a new needs assessment at any time, which will be booked at the earliest mutually convenient opportunity at no additional cost to the school.</p> |
| 3) School Safety Policy: | <p>Review existing against a model H&S Policy that is school specific, in line with the LA Safety Policy, and conforms to appropriate local and legislative requirements.</p> <p>Ensure the Policy identifies key commitments with current signature.</p> <p>Ensure that the Policy, Organisation and arrangements are carried out and accurately reflect practice.</p> |
| 4) Safety Organisation: | Review and provide documentation that identifies how health and safety is/shall become 'embedded' in daily operations at the school. Identify and/or nominate key staff tasked with health and safety responsibilities. |
| 5) Planning and implementing: | <p>Review the existing arrangements; ensure the school adequately documents the standards and procedures required for a safe place of work.</p> <p>Following written review and prioritisation of issues, help the school to progress the areas for improvement by providing support and guidance. Improvement will be achieved with the schools full commitment and involvement.</p> |
| 6) Health and Safety Risk Assessment: | <p>Provide the school with initial or refresher training to nominated persons regarding completion of <i>local</i> Risk Assessments.</p> <p>Provide on-site review of the schools risk assessments, to support their completion.</p> <p>Provide basic refresher training to nominated groups of key staff. Ensure a practical understanding of the training by jointly completing several specific health and safety risk assessments required by the school.</p> <p>Provide support and guidance in terms of prioritising risk</p> |

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| | assessments to be completed or reviewed etc. |
| 7) Telephone/Incident response: | <p>Provide general telephone health and safety advice as required.</p> <p>Please note that where the topic is of a specific nature, additional time may be required for a detailed response following the initial call.</p> <p>Whilst every endeavour is made to provide an immediate answer to health and safety queries via telephone/email, requests may require additional research time. Therefore, where it is not possible to provide an answer of sufficient depth at the time of the call, or the same day, every endeavour shall be made to provide a follow-up call the next working day.</p> <p>Should the associated risk to safety or health warrant a school visit, this shall be arranged by the Health and Safety Team.</p> |
| 8) Health and Safety Training | <p>The Health and Safety Team run school specific health and safety courses. All health and safety training is included for all maintained schools and those schools purchasing the service.</p> <p>Further details of courses available and costs can be obtained from CYP Training http://info.westberks.gov.uk/index.aspx?articleid=29858.</p> <p>On-site training can also be arranged at no additional cost. Much of the training offer can now be completed by attending virtual training sessions vis zoom/teams meaning costs in terms of staff availability and downtime for training are reduced.</p> <p>Pre-recorded whole school training sessions are available for some subjects free of charge to all maintained schools and those purchasing the service</p> |
| 9) Fire Management | <p>Schools can request a regular site visit to complete a review of the schools Fire Risk Assessment (FRA) with their Health and Safety Advisor.</p> <p>Your advisor can also: Complete a site inspection to verify recommendations have been implemented. Discuss any issues outstanding and how to address these. Your advisor will help schools to complete an assessment to ensure you have adequate numbers of appropriately trained staff to deal with fire safety issues.</p> <p>Your advisor can also provide Fire Awareness training to school staff at an agreed time and date on site.</p> |
| 10) Asbestos Management | <p>Schools can request a regular site visit to complete a condition check of ACM (asbestos containing materials) with their Health and Safety Advisor.</p> <p>Your advisor can also review: The Asbestos Management Plan The Asbestos Register The Asbestos Survey</p> <p>Additionally any asbestos related risk assessment you may have in place will be reviewed to ensure it is correct and relevant.</p> <p>Your advisor can also provide tool box talks to your staff to allay any fears they may have regarding retained ACMs and also to highlight their responsibilities in respect of Health and Safety regarding asbestos.</p> |
| 11) Legionella Management | <p>Schools can request a regular site visit to complete a review of the legionella risk assessment with their Health and Safety Advisor.</p> |

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| | <p>The advisor will also check that the school are working within the written scheme suggested and in line with the recommendations of the risk assessment.</p> |
| <p>12) Playground Equipment</p> | <p>Schools can request a regular site visit to complete a playground equipment inspection with their Health and Safety Advisor. This will be a guided check to ensure staff are confident with what should be checked, what should be recorded and what action to take.</p> |

West Berkshire Council Maintained Schools

Legal Duty Holders for Health and Safety

| England and Wales | |
|------------------------------|----------------------------------|
| School type | Employer |
| Community schools | The local authority |
| Community special schools | |
| Voluntary controlled schools | |
| Maintained nursery schools | |
| Pupil referral units | |
| Foundation schools | The governing body |
| Foundation special schools | |
| Voluntary aided schools | |
| Independent schools | The governing body or proprietor |
| England | |
| Academies and free schools | The Academy Trust |