De-delegation Proposals 2027/28

Report being considered by: Schools' Forum

Date of Meeting: 12th October 2026

Report Author: Mollie McQuade

Item for: Discussion **By:** All Maintained Primary and Secondary School Representatives

1. Purpose of the Report

1.1 To explain de-delegation services and their expected costs for the financial year 2027/28.

1.2 De-delegation is a funding process where local authorities retain a portion of the mainstream maintained school's budget to run shared support services centrally. Maintained schools representatives on the local schools forum must vote to approve each de-delegation budget every single year.

2. Recommendation

2.1 Maintained Primary and Secondary schools to agree the De-delegations and Education Functions.

Is the Schools' Forum required to make a decision as part of this report or subsequent versions due to be considered later in the meeting cycle?	
Yes: ☒	No: ☐

3. Implications and Impact Assessment

Equalities Impact:	**Positive**	**No Impact**	**Negative**	**Commentary**
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		
Data Impact:		X		

4. Executive Summary

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

4.2 De-delegation does not apply to special schools, nursery schools, or PRUs. Where de-delegation has been agreed for maintained primary and secondary schools, the local authority will offer the service on a buyback basis to those schools and academies in their area which are not covered by the de-delegation.

4.3 For 2027/28 WBC will offer four de-delegated services as follows: Trade Union Representation (Appendices B), Consortium of Local Education Authorities for the Provision of Science Services (CLEAPSS) (Appendices C), Education Functions (Appendices D), and Health and Safety (Appendices E).

4.4 For 2027/28, the Promoting Inclusive Practice service will cease to operate as a de-delegated service. The function has been realigned within the Exclusion and Reintegration Team to ensure equitable access to support across all schools, enhance early preventative work in line with Local Authority priorities, and support targeted, data-informed interventions through cluster-based working to improve inclusion and reduce the risk of exclusion.

4.5 A summary of the costs proposed for 2027/28 are shown below:

	2027/28	**2027/28**
TABLE 1	**Primary Budget**	**Secondary Budget**
	£	**£**
Trade Union Representation	56,572	13,768
CLEAPSS	1,899	1,002
Education Functions	138,725	33,761
Health & Safety	119,036	17,150

4.6 The schools funding regulations for 2027/28 have not yet been published by the DfE, but we have assumed similar arrangements for de-delegation of the cost of these services will apply for 2027/28.

4.7 These budgets will be monitored as part of the normal quarterly budget monitoring cycle of the DSG through the Heads Funding Group and Schools Forum meetings

5. Appendices

5.1 Appendix A – De-delegations per school for 2027/28

5.2 Appendix B – Trade Union Representation Service

5.3 Appendix C – CLEAPSS Service

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

5.5 Appendix E – Health & Safety

Appendix A

Draft De-Delegations for 2027/28 - Based on October 2025 Census Data

		Education functions for maintained schools				
		Trade Union Representation	CLEAPSS	Statutory Accounting Functions	Internal Audit of Schools	Pension Scheme Administration	Health & Safety
Proposed Primary Dedelegation		£56,572	£1,899	£64,268	£40,121	£34,336	£119,036
Proposed Secondary Dedelegation		£13,768	£1,002	£15,641	£9,764	£8,356	£17,150
Total Proposed Dedelegation		**£70,340**	**£2,901**	**£79,908**	**£49,886**	**£42,693**	**£136,186**
Estimated buy-back from other schools		£2,220	£61	£2,522	£1,574	£1,347	£5,955
Total Cost of Service		£72,560	£2,962	£82,430	£51,460	£44,040	£142,078
Cost per primary pupil		**£5.96**	**£0.20**	**£6.77**	**£4.23**	**£3.62**	
Cost per secondary pupil		**£5.96**	**£0.20**	**£6.77**	**£4.23**	**£3.62**	
Cost per other maintained school pupil		**£5.96**	**£0.20**	**£6.77**	**£4.23**	**£3.62**	
Fixed cost per secondary school		***n/a***	**£270.00**	**n/a**	**n/a**	**n/a**	
School	**Pupil No's**						
Aldermaston C.E. Primary School	91	542	18	616	384	329	1,580
Beedon C.E. (Controlled) Primary School	19	113	4	129	80	69	972
Beenham Primary School	53	316	11	359	224	192	1,580
Birch Copse Primary School	420	2,502	84	2,842	1,775	1,519	3,318
Bradfield C.E. Primary School	157	935	31	1,063	663	568	1,944
Brightwalton C.E. Aided Primary School	91	542	18	616	384	329	1,580
Brimpton C.E. Primary School	44	262	9	298	186	159	972
Bucklebury C.E. Primary School	93	554	19	629	393	336	1,580
Burghfield St Mary's C.E. Primary School	206	1,227	41	1,394	870	745	2,431
Calcot Infant School and Nursery	158	941	32	1,069	668	571	1,944
Calcot Junior School	267	1,591	53	1,807	1,128	965	3,160
Chaddleworth St Andrew's C.E. Primary School	31	185	6	210	131	112	972
Chieveley Primary School	164	977	33	1,110	693	593	1,944
Cold Ash St Mark's CE Primary School	194	1,156	39	1,313	820	701	2,431
Curridge Primary School	109	649	22	738	461	394	1,944
Downsway Primary School	211	1,257	42	1,428	891	763	2,431
Enborne C.E. Primary School	80	477	16	541	338	289	1,580
Englefield C.E. Primary School	109	649	22	738	461	394	1,944
Falkland Primary School	421	2,508	84	2,849	1,779	1,522	3,318
Garland Junior School	187	1,114	37	1,266	790	676	2,430
Hampstead Norreys C.E. Primary School	47	280	9	318	199	170	972
Hermitage Primary School	188	1,120	38	1,272	794	680	2,431
Hungerford Primary School	316	1,883	63	2,139	1,335	1,143	3,160
The Ilsleys Primary School	55	328	11	372	232	199	1,580
Inkpen Primary School	40	238	8	271	169	145	972
Kennet Valley Primary School	195	1,162	39	1,320	824	705	2,431
Kintbury St Mary's C.E. Primary School	112	667	22	758	473	405	1,944
Long Lane Primary School	211	1,257	42	1,428	891	763	2,431
Mortimer St Mary's C.E. Junior School	236	1,406	47	1,597	997	853	1,944
Mortimer St. John's C.E. Infant School	161	959	32	1,090	680	582	2,431
Mrs Bland's Infant School	120	715	24	812	507	434	1,944
Pangbourne Primary School	111	661	22	751	469	401	1,944
Parsons Down Infant School	88	524	18	596	372	318	1,580
Parsons Down Junior School	139	828	28	941	587	503	1,944
Purley CofE Primary School	75	447	15	508	317	271	1,580
Robert Sandilands Primary School and Nursery	210	1,251	42	1,421	887	759	2,431
Shaw-cum-Donnington C.E. Primary School	84	500	17	568	355	304	1,580
Shefford C.E. Primary School	53	316	11	359	224	192	1,580
Springfield Primary School	301	1,793	60	2,037	1,272	1,088	3,160
Spurcroft Primary School	371	2,210	74	2,511	1,568	1,341	3,318
St Finian's Catholic Primary School	206	1,227	41	1,394	870	745	2,431
St John the Evangelist CofE Infant and Nursery School	170	1,013	34	1,151	718	615	1,940
St Joseph's Catholic Primary School	217	1,293	43	1,469	917	785	2,431
St Nicolas C.E. Junior School	244	1,454	49	1,651	1,031	882	2,431
St Paul's Catholic Primary School	276	1,644	55	1,868	1,166	998	3,160
Stockcross C.E. School	85	506	17	575	359	307	1,580
Sulhamstead and Ufton Nervet School	98	584	20	663	414	354	1,580
Thatcham Park CofE Primary	329	1,960	66	2,227	1,390	1,190	3,318
Theale C.E. Primary School	302	1,799	60	2,044	1,276	1,092	3,160
Welford and Wickham C.E. Primary School	52	310	10	352	220	188	1,580
Westwood Farm Infant School	167	995	33	1,130	706	604	1,944
Westwood Farm Junior School	232	1,382	46	1,570	980	839	2,431
The Willows Primary School	299	1,781	60	2,024	1,263	1,081	3,160
The Winchcombe School	411	2,449	82	2,782	1,737	1,486	3,318
Woolhampton C.E. Primary School	97	578	19	656	410	351	1,580
Yattendon C.E. Primary School	93	554	19	629	393	336	1,580
Little Heath School	1,294	7,709	529	8,758	5,467	4,679	9,600
The Willink School	1,017	6,059	473	6,883	4,297	3,677	7,550
PRIMARY TOTAL	**9,496**	**56,572**	**1,899**	**64,268**	**40,121**	**34,336**	**119,036**
SECONDARY TOTAL	**2,311**	**13,768**	**1,002**	**15,641**	**9,764**	**8,356**	**17,150**
TOTAL ALL PRIMARY AND SECONDARY SCHOOLS	**11,807**	**70,340**	**2,901**	**79,908**	**49,886**	**42,693**	**136,186**
Other Maintained Schools							
Hungerford Nursery	32.04	191	n/a	217	135	116	972
Victoria Park Nursery	36.6	218	n/a	248	155	132	972
Total within Early Years Block		**409**	**0**	**465**	**290**	**248**	**1,944**
The Castle Special School	226	1,346	45	1,530	955	817	2,431
i-college	78	465	16	528	330	282	1,580
Total Within High Needs Block		**1,811**	**61**	**2,057**	**1,284**	**1,099**	**4,011**
Total for All Other Maintained Schools	**372.64**	**2,220**	**61**	**2,522**	**1,574**	**1,347**	**5,955**
Total all Maintained Schools	**12,180**	**72,560**	**2,962**	**82,430**	**51,460**	**44,040**	**142,141**

Appendix B

West Berkshire Council Maintained Schools

Proposal to De-Delegate Formula Funding 2027-28

Trade Union Representation Service

1. Outline of Proposed Service 2027/28

1.1 Under Section 251 (Section 251 budget guidance: 2026 to 2027 - GOV.UK) 1.1.9 Staff costs – supply cover for facility time WBC with the agreement of Schools Forum can de-delegate expenditure in making payments to, or in providing a temporary replacement for, persons:

- carrying out trade union duties or undergoing training under section 168 and 168A of the Trade Union and Labour Relations (Consolidation) Act 1992
- taking part in trade union activities under section 170 of the Trade Union and Labour Relations (Consolidation) Act 1992 (although such activities should attract unpaid time off)
- who are officials of a recognised trade union acting as safety representatives under the Safety Representatives and Safety Committee Regulations 1977
- who are officials of a recognised trade union acting as employee representatives for the purposes of Chapter II of Part IV of the Trade Union and Labour Relations (Consolidation) Act 1992 as defined in section 196 of that Act or regulation 13 (3) of the Transfer of Undertakings (Protection of Employment) Regulations 2006
- who are appointed learning representatives of recognised trade unions under section 168A of the Trade Union and Labour Relations (Consolidation) Act 1992, in order for them to analyse training requirements or to provide or promote training opportunities, and to carry out consultative or preparatory work in connection with such functions

1.2 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).

1.3 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: NEU and ATL also represent non teaching staff; NASUWT only represents teachers, or employees employed on teachers T&Cs); disciplinary issues; grievances; ill health cases; capability cases; and settlement agreements

2. What union officers do

2.1 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.

2.2 The availability of local union representatives supports effective employee relations within schools by facilitating consultation, assisting early resolution of issues and ensuring employees have access to representation. This can reduce the escalation of disputes, support compliance with employment procedures and contribute to maintaining constructive industrial relations.

2.3 Whilst trade unions employ regional officers, these officers do not have the capacity to provide day-to-day support to members in West Berkshire schools. School-based accredited representatives undertake the majority of local casework, attendance at meetings, consultation activities and early resolution of workplace issues. Without locally funded facility time, schools would generally deal directly with regional officers, which can lead to reduced local knowledge, longer response times and less opportunity for informal resolution.

Individual casework issues

2.4 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

2.5 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.

2.6 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

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

2.8 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.

3. Proposed Cost of Delivery in 2026/27

3.1 The following table summarises the proposed cost of the service for 2027/28 compared to 2026/27. It is based on engaging a representative from each of the unions:

	2026/27 £	Proposed UPS3 2027/28 £
Total Cost	**£81,510**	**£72,560**
Income from Nursery and Special Schools and PRUs	£2,119	£2,220
Cost to Primary and Secondary Schools	**£79,391**	**£70,340**

3.2 The proposed budget for 2027/28 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).

3.3 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.

4. Method of charging in 2027/28

4.1 The total cost of the service will be divided by the total number of pupils recorded in the October 2026 census to arrive at a per pupil amount for charging purposes. Using October 2025 census data, this would equate to £5.96 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).

5. Other Options which *may* be considered

5.1 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.

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

5.3 Should de-delegation cease, schools would remain under statutory obligations to consult recognised trade unions and permit accredited representatives reasonable paid time off in accordance with employment legislation. However, there would be no central funding mechanism to support release arrangements and schools employing representatives may bear disproportionately higher costs than other schools.

Appendix C

West Berkshire Council Maintained Schools

Proposal to De-Delegate Formula Funding 2027-28

CLEAPSS Service

1. Outline of Proposed Service 2027/28

1.1 Under Section 251 (Section 251 budget guidance: 2026 to 2027 - GOV.UK) 1.1.7 Licences or subscriptions WBC is able to de-delegate expenditure on licence fees or subscriptions paid on behalf of maintained schools.

1.2 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.

1.3 169 local authorities in England, Wales and Northern Ireland, and approximately 95% of primary and secondary schools in those countries are members of CLEAPSS.

1.4 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 CLEAPPS independent of West Berkshire Council.

1.5 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.

2. Benefits of Service

2.1 CLEAPSS covers:

- Health and safety guidance, including model risk assessments.
- Chemicals, living organisms, equipment and practical activities.
- Sources of resources and specialist suppliers.
- Laboratory, D&T and art/design facilities, fittings and safe working environments.
- Support for technicians and their roles

2.2 CLEAPSS provides:

- Regular newsletters and updates for primary and secondary schools.
- Member publications, guidance and model risk assessments.
- Specialist and bespoke risk assessment advice
- Training courses for technicians, teachers and local authority officers.
- A helpline and specialist advice service.
- Advice on incidents, including hazardous substance spills. Evaluations of equipment and resources.

- Advice on repairs. CLEAPSS reviews or advises on health and safety content in teaching resources produced by publishers, exam boards and other organisations.

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

3. Costs and Method of charging for 2027/28

3.1 CLEAPSS set the pricing each year in February/March for the financial year April to March ahead. In 2026/27 the charge to schools was 19 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 CLEAPPS) there are additional costs of £270 per annum for the Radiation Protection Officer for the Radiation Protection Adviser.

3.2 The proposal for 2027/28 is to set a rate per pupil of 20 pence per pupil.

3.3 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.

3.4 The charges for the RPA and RPO service will increase to £270 to cover increased cost of RPA and expenses.

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

3.6 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	20p	26p	N/A	N/A
Primary	20p	26p	N/A	N/A
Secondary	20p	34p	£65	£205
Special	20p	34/26p	N/A	N/A
PRU	20p	34/26p	N/A	N/A
Primary Academy	20p	26p	N/A	N/A
Secondary Academy	20p	34p	£65	£205
Incorporated colleges	20p	34p	£65	£205

Appendix D

West Berkshire Council Maintained Schools

Proposal to De-Delegate Formula Funding 2027-28

Education Functions - Accountancy, Audit and Pension Scheme Administration

1. Introduction

1.1 Under Section 251 (Section 251 budget guidance: 2026 to 2027 - GOV.UK) 1.6.4 the general duties part of ESG (that part relating to maintained schools only) ceased from September 2017. Local authorities are able to deduct funding from maintained schools' budgets (with the consent of maintained school members of the schools forum) in much the same way as for existing de-delegated items in order to fund these services.

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, S251 returns Administration of grants & other funding to maintained schools eg. PPG, budget allocations & adjustments. Budgeting and accounting functions relating to maintained schools (Sch 2, 74) The full-time equivalents below are reflective of 50% of the statutory finance functions charged to the Central Schools Block in relation to the financial management of the DSG. As well as the statutory portion of the School Accountancy Team.
Cost: £82,430
0.48 FTE Accountants; 0.56 FTE Senior Accountant; 0.17 FTE Finance Business Partner, 0.03 FTE Senior Finance Business Partner **Total FTE 1.24**
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.

NOTE: the work is part of the broader payroll cycle and cannot be separated or distinguished in any part. Should this not be approved then consideration would need to be given to a review of SLA income charges to cover the cost of all payroll and pension activities for maintained schools to cover for resource and service costs.
Cost: £44,040
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 7-10 days. The audit covers Governance; financial planning and management; financial policy, processes and records; benchmarking and value for money; school fund management, SFVS completion. We also carry out follow-up reviews for those schools that have a limited or no assurance audit report opinion. There is provision of time for adhoc advice to schools/issuing the Anti Fraud Advisory Bulletins and the investigation of any financial irregularities. We also provide guidance and 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: £51,460
0.65 FTE Senior Auditor; 0.09 FTE Audit Manager

2. Proposed Cost of Delivery in 2027/28

2.1 The following table summarises the proposed cost of the service for 2027/28, compared to 2026/27.

3.

	2026/27 £	2027/28 Proposed £
Accountancy	60,670	82,430
Audit	56,306	51,460
Pension Scheme Admin	44,297	44,040
Total Cost	161,273	177,930
Less buyback income from Special, Nursery Schools and PRUs	4,036	5,444
Amount to be De-Delegated	**157,237**	**172,486**

Audit and pension de-delegation costs have reduced following the removal of support service recharges from the DSG. Accountancy costs would also have reduced as a result of this change;

however, overall costs have increased following a review of staff time apportionment to ensure charges accurately reflect the time spent managing the DSG and delivering statutory Schools Accountancy functions.

4. Method of charging in 2027/28

4.1 The total net cost of the service will be divided by the total number of pupils recorded in the October 2026 census to arrive at a per pupil amount for charging purposes. Using October 2025 census data, this would equate to £14.62 per pupil. Appendix A of the main report shows the indicative total amount per school.

4.2 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.

Appendix E

West Berkshire Council Maintained Schools

Proposal to De-Delegate Formula Funding 2027-28

Statutory and Regulatory Duties – Health and Safety

1. Introduction

1.1 Under Section 251 (Section 251 budget guidance: 2026 to 2027 - GOV.UK) 1.6.4 the general duties part of ESG (that part relating to maintained schools only) ceased from September 2017. Local authorities are able to deduct funding from maintained schools' budgets (with the consent of maintained school members of the schools forum) in much the same way as for existing de-delegated items in order to fund these services. This includes compliance with duties under the Health and Safety at Work Act (paragraph 69 of Schedule 2 to the School and Early Years Finance (England) Regulations 2026)

1.2 The Council has an established, professional and well regarded Health and Safety Team that already supports West Berkshire schools.

2. Background and Legislative Context

2.1 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.

2.2 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.

2.3 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.

2.4 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.

2.5 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.

2.6 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.

2.7 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.

3. The Councils Health & Safety Support Service to Schools

3.1 The Council offers a health and safety support service to West Berkshire schools in line with the service level agreement offered to all schools included in the de-delegation system.

3.2 Following a decision to change the way the service operated in 2020/2021 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 including necessary health and safety training, health and safety compliance and advice for schools.

3.3 As the Council is the employer and therefore a legal duty holder (not withstanding any delegated responsibilities to a schools, Head Teachers and Governors) in relation to health and safety, it makes sense to ensure an adequate and effective health and safety service is provided to Local Authority maintained schools and then a buy-back option offered to non-maintained schools.

4. Proposal

4.1 The schools health and safety service would be provided to all maintained schools, continuing 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.

4.2 Schools will pay a graduated fee based on pupil numbers. All maintained schools will need to agree to be part of this collective agreement to equitably fund the service.

4.3 A buy-back option would continue to be offered to other schools not funded from the schools block such as, Academies, Maintained Nursery Schools, Special schools 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.

Table 1 below shows the actual 26/27 and Budget 27/28 cost if all Local Authority maintained schools, Voluntary Controlled, Voluntary Aided and special schools agree to one equal service.

Table 1

	Band A 0-50	Band B 51 - 100	Band C 101 - 175	Band D 176 - 250	Band E 251 - 325	Band F 326 – 447	Band G 448+	Band H Secondary
26/27	**£972.23**	**£1,579.87**	**£1,944.46**	**£2,430.57**	**£3,159.74**	**£3,317.73**	**£7.42 per pupil**	**£7.42 per pupil**
27/28	**£972.23**	**£1,579.87**	**£1,944.46**	**£2,430.57**	**£3,159.74**	**£3,317.73**	**£7.42 per pupil**	**£7.42 per pupil**

4.4 There are no discounts based on federated schools. However, schools who operate on the same site would pay one fee based on a combined pupil total up to 447 pupils when it will be charged per pupil. Maintained nursery schools would pay Band A due to the part time nature of their pupils.

4.6 Table 2 below shows the cost of providing the enhanced service in 27/28:

Table 2	2027/28 Proposed £
Staffing Costs	125,800
Other Costs	16,340
Total Cost	142,140

De-delegated basic income @ £7.42 per pupil	-90,373
Remainder cost to be met by all Maintained Primary and Secondary Schools via a top up to support the delivery of the Health & Safety Service.	**51,767**

5. Recommendation

5.1 Schools consider the option set out above to maintain the current level of service.

6. Conclusion

6.1 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.

6.2 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.

7. Appendices

7.1 Appendix F

Health and Safety
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7.2 Appendix G

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**