

Appendix 2 - Statutory duties for maintained school pupils

Extract from Schools revenue funding 2017-2018 Operational Guide - ESG				
Education and Skills Funding Agency (ESFA) explanation of the LA's Statutory Responsibilities	Please provide a detailed definition of what statutory responsibilities means to you and what you provide: Section A to all, Section B to maintained	Unit of delivery e.g. per hour	Number of units delivered in 2016-17	£ cost of delivering item for 2017-18 from tab C) Cost for each service
	Narrative	Unit	Value	£
Statutory and Regulatory duties				
Functions of LA related to best value and provision of advice to governing bodies in procuring goods and services (Sch. 1, 20c)	From 2015 School and Early Years Finance (England) Regulations- (c) functions of the authority under Part I of the Local Government Act 1999(b) (Best Value) and the provision of advice to assist governing bodies in procuring goods and services with a view to securing continuous improvement in the way the functions of those governing bodies are exercised, having regard to a combination of economy, efficiency and effectiveness; (This equates to Sch. 2, Part 7, 56 in 2017 regulations)			
	Nil return, team restructured a number of years ago and unable to provide support to schools with current capacity			
Budgeting and accounting functions relating to maintained schools (Sch. 1, 20d)	Providing school budget templates, Schools Financial Value Standards returns. Monitoring the budget returns, providing support and advice to schools as needed. Year end for Maintained Schools	Day	48	£ 11,959
Functions relating to the financing of maintained schools (Sch. 1, 20e)	Payment of Individual School Budgets to maintained schools, receiving and redistributing grants e.g. PE Grant, Year 7 catch up, Universal Infant Free School Meals etc. Completing all related grant returns to DfE	Day	20	£ 4,983
Authorisation and monitoring of expenditure in respect of schools which do not have delegated budgets, and related financial administration (Sch. 1, 20fii)	N/A			
Monitoring of compliance with requirements in relation to the scheme for financing schools and the provision of community facilities by governing bodies (Sch. 1, 20h)	Supporting schools in financial difficulty and monitoring of school balances	Day	34	£ 8,471
Internal audit and other tasks related to the authority's chief finance officer's responsibilities under Section 151 of LGA 1972 for maintained schools (Sch. 1, 20i)	To comply with the Accounts and Audit Regulations Internal Audit has to provide an opinion over the Council's governance, risk management and internal control arrangements. Also, under s.151 Local Government Act 1972 Internal Audit provides assurance to the s.151 Officer that there are proper accounting practices in place. In order to provide this assurance the risk-based internal audit plan will cover both centrally provided Council services as well as those systems and procedures operated at individual schools.	Day	48	£ 12,016
Functions made under Section 44 of the 2002 Act (Consistent Financial Reporting) (Sch. 1, 20j)	Collection of information CFR and uploading onto COLLECT	Day	7	£ 1,744
Investigations of employees or potential employees, with or without remuneration to work at or for schools under the direct management of the head teacher or governing body (Sch. 1, 20L)	Legal advice to Children services officers about school employment law issues	Hour	100	£ 3,381
	Right to work applications	Hour	10	£ 295
Functions related to local government pensions and administration of teachers' pensions in relation to staff working at maintained schools under the direct management of the head teacher or governing body (Sch. 1, 20m)	*Administration and guidance to schools and employees on the operation of Teachers Pension Scheme and Local Government Pension Scheme * payroll pension employer responsibilities *Teachers Pension Annual Service return * Auto enrolment responsibilities	Hour	257	£ 7,110
Retrospective membership of pension schemes where it would not be appropriate to expect a school to meet the cost (Sch. 1, 20n)	*Historical pension arrears	Hour	8	£ 210
HR duties, including: advice to schools on the management of staff, pay alterations, conditions of service and composition/organisation of staff (Sch. 1, 20o);	*Checking and signing changes to contractual correspondence * providing Human Resources policies and procedure for adoption by Governing Body and reviewing in accordance with employment /education legislation *providing a job evaluation service for school support staff roles * undertake consultation with Trade Union representatives and staff in relation to Council wide issues e.g. National Joint Council pay structure / apprentices / IR35 rules	Hour	320	£ 8,835
determination of conditions of service for non-teaching staff (Sch. 1, 20p);	as above			

appointment or dismissal of employee functions (Sch. 1, 20q)	Checking and signing contracts of employment and advice on any pay and Terms & Conditions * provide advice to Governing Bodies and represent SBC at the point of dismissal in cases of redundancy, ill health, conduct and capability * issuing dismissal letters in accordance with school staffing regulations * providing guidance on head teacher recruitment * making referrals to Disclosure & Barring Service/National College for Teaching & Leadership in relation to misconduct cases * Where the council is named as co-respondent manage the response to Education Tribunal applications	Hour	258	£	7,152
Consultation costs relating to staffing (Sch. 1, 20r)	Support TUPE process where transferring staff are employees of the Council including Academy conversions *Consultation with Trade Unions and coordinating facilities time	Hour	70	£	1,935
Compliance with duties under Health and Safety at Work Act (Sch. 1, 20s)	Duties of the employer require SBC to provide a framework for Health & Safety management through Policy, procedures, information, instruction and training, Risk management strategies and monitoring the implementation and effectiveness of the management system.	Day		£	7,464
Investigation and resolution of complaints relating to maintained schools (Sch. 1, 20t)	Liaise with Senior leaders in schools, governing bodies, parents, South West Ofsted, MP's and Council members to investigate and resolve complaints e.g. from parents or other parties, in partnership with relevant LA officers e.g. Human Resources, Education Commissioners, Safeguarding personnel, Governor Support	Day	21	£	7,590
Provision of information to or at the request of the Crown relating to schools (Sch. 1, 20w)	N/A				
School companies (Sch. 1, 20x)	N/A				
Functions under the Equality Act 2010 (Sch. 1, 20y)	Review of Impact Assessments and associated cabinet reports relating to school admissions and other school related reports. Advice to schools regarding Equality Act 2010 and it's practical implications within an educational environment.	Day	3	£	965
Establish and maintaining computer systems, including data storage (Sch. 1, 22)	Maintenance of Human Resources /payroll system (Itrent) to ensure accurate recording of all SBC staff	Hour	593	£	16,408
	Infrastructure/content management and maintenance of Schools Online. Schools online is £1,200 pa hosting of infrastructure and £400 pa of staff time	Annual	1	£	1,600
Appointment of governors and payment of governor expenses (Sch. 1, 26)	The school and Early Years Finance (England) Regulations 2015 - Sch. 1, 26 (This equates to Sch. 2, Part 7, 72 in 2017 regulations) Expenditure on the appointment of governors, the making of instruments of government, the payment of expenses to which governors are entitled and which are not payable from a maintained school's budget share, and the provision of information to governors. No payments are made to additionally appointed governors. The making of instruments of governance and administration of the appointment of LA governors is an administrative task undertaken by the Governor Service, this is currently covered by all school/academy subscriptions to the service. The provision of information to governors is provided only through subscription to the traded service to which all LA maintained schools currently subscribe.	Day	2	£	448
Appointment of governors and payment of governor expenses (Sch. 1, 26)	Interim Executive Board Membership (Abbey Park and St Luke's)	Day	24	£	8,674
Education Welfare					
Inspection of attendance registers (Sch1, 11)	Inspections of attendance registers: 3 hours average for an inspection. Audit of attendance registers, at the request of the Head of Education. St Luke's and Abbey Park Audits undertaken in 16/17	Hour	10	£	212
Asset management					

General landlord duties for all maintained schools (Sch. 1, 10a (section 542(2) Education Act 1996; School Premises Regulations 2012) to ensure that school buildings have: • appropriate facilities for pupils and staff (including medical and accommodation) • the ability to sustain appropriate loads • reasonable weather resistance • safe escape routes • appropriate acoustic levels • lighting, heating and ventilation which meets the required standards • adequate water supplies and drainage • playing fields of the appropriate standards	Capital and Condition programmes covers these, technical advice provided via other Council departments e.g. Design & Architecture and charged back to the appropriate scheme (capitalised costs)	Hour	547	£	22,985
General health and safety duty as an employer for employees and others who may be affected (Health and Safeetc.at Work etc. Act 1974).	Advisory service to Maintained Schools on general health and safety duties including Fire Safety, Educational Visits, Premises Management / compliance, occupational health and safety advice and guidance.	Day		£	9,391
Management of the risk from asbestos in community school buildings (Control of Asbestos Regulations 2012).					
Central support services					
Clothing grants (Sch. 1, 10e)	Nil return, Uniform grant was ended a number of years ago				
Provision of tuition in music, or on other music-related activities (Sch. 1, 15)	Nil return				
Visual, creative and performing arts (Sch. 1, 16)	Nil return				
Outdoor education centres (but not centres mainly for the provision of organised games, swimming or athletics) (Sch. 1, 17)	Nil return				
Premature retirement and redundancy					
Dismissal or premature retirement when costs cannot be charged to maintained schools (Sch. 1, 25)		Day	2	£	250
Dismissal or premature retirement when costs cannot be charged to maintained schools (Sch. 1, 25)	Teachers Pension Scheme invoices	Hour	5	£	126
Monitoring national curriculum assessment					
Monitoring of National Curriculum assessments (Sch. 1, 23)	All statutory duties managed by LA Assessment and Moderation Manager regarding Early Years Foundation Stage (EYFS), Year 1 phonics, KS1 moderation, KS2 SAT's administration and KS2 writing moderation, utilising expertise from 2 members of the LA Early Years team + practitioners in maintained primaries and academies. Academies are charged for some of these school visits if they have selected Swindon as their preferred moderation partner. (EYFS is 'free' to all and overall Statutory duty is funded through DSG and therefore EYFS is not charged here)	Day	108	£	39,033
Additional note					
Services set out in the table above will also include overheads relating to these services (regulation 8(11) already refers to this for schedule 2 services) for: <ul style="list-style-type: none"> Ensuring payments are made in respect of taxation, national insurance and superannuation contributions (sch. 1, 20e). Recruitment, training, continuing professional development, performance management and personnel management of staff (Sch. 1, 20k) Investigations of employees or potential employees, with or without remuneration (Sch. 1, 20l) Investigation and resolution of complaints (Sch. 1, 20t) Legal services related to education functions (Sch. 1, 20u) 					

Total Cost of delivering statutory service for maintained school pupils

£183,237