

## SCHOOLS FORUM 24 SEPTEMBER 2015

<b>Title of paper:</b>	De-delegation of funding for the Sportsafe gym maintenance service
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### **Summary**

There is limitation on Dedicated School Grant (DSG) funding being retained for central services, and Schools Forum has previously agreed to de-delegate funds for gym equipment maintenance through the Sportsafe gym equipment maintenance service.

Sportsafe UK Ltd are the Local Authority's (LA) approved supplier to inspect, repair and maintain sports and fitness equipment for maintained schools, so their equipment conforms to health and safety regulations. The LA pays for all inspection fees and any costs involved in maintaining the equipment to conform to health and safety regulations, while the individual schools pay for replacement equipment.

This report requests Sportsafe service funding to be delegated to schools in the first instance via the local funding formula but if maintained schools agree to de-delegate the funding the final delegated budgets exclude this amount and the funding is retained to provide the service centrally.

### **Recommendation(s):**

<b>1</b>	For maintained mainstream primary schools to approve the de-delegation of funding for the Sportsafe gym maintenance service for 2016/17 at a rate of £500 per school.  Total estimated funding requested to be de-delegated for maintained mainstream primary schools is £0.019m.
<b>2</b>	For maintained mainstream secondary schools to approve the de-delegation of funding for the Sportsafe gym maintenance service for 2016/17 at a rate of £500 per school.  Total estimated funding requested to be de-delegated for maintained mainstream secondary schools is £0.001m.
<b>3</b>	To note that a survey of Academy schools will be carried out to ascertain how they carry out their responsibilities around safe gym equipment.
<b>4</b>	

## **1. REASONS FOR RECOMMENDATIONS**

- 1.1 The proposal to run the service centrally ensures all advantages gained in this way are maintained. It allows the authority to meet its health and safety requirements and ensures a value for money approach to gym equipment maintenance is secured.
- 1.2 There will be an extra element built into the process this year that will attempt to review the contents of the maintenance check reports as they are submitted to the authority. Every effort will be taken to ensure that only vital work necessary to ensure health and safety requirements are met will be included.

## **2. BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)**

### **De-delegating the funding.**

- 2.1 As employer, it is the LA's responsibility to maintain the schools gym equipment to conform to health and safety regulations. The LA has adequate insurance in place to deal with liabilities due to faulty equipment.
- 2.2 The key benefit of de-delegation of funding is it provides a designated contact point between the authority and Sportsafe, to arrange maintenance checks and to rectify problems between school scheduling visits and Sportsafe commitments. It promotes efficiency of service, better accountability, improves query response times, prevents duplication of payments and ensures timeliness in invoice payments.
- 2.3 The LA liaise with the contractor on irregular items and challenge such costs, whilst questions are raised on the quotation schedules for replacement equipment items against the cost of repair to ensure value for money.
- 2.4 Necessary maintenance varies from year to year, so by de-delegation of the funding it is easier to financially manage the variable costs of the service. Historical funding levels have been enough to maintain equipment on an annual basis.

### **Delegate the funding to schools**

- 2.6 To decentralise the service out to schools would take away any element of advice that the LA may offer on gym equipment maintenance recommended charges. A further implication for schools would be the extra workload required of their administration staff having to co-ordinate the service.
- 2.7 If the funding is delegated to schools, the headteacher and board of governors could also be liable, as well as the LA, for claims due to faulty equipment so would have to ensure adequate insurance in place.
- 2.8 The funding would have to be delegated by dividing the amount of funding available by the number of maintained schools. This may leave some schools with too much funding and some schools with too little, due to the variable amounts each school spends on the maintenance costs of equipment.
- 2.9 It is unlikely that individual schools would be able to achieve prices as competitive as the LA receives through ESPO.

## **3. OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS**

- 3.1 The options considered above were to de-delegate or to delegate.

#### **4. OUTCOMES/DELIVERABLES**

- 4.1 Confirmation that Sportsafe UK Ltd conforms to ESPO prices.
- 4.2 The most cost effective prices have been determined for gym maintenance service supplier.

#### **5. FINANCE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY/VAT)**

- 5.1. Based on the latest Department for Education indicator data and known academy conversions the proposal would result in maintained mainstream primary schools de-delegating £0.019m and maintained mainstream secondary schools de-delegating £0.001m. Therefore, a total of £0.020m would be de-delegated.
- 5.2 For information the proposal would result in the delegation of an estimated £0.025m to academy schools. Therefore, the total amount to be delegated is £0.045m.
- 5.3 The funding delegated to academies will be passed through the local funding formula through the lump sum factor and then the total of the academies Individual Schools Budget Shares will be recouped by the Education Funding Agency.
- 5.4 These calculations are based upon a rate of £500 per school for both maintained schools and academies.
- 5.5 If maintained schools approve the de-delegation of funding for the maintenance of gym equipment in 2016/17 this would ensure that value for money is achieved through the most economic, efficient and effective means of procurement. How this will be achieved is outlined in paragraphs 2.2 to 2.4.
- 5.6 Should the de-delegation proposal be rejected the funding will be allocated directly to all schools for them to choose how to spend it, if this occurs the service may become unviable and therefore no longer available for maintained schools and academies to purchase.

#### **6. LEGAL AND PROCUREMENT COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)**

##### **Legal Implications**

The schools forum's powers here derive from the School and Early Years Finance (England) Regulations 2014 ("SEYFR"), made by the Secretary of State in exercise of powers under the School Standards and Framework Act 1998 and the Education Act 2002. The SEYFR came into force on 12 January 2015.

Chapter 2 of Part 2 of the SEYFR is entitled "Further Deductions and Variations to Limits Authorised by School Forums or the Secretary of State" and it contains

regulation 12 of the SEYFR. Under regulation 12 of the SEYFR, on the application of a local authority the schools forum may authorise the redetermination of schools' budget shares by removal of any of the expenditure referred to in Part 5 of Schedule 2 (Items That May Be Removed From Maintained Schools' Budget Shares) [of the SEYFR] from schools' budget shares where it is instead to be treated by the authority as if it were part of central expenditure, under regulation 11(4) (SEYFR, regulation 12(1)(d)).

Part 5 of Schedule 2 to the SEYFR contains paragraph 33, which states:-

Expenditure on insurance in respect of liability arising in connection with schools and school premises.

Part 5 of Schedule 2 to the SEYFR contains paragraph 36, which states:-

Expenditure on licence fees or subscriptions paid on behalf of schools.

Part 5 of Schedule 2 to the SEYFR contains paragraph 37, which states:-

Expenditure on the schools' specific contingency.

Therefore, provided what is proposed in this report fits within one or more of the categories above, Nottingham City Schools Forum has the power to approve the recommendations in this report by virtue of the above legislation. The schools forum's power should be exercised lawfully. Provided the amounts sought through use of this power have been correctly and lawfully calculated, the exercise of this power will be lawful. Furthermore, under regulation 8(9A) of the Schools Forums (England) Regulations 2012 (as amended), only the schools members of the schools forum who are representatives of mainstream local authority maintained primary schools may vote to decide whether or not to approve the recommendations in this report where they relate to mainstream local authority maintained primary schools, and under regulation 8(9B) of the Schools Forums (England) Regulations 2012 (as amended), only the schools members of the schools forum who are representatives of mainstream local authority maintained secondary schools may vote to decide whether or not to approve the recommendations in this report where they relate to mainstream local authority maintained secondary schools.

Since this report clearly seeks decisions on the proposals (even if the decisions would result in the continuation of a centrally provided service) and those decisions have financial implications, it is advisable that an Equality Impact Assessment is conducted on the proposals.

Lastly, it is advisable that legal advice is taken by the authority's officers about contracting with Sportsafe UK Limited if the recommendations in this report are approved.

## **7. HEAD OF EDUCATION PARTNERSHIPS**

- 7.1 All maintained schools require the recommended Sportsafe gym maintenance service to ensure they conform to health and safety regulations. The most efficient and economic way to deliver this service to schools currently is by de-delegating the DSG funding.

**8. HR ISSUES**

8.1 HR have reviewed this report and there are no people or HR implications to note.

**9. EQUALITY IMPACT ASSESSMENT**

Attached

**10. LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION**

**11. PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT**