



Schools Forum

Report title: Term Time Only

Date: 16th December 2021

Key decision: No.

Item number: 6

Outline and recommendations

Schools Forum to note the timeline for actions with respect to Term Time Only

Note that the formal agreement with Trade Unions are now agreed. 6 years 3 months is the period agreed, with pension support for each full year in the LGPS.

The next key focus is the physical payments to individuals:-

- *Lewisham as Payroll Provider*
- *Off Payroll*
- *Leavers /Staff with individual assessment – ad hoc*

Finance

- *Reimbursement advice to schools in January (Provisional) – with cash transfers in February for actuals - Schools forum to note.*
- *Holdback to support leavers and any individuals who require personal calculations – Schools forum to note.*
- *Prior year Growth Fund underspend - to reimburse schools with financial difficulties in June 2022/23 – in line with criteria agreed with Schools Forum as part of this report – Schools forum to note.*
- *Should any funding remain – this will be presented to Forum for deliberation.*

Timeline of engagement and decision-making

Appendix A shows the detailed timeline for actions

- Reimbursement advice to Schools in January (Provisional) – *with cash transfers in February for actuals - Schools forum to note.*
- Holdback to support leavers and any individuals who require – *Schools forum to note.*
- Prior year Growth Fund underspend - to reimburse schools with financial difficulties in June 2022/23 – *in line with criteria agreed with Schools Forum as part of this report – Schools forum to note.*
- Should any funding remain – *this will be presented to Forum for deliberation.*

Summary

- 1 The purpose of this report is to provide Schools Forum with an update regarding the Term Time Only settlement and to define the timelines for the next steps.

Background

- 2 Schools Forum will be aware of the engagement with Trade Unions towards a collective bargaining agreement. This paper sets out the next stages.
- 3 The report also sets out the criteria for consideration by Schools Forum, to support those schools facing particular hardship.

Update on Term Time Only Process

- 4 The collective bargaining agreement has now been reached and formalises the two elements:-
 - a. Back pay – Staff on Term time only contracts as at 31st March 2021, to be receive back pay to a maximum period of 6 years 3 months, dependant on their start date at Lewisham.
 - b. Pension compensation – Agreement of £50 for each full year in the LGPS prior to April 2014. Eligible member of staff will receive £50

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as compensation for each full year of LGPS membership.

- 5 With regards “Leavers” – agreement that any ex member of staff may lodge a claim. Ex – member of staff has until the end of February to lodge any claims. Due to the bespoke nature of this task, payments will be made on a case by case basis, where the school has supported the claim made.
- 6 The same applies to staff (by exception), who require individual calculations due to variations in their terms of employment before 31st March 2021.
- 7 The next stage of the process will be for each member of staff affected to attend a webinar arranged by ACAS and to formally sign the COT3 agreement. As soon as this is signed by the individual, payment can be made.
- 8 The process has been extensive and more complicated than previously anticipated, mainly as a consequence of the individual nature of the pension back-pay calculation.
- 9 It is planned that for schools on the council’s payroll, payment is likely to take place **from** January in the main, subject to the individual agreements signed by staff.
- 10 For Schools off payroll, work is commencing on the pension element, with each school’s data being reviewed and then pension information validated. Some have been completed and those schools can commence the process for payment once staff have signed their individual agreements. It is expected that all schools will receive an updated pension figure before Christmas and can commence payments over the January and February period.
- 11 The process described should capture the majority of the claims in the financial year 2021/22. However, some claims e.g leavers, due to their individual nature, may take longer.
- 12 It is anticipated that finance will undertake a “total cost versus funding” review in January and provide all schools with a “stage 1” assessment of liability v subsidy. Any subsidy owing will be made to schools in February (latest March).
- 13 As stated above, at this stage we do not know the numbers of leavers that will put a claim forward. At the time of writing approximately 180 individuals have contacted the Local Authority. For this reason, an estimate of potential liability and subsidy holdback will need to be made. A final position will therefore more likely be known in June/July 2022, following settlement of any claims from leavers.
- 14 Appendix A provides a summary timeline of action for

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- a. Lewisham Council
- b. Schools on Councils Payroll Services
- c. Schools off Councils Payroll
- d. Engagement with converter academy schools

Supporting Schools in Financial Difficulties

- 15 Schools forum at its meeting of the 10th June 2021, agreed that the underspend from 2021/22 with regards to growth funding of £397k, should be re-directed to support schools with TTO, in cases of extreme hardship.
- 16 It was further agreed that Officers would define a criteria for forum to approve, which could then be used to consider any business cases from schools.
- 17 Officers propose the following criteria for consideration by schools forum:-
- a. School is engaging in an active Deficit Recovery Plan with Finance Service. Clear commitment from the school towards setting a 3 year balanced budget position.
 - b. Deficit is greater than 10% of their delegated budget share.
 - c. Extra factor has contributed to the schools financial position e.g. falling numbers in more than 2 consecutive years (but not a consequence of bulge class completion).
 - d. Overall view of Lewisham, is that the funding would support the school towards longer term financial stability.
- 18 Following the closure of accounts process, Lewisham council will contact schools that may be eligible to submit a business case for consideration. The process would need to commence after closure of accounts to determine that a deficit balance is carried into 2022/23.
- 19 Schools forum is asked to consider and approve the criteria identified in section 17 of this report. The business case review will be undertaken by a panel of Local Authority staff as previously agreed with schools forum, including the lead officers for Finance, HR, Admissions and the Director of Education. A summary of the findings will be discussed with the Chair and Vice Chair to support transparency. It should be noted that all schools will benefit from the circa £3m previously discussed at Schools forum. This funding is to reflect on support of the “schools liability” element.

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Financial Implications

- 20** There are no direct financial implications arising from this report. The proposal to support schools in financial difficulties demonstrates the joint working relationship between Lewisham council and Schools forum to support all schools towards longer term financial stability.

Equalities Impact

- 21** There are no direct equalities implications arising from this report

Legal Implications

- 22** There are no direct legal implications arising from this report.

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