**SCHOOLS FORUM – 10th December 2019**

**SCHOOLS FUNDING FORMULA – CENTRALLY RETAINED AND DE-DELEGATED EXPENDITURE DECISIONS – 2020-21**

1. **PURPOSE**

Members will re-call that the DfE regulations require Schools Forum, as part of the funding formula submission, to vote on the proposed recommendations of the Local Authority in respect of a number of centrally retained expenditure and delegated expenditure decisions. The purpose of this paper is to provide information to enable those members eligible to vote and to assist in the voting process.

1. **BACKGROUND**

The introduction of the new Fairer Funding for Schools Reforms for the 2013-14 financial year required funding in respect of certain services to be delegated to schools in the first instant. An option is permitted for this funding to be returned (de-delegated) to Councils by the maintained schools (should the maintained reps vote to agree to this) for the services to be provided by the Council.

In addition, there are certain items of expenditure that the Council can retain centrally through a top slice of DSG however the Schools Forum as a whole must vote to approve this on a line by line basis. The expenditure on these generally must not exceed the original 2013-14 budget amounts, however the Schools Revenue Funding 2020 to 2021 Operational Guide states that with the approval of the Schools Forum amounts in respect of Admissions and the servicing of the Schools Forum could be increased. This is the continuation of an approval that was first granted as part of the 2018-19 formula funding.

The decision on both centrally retained expenditure and any de-delegated expenditure is an annual decision and that is the purpose of this report. For centrally retained expenditure then the whole Schools Forum must vote on a line by line basis. In respect of those services where expenditure can be de-delegated back to the Council, School Forum members who represent maintained schools are required to vote, again on a line by line basis whether they wish this de-delegation to take place. Whilst voting is by sector only one vote per line is now required as a result that there are now only maintained primary schools within the borough.

The changes introduced in 2017-18 in respect of the Education Services Grant (ESG) retained rate have been retained in 2020-21 and voting is required on these items.

1. **WHAT WE NEED TO VOTE ON**

A full list of the items of expenditure affected as detailed in the Operational Guidance is included in Appendix A for information.

The items that concern the Schools Forum at this time are as follows:

**Centrally retained expenditure**

|  |  |
| --- | --- |
| Admissions | £217,559 |
| Servicing of Schools Forum | £11,300 |
| Termination of employment costs (historic commitment) 20% reduction by ESFA on previous year | £347,200 |
| ESG Retained Rate  | £310,538 |

Schools Forum are advised that for 2020-21, as in 2019-20 the costs in respect of Admissions and the Servicing of the Schools Forum have not been increased.

**Items of Expenditure that can be de-delegated back to the Authority**

It should be noted that these amounts are best estimates based on the information known at this time. These require confirmation from the Education & Skills Funding Agency (ESFA) and will be further reduced if there are further in year academy conversions

|  |  |
| --- | --- |
| Schools in financial difficulties contingency/other | £44,103 |
| Free school meals eligibility  | £5,594 |
| Behaviour support services  | £32,220 |
| TU Facilities Time | £9,275 |

1. **THE VOTE**

**Centrally Retained Expenditure**

In respect of those expenditure items that the Council can retain centrally it proposes to do so. To do this it requires Schools Forum to approve such proposals on a line by line basis at the amount stated.

To assist with this process an explanation of what is involved in respect of each item of expenditure is detailed in Appendix B, and for those duties connected with the ESG in Appendix C.

Eligible Forum members are therefore asked to approve whether they support the central retention of funds for the following:

* **Admissions - £217,559**

And again whether they approve the central retention of funds for:

* **Servicing of Schools Forum - £11,300**

And again whether they approve the central retention of funds for:

* **Termination of Employment Costs - £347,200 (to part fund pre 1998 pension payments),**

And finally whether they approve the contribution to responsibilities that local authorities hold for all schools, that is the retained rate for the ESG can be centrally retained

* **ESG retained rate funding - £310,538**

Members are reminded that at the Schools Forum on 15th November 2018, they agreed that for the year 2019-20 they would no longer require a contingency to fund any growth and falling rolls requests. There are now no pre-existing commitments to be honoured. Members are asked to confirm this and note that again no such contingency will be available in 2020-21 and any new in year requests will be refused and any such growth or falling rolls will need to be met from within existing school budgets.

**No growth and falling rolls funds will be created within the financial year 2020-21 and any new in year requests will be refused and any such growth/ falling rolls will need to be met from within existing school budgets.**

**Expenditure which must be initially delegated but which can be de-delegated**

In respect of those items that are initially delegated to school budgets but which can be de-delegated back to the Council then the Council proposes that such de-delegation takes place. As such de-delegations would be from maintained schools only, academies receive this element of funding direct from the ESFA as part of their budget share then only Schools Forum maintained school reps can vote on this. Again voting has to be on a line by line basis.

Where the Local Authority has decided to recommend de-delegation then if members decide not to de-delegate the funding in respect of these activities then the funding for these activities would be built into their new funding and they will need to pay for any such service direct from their own budgets. If they do decide to de-delegate then funding for these services will be retained and provided centrally.

In respect of the Schools in financial difficulties contingency then were the decision to de-delegate not made and a school(s) got into financial difficulties then to balance the DSG the Council may need to seek any shortfall off the remaining maintained schools.

Eligible Forum members in respect of the primary sector are therefore asked to vote whether they wish to de-delegate the following item of expenditure:

* **Schools in financial difficulties/other contingency - £44,103**

And again whether the primary sector representatives wish to de-delegate the following item of expenditure:

* **Free school meals eligibility - £5,594**

And again whether the primary sector representatives wish to de-delegate the following item of expenditure:

* **Behaviour support services - £32,220**

And again whether the primary sector representatives wish to de-delegate the following item of expenditure:

* **TU facilities time- £9,275**

**Other matters**

Whilst this is not a voting matter Schools Forum are requested to note that the Council takes advantage of the scheme where the Secretary of State for Education purchases licences centrally on behalf of all schools (academy and maintained) in the borough and recharges this cost to the DSG allocation.

This cost amounts to approx. £112k. Licences covered under this arrangement include The Copyright Agency Licence, The School Printed Music Licence, The Newspaper Licensing Agency, The Public Video Screening Licence, The Motion Picture Licence, The Performing Right Society, The Phonographic Performance Licence, The Mechanical Copyright Protection and the Christian Copyright Licence. Further information is detailed at Appendix D.

**Recommendations**

It is recommended that:

* The voting decisions as detailed above are recorded and minuted

David Kirven

Strategic Lead Manager – Finance Business Partnering

10th December 2019

**Appendix A**

It is still permissible for services to be retained centrally with certain approval. Authorities will need to obtain School Forum approval to retain central funding for all of these services. The position is best demonstrated by reproducing an extract from the table from the ESFA Schools Revenue Funding 2019 to 2020 Operational Guide July 2018

| Centrally retained service | Approval required |
| --- | --- |
| * high needs block provision
* central licences negotiated by the Secretary of State
 | Schools forum approval is not required (although they should be consulted) |
| * funding to enable all schools to meet the infant class size requirement
* back pay for equal pay claims
* remission of boarding fees at maintained schools and academies
* places in independent schools for non-SEN pupils
* admissions
* servicing of schools forum
* contribution to responsibilities that local authorities hold for all schools
* contribution to responsibilities that local authorities hold for maintained schools (voted on by relevant maintained school members of the forum only)
* de-delegated services from the schools block (voted on by the relevant maintained school members of the forum only)
 | Schools forum approval is required on a line-by-line basis |
| * any movement of funding out of the schools block
* any deficit from the previous funding period that is being brought forward and is to be funded from the new financial year’s schools budget (this should be specifically agreed at the time the budget is set, using the latest estimated outturn position)
* any brought forward deficit on de-delegated services which is to be met by the overall schools budget
 | Schools forum approval is required |
| * capital expenditure funded from revenue
	+ projects must have been planned and decided on prior to April 2013; no new projects can be charged
	+ details of the remaining costs should be presented
* contribution to combined budgets
	+ where the schools forum agreed prior to April 2013 a contribution from the schools budget to services which would otherwise be funded from other sources
* existing termination of employment costs
	+ costs for specific individuals must have been approved prior to April 2013; no new redundancy costs can be charged
* prudential borrowing costs
	+ the commitment must have been approved prior to April 2013
	+ details of the remaining costs should be presented
* SEN transport where the schools forum agreed prior to April 2013 a contribution from the schools budget (this is now treated as part of the high needs block but still requires schools forum approval as a historic commitment)
 | Schools forum approval is required on a line-by-line basis.The budget cannot exceed the value agreed in the previous funding period, and no new commitments can be entered into. |
| * funding for significant pre-16 [pupil growth](#_Growth_Fund), including new schools set up to meet basic need, whether maintained or academy
* funding for good or outstanding schools with [falling rolls](#_Falling_rolls_fund) where growth in pupil numbers is expected within three years
 | Schools forum approval is required on a line-by-line basis, including approval of the criteria for allocating funds to schools |

**Appendix B**

**Description of Services**

**Centrally retained expenditure**

**Admissions**

Funding to be retained to enable the local authority to fulfil its statutory duties in respect of school admissions for both maintained schools and academies in line with the School Admissions Code and associated legislation. This includes:

General duties:

* + Determination of its duties in light of local circumstance and in accordance with guidance issued by the Department for Education and the Secretary of State.
	+ Promotion of Fair Access to educational opportunity for all children and young people.
	+ Formulation, consultation, determination and publication of:
* its own admission arrangements and associated coordinated schemes for each year for all maintained schools and academies within the area;
* the authority’s school term dates for those schools for which it is the admission authority; and
	+ Publication of the admission arrangements for all maintained schools and academies in the area.
	+ Offer advice and guidance on legislative requirements and policies and procedures in respect of all aspects of school admissions to those schools for which it is the admission authority.
	+ Provision of impartial and independent advice to parents/carers on school admissions and school admission appeals.
	+ Maintaining and updating the local authority’s catchment areas maps and lists.
* Keeping the local authority’s website up to date with all admission policies, relevant information, links to school/academy sites, DfE etc.

 Phased primary and secondary coordination for maintained schools and academies:

* Having an on-line application service available.
* Collect, administer, monitor, chase up and coordinate all applications ensuring that all applicants receive their highest available preference.
* Allocate and formally notify all applicants of the outcome of their application.
* Co-ordinate beyond the National and local offer dates to ensure available places are reallocated effectively.
* Inform all unsuccessful applicants of their right of an independent appeal.

Phased primary and secondary coordination for maintained schools:

* Identify, confirm and rank all preferences which are LAC, SEN, sibling, catchment, distance, belief etc in line with the published arrangements.

In year coordination for maintained schools and academies:

* Provide a Common Application Form for parents/carers to apply for all schools/academies in the area.
* Provide all parents/carers of the availability of school places at any one time within the local area.
* Have a Fair Access Protocol and appropriate processes in place.

In year coordination for maintained schools:

* Collect, administer, monitor, chase up and coordinate applications ensuring that all applicants receive their highest available preference
* Allocate and formally notify all applicants of the outcome of their application.
* Inform all unsuccessful applicants of their right of an independent appeal.

**Servicing of Schools Forum**

Funding to be retained in respect of meeting schools forum expenditure costs. In the past this funding has been used to meet not only Schools Forum costs but working party costs and the costs of one off projects / pieces of work.

**Termination of Employment Costs**

Funding to be retained to contribute to the pension costs of a number of pre 1998 retirees. The total spend on this area is £1.9M, the DSG contribution funds £0.4M.

**Delegated expenditure**

**Schools in financial difficulties contingency**

Funding retained to provide a contingency In respect of any maintained schools who experience temporary financial difficulties. This contingency protects the financial position of the maintained schools and should prevent calls on their budgets. If the decision to de-delegate is not made and a school(s) got into financial difficulties then to balance the DSG the Council would need to seek any shortfall off the remaining maintained schools.

**Other contingency**

Funding retained to meet other unexpected costs an example being a rates revaluation or utility invoice. Rates are pass ported through at the start of the year prior to the bills being finalised. Any change in the initially estimated figure is given to the school.

**Free school meals eligibility**

Funding covers the cost of Free School meals officer responsible for assessing eligibility for Free School Meals. Eligibility is based on receipt of certain qualifying benefits or having income less than a set amount. The officer works in conjunction with the Housing Benefits service, and information is collected once by the service in order to process both Free School Meals and Housing Benefits.

Following the introduction of universal free school meals for infant school children the service continues to collect information relating to children who would have received free meals, in order to calculate the pupil premium and ensure that the correct levels of funding are achieved.

If the decision to de-delegate is not made, schools will need to ensure that they have procedures in place for parents to apply for free school meals, collect evidence of income, assess entitlement, deal with changes in eligibility when the financial circumstances of the parent changes and reconcile the number of meals awarded.

Infant schools will need to ensure that they have procedures in place to identify children who would previously have qualified for free school meals as above.

**Behaviour support services**

The Behaviour Service provides a facilitation framework for the management of those children and young people who present with significant emotional, social and behavioural difficulties.  This includes the process of case management through the primary Behaviour and Attendance Collaborative (BAC) The Behaviour Service Manager chairs the weekly primary BAC and the referrals become the responsibility of the service’s Inclusion Officers who provide support and guidance for the completion of referral papers; this work is supported by the service’s Administrative Officer.  The BAC consider each case and where appropriate brokers an alternative school place or alternative provision, ensuring access to appropriate placements.  The range of options is from in-school support and advice through to placement, for the most complex cases, in the 2 local pupil referral units and / or a variety of alternative provision placements including 2 primary resource based provisions.  Also included is support for the process of exclusion.

**TU facilities time**

Funding to be retained to enable access to Council employed trade union representatives from UNISON and UNITE and local branch representatives from NASUWT and NUT to resolve employee relations and organisational change matters at an earlier stage thus minimizing cost and delays.  Local trade union representatives will be available to attend meetings with individuals and groups of staff at your school if the monies are de-delegated.  If schools were not to de-delegate the monies, the only trade union representatives would be regional officers who are not often available at short notice or at certain times of the day/week due to other commitments across many authority boundaries.  Therefore, this could add to the delay of resolving staffing matters which may have resultant costs for the school such as extended sickness, precautionary suspension, investigations and hearings.

**Appendix C**

**Description of Services**

**Education Services Grant**

Below is a copy of an extract from the Schools Revenue Funding 2019 to 20 – Operational Guide Para 160 which shows the split of services between the two groups of duties, retained duties for all schools and general duties for maintained schools.

From 2017-18, the general duties rate ended and funding previously allocated through the ESG retained duties rate (£15) was transferred into the schools block. Local authorities will be able to fund central services previously funded within the retained duties rate (for all schools), with the agreement of schools forum. They will be able to fund services previously funded within the general duties rate (for maintained schools only) from maintained school budgets shares with the agreement of maintained school members of the schools forum. The split of services between the two groups is shown below. References are to the schedules in the current schools and early years finance (England) regulations.

#### Statutory and regulatory duties

| Responsibilities held for all schools | Responsibilities held for maintained schools only |
| --- | --- |
| * Director of children’s services and personal staff for director (Sch 2, 15a)
* Planning for the education service as a whole (Sch 2, 15b)
* Revenue budget preparation, preparation of information on income and expenditure relating to education, and external audit relating to education (Sch 2, 22)
* Authorisation and monitoring of expenditure not met from schools’ budget shares (Sch 2, 15c)
* Formulation and review of local authority schools funding formula (Sch 2, 15d)
* Internal audit and other tasks related to the authority’s chief finance officer’s responsibilities under Section 151 of LGA 1972 except duties specifically related to maintained schools (Sch 2, 15e)
* Consultation costs relating to non-staffing issues (Sch 2, 19)
* Plans involving collaboration with other LA services or public or voluntary bodies (Sch 2, 15f)
* Standing Advisory Committees for Religious Education (SACREs) (Sch 2, 17)
* Provision of information to or at the request of the Crown other than relating specifically to maintained schools (Sch 2, 21)
 | * Functions of LA related to best value and provision of advice to governing bodies in procuring goods and services (Sch 2, 57)
* Budgeting and accounting functions relating to maintained schools (Sch 2, 74)
* Authorisation and monitoring of expenditure in respect of schools which do not have delegated budgets, and related financial administration (Sch 2, 58)
* Monitoring of compliance with requirements in relation to the scheme for financing schools and the provision of community facilities by governing bodies (Sch 2, 59)
* 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 2, 60)
* Functions made under Section 44 of the 2002 Act (Consistent Financial Reporting) (Sch 2, 61)
* Investigations of employees or potential employees, with or without remuneration to work at or for schools under the direct management of the headteacher or governing body (Sch 2, 62)
* 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 headteacher or governing body (Sch 2, 73)
* Retrospective membership of pension schemes where it would not be appropriate to expect a school to meet the cost (Sch 2, 76)
* HR duties, including: advice to schools on the management of staff, pay alterations, conditions of service and composition or organisation of staff (Sch 2, 64); determination of conditions of service for non-teaching staff (Sch 2, 65); appointment or dismissal of employee functions (Sch 2, 66)
* Consultation costs relating to staffing (Sch 2, 67)
* Compliance with duties under Health and Safety at Work Act (Sch 2, 68)
* Provision of information to or at the request of the Crown relating to schools (Sch 2, 69)
* School companies (Sch 2, 70)
* Functions under the Equality Act 2010 (Sch 2, 71)
* Establish and maintaining computer systems, including data storage (Sch 2, 72)
* Appointment of governors and payment of governor expenses (Sch 2, 73)
 |

Table 9a: Central services responsibilities held by local authorities (statutory and regulatory duties)

#### Education welfare

| Responsibilities held for all schools | Responsibilities held for maintained schools only |
| --- | --- |
| * Functions in relation to the exclusion of pupils from schools, excluding any provision of education to excluded pupils (Sch 2, 20)
* School attendance (Sch 2, 16)
* Responsibilities regarding the employment of children (Sch 2, 18)
 | * Inspection of attendance registers (Sch 2, 79)
 |

Table 9b: Central services responsibilities held by local authorities (education welfare)

#### Asset management

| Responsibilities held for all schools | Responsibilities held for maintained schools only |
| --- | --- |
| * Management of the LA’s capital programme including preparation and review of an asset management plan, and negotiation and management of private finance transactions (Sch 2, 14a)
* General landlord duties for all buildings owned by the local authority, including those leased to academies (Sch 2, 14b)
 | * General landlord duties for all maintained schools (Sch 2, 77a & b (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
* General health and safety duty as an employer for employees and others who may be affected (Health and Safety at Work etc. Act 1974)
* Management of the risk from asbestos in community school buildings (Control of Asbestos Regulations 2012)
 |

Table 9c: Central services responsibilities held by local authorities (asset management)

#### Central support services

| Responsibilities held for all schools | Responsibilities held for maintained schools only |
| --- | --- |
| * No functions
 | * Clothing grants (Sch 2, 53)
* Provision of tuition in music, or on other music-related activities (Sch 2, 54)
* Visual, creative and performing arts (Sch 2, 55)
* Outdoor education centres (but not centres mainly for the provision of organised games, swimming or athletics) (Sch 2, 56)
 |

Table 9d: Central services responsibilities held by local authorities (central support services)

#### Premature retirement and redundancy

| Responsibilities held for all schools | Responsibilities held for maintained schools only |
| --- | --- |
| * No functions
 | * Dismissal or premature retirement when costs cannot be charged to maintained schools (Sch 2, 78)
 |

Table 9e: Central services responsibilities held by local authorities (premature retirement and redundancy)

#### Monitoring national curriculum assessment

| Responsibilities held for all schools | Responsibilities held for maintained schools only |
| --- | --- |
| * No functions
 | * Monitoring of National Curriculum assessments (Sch 2, 75)
 |

Table 9f: Central services responsibilities held by local authorities (monitoring national curriculum assessment)

#### Therapies

| Responsibilities held for all schools | Responsibilities held for maintained schools only |
| --- | --- |
| * No functions
 | * This is now covered in the high needs section of the regulations and does not require schools forum approval
 |

Table 9g: Central services responsibilities held by local authorities (therapies)

#### Other ongoing duties

| Responsibilities held for all schools | Responsibilities held for maintained schools only |
| --- | --- |
| * Licences negotiated centrally by the Secretary of State for all publicly funded schools (Sch 2, 8); this does not require schools forum approval
* Admissions (Sch 2, 9)
* Places in independent schools for non-SEN pupils (Sch 2, 10)
* Remission of boarding fees at maintained schools and academies (Sch 2, 11)
* Servicing of schools forums (Sch 2, 12)
* Back-pay for equal pay claims (Sch 2, 13)
* Writing to parents of year 9 pupils about schools with an atypical age of admission, such as UTCs and studio schools, within a reasonable travelling distance [[1]](#footnote-1) (Sch 2, 23)
 | * No functions
 |

Table 9h: Central services responsibilities held by local authorities (other ongoing duties)

#### Historic commitments

| Responsibilities held for all schools | Responsibilities held for maintained schools only |
| --- | --- |
| * Capital expenditure funded from revenue (Sch 2, 1)
* Prudential borrowing costs (Sch 2, 2(a))
* Termination of employment costs (Sch 2, 2(b))
* Contribution to combined budgets (Sch 2, 2(c))
 | * No functions
 |

**Appendix D**

# Copyright Licencing

This fact sheet provides information for maintained schools, academies and local authorities on copyright licensing in schools. Since 2015-16 the Department has managed the copyright licences for all state maintained schools in England that cover:

* print and digital copyright content in books, journals and magazines (Copyright Licensing Agency; CLA);
* printed music (Schools Printed Music Licence; SPML);
* copyright content in newspapers and magazines (the Newspaper Licensing Agency media access (NLA) licence);
* recording and use of copies of radio and television programmes, including from a number of catch-up services (the Educational Recording Agency (ERA) licence);
* the showing of films (the Public Video Screening Licence (PVSL) and Motion Picture Licensing Company (MPLC) licences);
* payments for musical performances of covered work (Performing Right Society for Music (PRS);
* playing recorded music (Phonographic Performance Ltd. (PPL);
* rights to make CDs and DVDs containing copyright music (the Mechanical Copyright Protection Society (MCPS); and
* hymns and other Christian music (Christian Copyright Licensing International (CCLI).

Please see below for further information.

## Information for Schools

### What does this mean for schools?

The Department believes that by purchasing these licences schools will be covered for almost all their copyright requirements. There are other copyright licences that may be relevant in very specific cases and schools still need to ensure they are covered for any relevant activity. For these ten licences the Department will pay a single sum to each of the Copyright Management Organisations (CMOs) which will cover all primary and secondary schools in England, including academies; all special schools and Pupil Referral Units, and all LA maintained Nursery schools. Post-16 academies are not included as they are not technically ‘schools’ and will need to make separate arrangements, as will 6th form colleges. Independent fee paying schools are not licensed in the same way and may wish to seek advice direct from the contacts listed at the end of this briefing.

The licences covered by the central arrangements are:

1 **The Copyright Licensing Agency licence**. Thisgives you the right to:

* Photocopy books, magazines and journals published in the UK and 30 other countries giving your school access to a wide choice of published information
* Make digital copies by scanning or re-typing for distribution to pupils, parents, teachers or governors, from titles published in the UK and USA plus a growing number of other countries
* Make copies of content from digital material including CD ROMs, electronic workbooks, online journals and included websites
* Use copies with digital whiteboards, VLEs and presentation software programs
* Copy photographs, illustrations, charts or diagrams where they are included in an article or an extract

2 **The School Printed Music licence**. This covers the copying and distribution of a school’s sheet music to school members for curricular uses and for those extracurricular activities that are not Collective Worship.

The licence permits schools to legally make copies of sheet music by any of the following means:

1. Photocopying
2. Scanning
3. Score-writing software programs
4. Notation by hand
5. Posting on a school VLE

The licence also allows the adaption of the musical work so that it can be performed by any instrumental and vocal arrangements that your school wishes to use.

3 **The Newspaper Licensing Agency Schools licence**. This permits the copying of content from national, regional and local newspapers and certain news websites.

4 **The Educational Recording Agency licence**. This allows educational establishments to record radio and television broadcasts received in the UK and to access copies of such recordings on agreed terms. Teaching staff can also access and download material on a number of on demand catch-up services including BBC iPlayer, 4OD, Five On Demand and ITV Player. The recordings can then be retained, stored and copied for educational purposes at the licensed establishment. It also allows an educational establishment to enable students to access licensed recordings and clips from them when they are working off site and connected to the school’s site.

5 **The Public Video Screening licence**. This is issued by Filmbank Distributors Limited who represent all of the six major Hollywood studios in the education sector, (Warner Bros. Sony Pictures, Disney, 20th Century Fox, Universal, Paramount Pictures) and many other leading Hollywood, Bollywood and Independent film studios and distributors including MGM, Lionsgate, Miramax and Entertainment Film. The PVSL is required where schools screen films from studios participating in the PVSL scheme on their premises for entertainment purposes. Under the PVSL scheme schools are able to screen films on DVDs that have been purchased or borrowed from legitimate UK outlets during the term of the licence. The PVSL does not cover screenings for commercial or fundraising purposes, i.e. where a charge is made either directly or indirectly (e.g. selling tickets to screenings). In these circumstances please contact Filmbank directly via info@filmbank.co.uk who can provide you with a licence for this type of screening.

6 **The Motion Picture Licensing Company licence**. The MPLC licence is similar to the PVSL in that it allows for the non-educational screening of films on the premises of an educational establishment. MPLC represents represent over 400+ film and TV producers and distributors from major Hollywood studios to independent and foreign producers. Examples of the studios whose work is licensed by MPLC are National Geographic; the Discovery Channel; and the studios that own the rights to Bob the Builder and Angelina Ballerina. The MPLC licence does not cover: commercially advertising the film title outside of the school; making a charge to view the film ; using DVDs or downloads that are not a legal copy of the film or outdoor screenings. If a school does wish to commercially advertise and/or make a charge to view a film, then they should apply for a separate Single Screening MPLC Movie Licence. For further information please visit:  <http://www.themplc.co.uk/page/film-club-1>

7 **The Performing Right Society licence.** The PRS licence covers performances of copyright music (including any associated words) which is controlled by The Performing Right Society Limited (PRS for Music) or by any of the societies in other countries with which PRS for Music is affiliated.

8 **The Phonographic Performance licence.** The PPL licence is a collective licence authorising a school to play in public, or broadcast, all of its members' recorded music or music videos in the UK. Collective licences can also cover the copying of recorded music and music videos for certain purposes. Typical uses in a school would be: discos/end of term parties; telephone system music on hold; playing a record / radio / tape / CD / digital music player; school fetes (where music is being played) and Dance/Aerobics classes for students and staff only. The two licences are required by every school.

9 **The Mechanical Copyright Protection Society licence.** The MCPS ‘Limited manufacture’ licence covers the use of music in DVDs and CDs produced by the school and sold to parents, e.g. by the PTA, to raise funds for the school. The licence provides the right for all schools to make and sell up to 1,000 copies a year of DVDs or CDs containing music.

10 **The Christian Copyright Licensing International licence.** CCLI administers two licences. The Collective Worship Copyright Licence (CWCL) permits schools to type song words into a computer and store them for later use, e.g. to create a song words database for use with their song projection software; to create service sheets and hand-outs for pupils and staff; to create OHP acetates; and to audio/video record music from services for those unable to attend, or as a keepsake. The Collective Worship Music Reproduction Licence (CWMRL) is supplementary to the CWCL. It permits schools to photocopy the words and music of hymns and worship songs directly from music publications and also to make customised arrangements of music for pupils using transposing instruments (typically wind and brass instruments).

These licences are required either by all or by the vast majority of schools and there will be no way for schools to ‘opt out’ of the licences.

### Am I Covered for Images used on my Website?

Although the copyright licences offer a high degree of protection it remains the responsibility of the school, as the licence holder, to ensure that they are covered. This is particularly so in the case of images used on websites, where the school might find itself having to pay a fee if it has used an image not covered by a copyright licence. If a compliance service contacts you regarding breached copyright, you need to a) ensure the company is legitimately acting on behalf of the copyright owner and b) reach an agreement with them. This could be as simple as agreeing to remove the image or paying a reasonable amount for it, or both.

The best starting point is that no image is copyright free - this may include photos, drawings, graphical images, clipart, etc.. For images in popular software, or some image libraries (sometimes through payment of subscription) the software owner waives any copyright restrictions, otherwise you may be able to get written permission of the copyright owner.

The CLA have a tool to check whether you can copy from a particular publication under the terms of your CLA licence. This can be found at: <http://permissions.cla.co.uk/titlesearch.html>.

### Can I use YouTube under the ERA Licence?

Materials directly accessed from YouTube are not supported by the ERA Licence. The Terms and Conditions of YouTube refer to ‘personal use only’ and do not address the non-commercial educational use of ERA Repertoire that is permitted under the ERA Licence when sourced as otherwise permitted by the ERA Licence.

Users do need to look at the terms and conditions which YouTube apply to their services. The Terms are published on YouTube websites. An example can be found here: <https://www.youtube.com/t/terms>

If the short films that the school is interested in using have previously been shown on television and could have been recorded off-air at the time of transmission (since the ERA Licence launched in 1989)  it may be that an “ERA Recording” of the films can be accessed if the school can access one of the exchanges on which the recordings are stored and labelled as ERA Recordings for curricular use, using services such as ClickView.

For further information about this, please contact ERA direct at era@era.org.uk

### Who is the licensee?

The agreements between the DfE and the CMOs simply covers the administration of the licences. Each education establishment is a Licensee and as such responsible for ensuring that the terms and conditions of the licenses are adhered to by their staff.

### Where is my licence?

If you require a copy of your licence, please contact the individual copyright management organisations below.

## Information about what the licences cover

### What is the SPML and what content is covered?

<http://schools.cla.co.uk/your-cla-schools-licence/schools-printed-music-licence/>

### What is the CLA Licence and what content is covered?

<http://schools.cla.co.uk/your-cla-schools-licence/what-can-be-copied/>

### What is the NLA Licence and what content is covered?

<http://schools.cla.co.uk/about-your-licences/nla-schools-licence/nla-licence-documents/>

### What is the ERA Licence and what content is covered?

General information about the ERA Licence is at: [www.era.org.uk](http://www.era.org.uk)

### What is the PVSL and what content is covered?

For more information on the PVSL see [www.filmbank.co.uk/pvsleducation](http://www.filmbank.co.uk/pvsleducation)

For a list of studios participating in the PVSL scheme go to: <http://www.filmbank.co.uk/pvslstudios>

### What is the MPLC licence and what content is covered?

<http://www.themplc.co.uk/page/channel-overview-schools>

### What is the PRS licence and what content is covered?

<http://www.prsformusic.com/SiteCollectionDocuments/PPS%20Leaflets/Schools%20leaflet.pdf>

### What is the PPL licence and what content is covered?

<http://www.copyrightandschools.org/>

### What is the MCPS licence and what content is covered?

### <http://www.prsformusic.com/Pages/Rights.aspx>

### What is the CCLI licence and what content is covered?

<http://schools.ccli.co.uk/>

### Does the DfE cover all copyright licences for the sector?

The DfE has agreements with the above CMOs that cover their licences. Other licences may be required by your school for use of other content. More information can be found at: <http://www.copyrightandschools.org/>

## Contacts

Who should I contact?

* Terms and Conditions, rights and repertoire of the CLA, SPML or NLA Licence <http://schools.cla.co.uk/get-in-touch/contact-the-schools-team-at-cla/>
* Terms and Conditions, rights and repertoire of the ERA licence [www.era.org.uk](http://www.era.org.uk)
* Terms and Conditions, rights and repertoire of the PVSL [www.filmbank.co.uk/pvslterms](http://www.filmbank.co.uk/pvslterms).

For information on the PVSL, contact T: **01494 836 231** or email pvsl@cefm.co.uk. The licence terms and conditions for the PVSL can be found at: [http://www.filmbank.co.uk/images/80989/pvsl%20terms%20&%20conditions%20feb%202013.pdf](http://www.filmbank.co.uk/images/80989/pvsl%20terms%20%26%20conditions%20feb%202013.pdf). By screening films from copyright owners licensed under the PVSL scheme, each school, agrees to be bound by and comply with these terms and conditions.

* Terms and Conditions, rights and repertoire of the MPLC <http://www.themplc.co.uk/page/contact-the-mplc>
* Terms and Conditions of the PPL licence can be found at: <http://www.ppluk.com/I-Play-Music/Businesses/Why-do-I-need-a-licence/>
* Terms and Conditions of the PRS licence can be found at: <http://www.prsformusic.com/users/businessesandliveevents/generaltermsandconditions/Pages/default.aspx>
* Terms and Conditions of the MCPS Limited Manufacture licence can be found at: <http://www.prsformusic.com/SiteCollectionDocuments/LM%20TandC.pdf>
* Terms and Conditions of the CCLI licence can be found at: <http://schools.ccli.co.uk/pdfs/schools/terms/SchoolLicenceTermsUK.pdf>
* Independent fee paying school licensed through the Independent Association of Prep Schools can obtain advice at <https://www.iaps.org.uk/about/copyright-and-schools>
1. [↑](#footnote-ref-1)