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**DERBYSHIRE COUNTY COUNCIL
CABINET MEMBER FOR YOUNG PEOPLE**

8 December 2020

Report of the Executive Director for Children's Services

Suspension of Derbyshire Schools Swimming Programme

1. Purpose of the Report

To report to the Cabinet Member on the current situation and factors effecting the Schools Swimming Programme and to recommend to the council an extension of the current suspension until new COVID measures are confirmed with all stakeholders to ensure a robust and sustainable swimming programme.

2. Information and Analysis

Derbyshire County Council (DCC) currently coordinates school swimming for 270 primary schools in 21 locally operated swimming pools across the county. Whilst schools have a statutory duty to deliver swimming as part of the curriculum at key stage one or two, the co-ordinated county wide programme is a non-statutory service which is fully traded.

Swimming pools were closed by the government on 23rd March 2020 and are likely to remain so until late summer. Swim England released guidance on June 15th, 2020 which outlines measures for reopening facilities. It is clear from a review of these documents that if the current controls remain in place next term regarding social distancing, and sanitation of toilets and changing facilities, then it would not be possible to deliver the school swimming programme. Currently all 21 pools that are used have different changing facility configurations, some use family change, some group

change and others are shared with the public. All of these would require significant mitigation measures and risk assessments

to comply with social distancing rules and COVID related hygiene measures.

Swim England guidance and advice from County Transport currently suggests that pupil numbers would be reduced to at least half in order to accommodate children safely on buses, in changing rooms, and in the pool itself. Programming multiple schools 'back to back' as is usual procedure in normal operation would be virtually impossible due to changing and COVID related hygiene limitations.

Initially, November 2020 was considered as the earliest feasible date to restart as both schools and the swimming service will need at least 10 weeks to undertake both a full risk analysis of all 21 facilities and any consequent amendments to the programme. Whilst this will be kept under review to see if an earlier start can be made, it is currently not recommended as being either practical or financially viable due to the necessary safety measures that would need to be implemented, and the restrictions on numbers of pupils. A further potential issue is the indication from County Transport that the availability of transport providers may be limited. To mitigate this risk, discussion with all stakeholders to identify a start-up date would benefit the commissioning process and remove the need to pay for some elements of the programme, if it is not in operation, which has been the case this term.

It is therefore recommended that the new start date will be kept under review and that the current suspension of the school swimming programme is continued into the autumn term, which would allow for the programme to consider and plan with stakeholders the range of mitigation measures needed to provide a robust sustainable programme and to recommence as soon as it is prudent to do so.

Members should be aware that even with mitigation there will be ongoing operational and financial risks to the programme. Consultation with schools (see legal section) has indicated that a number of them are considering a suspension of their swimming programme to concentrate on the core curriculum. Though a clear start date and regular communication will help schools plan and may increase customer retention, reducing financial risk. Uncertainty with programming also exists within the supply of pool facilities. Due to the furlough scheme, the service has been unable to contact the majority swimming pool managers since the end of March. Consequently, there is a degree of uncertainty with regard to the availability of pools from January onwards, which presents an additional difficulty. To mitigate this, DCC contracts will need to be renewed or extended, with the necessary covid-19 related measures agreed.

3. Financial Considerations

The financial risk to the service of not trading for two terms is potentially significant. Lost income of £435,000 in the autumn term is shown on the table below, alongside the £91,000 of operational staff costs. To limit additional losses, the service will be able to avoid contracting for pools and transport as from the end of July 2020. These additional costs would add £340,000 to the overall deficit for the term and add to the current deficit from this term indicating a total of £580,000.

Comparison budget information (see table below) assumes that we will have zero income from schools for the period September-December 2020 and that we will not be charged for transport and facilities as previously mentioned. It does include costs associated with core service staffing and for relief swimming Instructors. It should be noted the estimated income for autumn period under normal circumstance would be approx. £435,000

Normal operations Sep-Dec 2020:

	Income	Expenditure	Balance
School Income	£435,000		£435,000
Core staffing costs		£56,000	£379,000
Swimming Instructors		£35,000	£344,000
Transport		£150,000	£194,000
Pool Hire		£190,000	£4,000
Totals	£435,000	£431,000	£4,000

Suspended Service Budget Sep- Dec 2020

	Income	Expenditure	Balance
School Income	£0		£0
Core staffing costs		£56,000	-£56,000
Swimming Instructors		£35,000	-£91,000
Transport		£0	
Pool Hire		£0	
Totals	£0	£91,000	-£91,000

4. Legal Considerations

An officer decision record (ODR) is currently in place. In making these recommendations, the service has ensured that as far as possible no group of young people is treated unfairly when compared to others in school settings and this decision will not cause significant unintended bias against any equality target group. The Swimming Service has undertaken an initial consultation process with schools. A sample of 30 Head teachers were contacted by telephone in mid-June to establish their thoughts and opinions on a delayed start and the potential for a reduction in pupil numbers as a result of transport and distancing measures. Schools unanimously supported a delayed start to the programme indicating that they would be unlikely to support a reduction in numbers (Primarily a cost issue) and highlighting most schools will be prioritising core subjects and curriculum catch up in the first term.

The service has also liaised with DCC schools transport section. It is clear that this aspect of the service will present an additional challenge both in terms of the sanitation of the vehicles between school pick-ups and availability of transport if schools are to receive multiple staggered home-school shuttles as the same transport is required for school swimming. The DfE guidance on reductions in vehicle pupil capacity is an additional challenge.

5. Human Resource Considerations

Swimming teachers are employed by DCC on a relief basis and contracted for the academic year's programme. They are typically employed between 2 and 16 hrs per week for the annual 30-week programme. Historically the workforce has been difficult to retain long term and difficult to recruit. The service has paid this workforce for contracted hours during the summer term and recommends that this continues to be the case during a suspended autumn term.

6. Other Considerations

In preparing this report the relevance of the following factors has been considered: human rights, equality of opportunity, health, environmental, transport, property, crime and disorder and social value considerations.

7. Key Decision

No

8. Executive Director's Recommendation

It is recommended that Cabinet Member for Young People receives the report and agrees for Derbyshire County Council to maintain the current suspension of the school swimming programme whilst the service meets with all stakeholders to agree the necessary COVID related measures and mitigation processes that need to be in place and following this process identifies and reports to Children's Services Senior Management Team on the earliest potential sustainable date to re-start the schools swimming provision.

**DERBYSHIRE COUNTY COUNCIL
OFFICER DECISION AND DECISION REVIEW RECORD**

Officer: Ian Price <i>*For emergency powers, this would be the Executive Director</i>		Service: Sports Outdoor & Residential Education
Delegated Power Being Exercised: <i>*The delegation detailed in the Constitution to the specified officer or emergency powers</i>		
Subject of Decision: (i.e. services affected)	Suspension of the School Swimming programme	
Is this a review of a decision? If so, what was the date of the original decision?	Approved by Cabinet 8 April 2020.	
Key decision? If so have Democratic Services been notified?	NO	
Decision Taken (specify precise details, including the period over which the decision will be in place and when it will be (further) reviewed):	The suspension of the school swimming programme in 2020. The suspension to be reviewed in the autumn term to examine the feasibility of re starting the programme at the earliest practical and sustainable programme date.	
Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy and anticipated impact of the decision) Where the decision is subject to statutory guidance please state how this has been taken into consideration.	<p>Current situation: DCC currently coordinates school swimming for 270 primary schools in 21 local authority and trust operated swimming pools across the county. This is a non-statutory service which is fully traded.</p> <p>Swimming pools were closed by the government on 23rd March 2020 and are likely to remain so until late summer. Swim England has released guidance (June 15th 2020) which outlines measures for reopening facilities. It is clear from these documents that if controls remain in place next term regarding social distancing, sanitation of toilets and changing facilities then school swimming would be impossible to deliver.</p> <p>All 21 pools that are used have different changing facility configurations, some use family change, some group change and others are shared with the public. All of these would require significant mitigation measures and risk assessments to comply with social distancing rules.</p> <p>Swim England guidance and county transport appraisal currently suggests that pupil numbers would be reduced to at least half in order to accommodate them safely on the transport, in changing rooms and in the pool itself.</p> <p>Programming multiple schools 'back to back' as is usual will be problematic due to changing and sanitation issues.</p> <p>A random sample of 30 Head teachers were contacted by telephone during the programming phase in mid-June to establish their thoughts on a delayed start and the potential for a reduction in pupil numbers. They unanimously</p>	

	<p>supported a delayed start to the programme indicating that they would be unlikely to support a reduction in numbers at the same cost and will likely be focusing on core subjects and curriculum catch up in the first term.</p> <p>School transport have also been consulted with and it is clear that this aspect of the service presents an additional challenge both in terms of the sanitation of the vehicles between school pick-ups, availability of transport if schools are to receive multiple staggered home/ school shuttles (the same transport used for swimming) and of course the reductions in travelling capacity.</p>
<p>Alternative Options Considered (if appropriate) and reasons for rejection of other options</p>	<p>Recommencement of the programme from November 2nd 2020 has been considered as an option. This is most probably not practical or financially viable due to the likelihood of continued reduction in numbers and the necessary safety measures to be implemented</p> <p>Both schools and the service will need a sufficient lead in timescale to service recommencement of at least 10 weeks to undertake the necessary re-programming exercise and a full risk analysis of all 21 facilities.</p>
<p>Has a risk assessment been conducted?- if so what are the potential adverse impacts identified and how will these be mitigated?</p>	<p>Risks associated with a programme re-start have been considered:-</p> <ul style="list-style-type: none"> • To mitigate for the significant loss of learning the swimming service is able to extend the programme for 3 additional weeks from January to July Several Head teachers have contacted the service directly to express a wish to reconsider their involvement in the programme next year to concentrate on the core curriculum. It is clear that regular communication and clear decision making on projected start up dates will help schools plan for next term and may help retain customers • County Transport has indicated that there is a risk that transport providers may not be available to commission due to loss of business, restructuring and rescheduling To mitigate this risk an early decision on start- up date would benefit the commissioning process and remove the need to pay for a service which has been commissioned and not delivered as has been the case this term. • Swimming teachers are employed by DCC on a relief basis and contracted for the academic year's programme. They are typically contracted between 2 and 16 hrs per week for the annual 30 week programme. Historically the workforce has been difficult to retain long term and difficult to recruit. The service has paid this workforce for contracted

	<p>hours during the summer term as per contract and recommends that this be the case next term.</p> <ul style="list-style-type: none"> • Facility providers have largely been uncontactable due to the furlough scheme since April. There is a risk that pools may be unwilling to honour booked slots for school swimming. To mitigate this risk the service will renew contractual arrangements with providers in conjunction with DCC contracts and legal team. • The financial risk to the service of not trading for 2 terms in is significant. Further losses of £435,000 income in the autumn term alongside £91,000 costs as indicated on the table below. To mitigate for additional losses we need to avoid contracting pools and transport unless we can commit to a definitive and realistic starting date. These additional costs would add £340,000 to our overall deficit for the term and add to our current deficit from this term to total £580,000
<p>Would the decision normally have been the subject of consultation with service users and the public? If so, explain why this is not practicable and the steps that have or will be taken to communicate the decision</p>	<p>YES. 30 schools have been consulted directly over the range of options open to us as outlined above. All 270 schools have subsequently received a short 'newsflash' communication which highlighted the current situation and advised that swimming would not recommence until later in the Autumn Term at the earliest. We have received approximately 80 short responses from Head teachers both verbally and by email universally praising our communication and decisive action. Most have all agreed that a November start would be sensible if achievable and that a January start would be most likely. They await a firm decision to allow for reprogramming of their curriculum. The service will need to also re-programme extensively over the Autumn term. Parents have not been consulted as the contract is with the schools who are expected to make a decision when they are presented with a concrete date for recommencement.</p>
<p>Has any adverse impact on groups with protected characteristics been identified and if so, how will these be mitigated?</p>	<p>In making these recommendations, the service has ensured that as far as possible no group of young people is treated unfairly when compared to other in school settings and this decision will not cause significant unintended bias against any equality target group.</p>
<p>Background/Reports/Information considered and attached (including Legal, HR, Financial,</p>	<p>Financial Impact: The following table assumes that we will have zero income from schools for the period September-December 2020 and</p>

Equality and other considerations as required))

that we will not be charged for transport and facilities. It does include costs associated with core staffing and swimming Instructors.

Projected income for this period £435,000

Normal operations Sep-Dec 2020:

	Income	Expenditure
School Income	£435,000	
Core staffing costs		£56,000
Swimming Instructors		£35,000
Transport		£150,000
Pool Hire		£190,000
Totals	£435,000	£431,000

Suspended service Sep- Dec 2020

	Income	Expenditure	Balance
School Income	£0		£0
Core staffing costs		£56,000	-£56,000
Swimming Instructors		£35,000	-£91,000
Totals			-£91,000

Consultation with relevant Cabinet Member (s) – please note this is obligatory.

Councillor Alex Dale

Approval of Chair of appropriate Improvement and Scrutiny Committee where call in is intended to be waived – please note this is obligatory in those circumstances

Decision: