

SCHOOLS FORUM - 7 DECEMBER 2017

Title of paper:	De-delegation of funding for EAL/Ethnic Minority Achievement (EMA) IDEAL service
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Summary

The EMA Team was historically funded through the Ethnic Minority Achievement Grant (EMAG) and, additionally, the Exceptional Circumstances Grant (ECG) for pupils with English as Additional Language (EAL). Following the mainstreaming of Standards Fund Grants into the Dedicated Schools Grant, these funding streams have ceased to be separately identifiable. Under the current school funding arrangements since April 2013, support for minority ethnic pupils that was previously funded centrally now forms part of the school formula. However, funding can be retained centrally on behalf of maintained schools if de-delegation is agreed.

At the November 2016 Schools' Forum, a report was submitted by Jane Daffé, Senior Achievement Consultant within the IDEAL (Identity, Diversity and EAL) team, Vulnerable Groups and the proposal to de-delegate the EMA team funding was agreed for the financial year 2017/18. This was to allow time for the service to further develop its traded work.

Over the last financial year the IDEAL brand has become further established and recognised with marketing of services to City schools and academies and beyond. We continue to widen our traded offer to external schools, Local Authorities and other organisations regionally and nationally. The take-up of this offer has again been positive over the last 12 months. Specialist services continue to be adapted and tailored to meet the changing needs and demands of our community and customers and income generation is ongoing; our Year 11 new arrivals provision in particular continues to have very positive outcomes and has attracted interest from the DfE and the University of Nottingham School of Education.

The importance of EAL work as an area of national priority is evident and the recently introduced EAL Proficiency Levels as part of the annual schools' census have also raised the profile. We continue to experience increasing numbers of newly arrived EAL and other ethnic minority pupils into Nottingham City schools. We have seen a steady increase in the proportion of ethnic minority pupils, up from 43% of the school population in 2011 to 53% in the most recent school population census. Within that, group, the percentage of EAL pupils has risen from 22% to 32%. Given this increased pressure on schools and the timeframe to enable the IDEAL service to create a secure traded position, it requires de-delegation of EMA funding for the financial year 2018/19 to continue to provide support for Nottingham City schools effectively. During this period, the IDEAL service will generate further traded income from a range of sources to allow its services to schools to remain competitive.

Recommendation(s):	
1	For maintained mainstream primary and secondary schools to approve the de-delegation of funding for EMA at a rate of £44.56 per EAL3-funded pupil for 2018/19 to ensure that the IDEAL team has sufficient time to create programmes and products for a more fully traded service to be established: (a) maintained mainstream primary schools - £0.097m (b) maintained mainstream secondary schools - £0.003m (based on October 2016 census and to be reviewed at Autumn census 2017)
2	If recommendation 1 is not approved maintained mainstream primary and secondary schools are requested to approve the de-delegation of a standardised lump sum at a rate of £3,218 per school for 2018/19 to ensure that the IDEAL team has sufficient time to create programmes and products for a more fully traded service to be established: (a) maintained mainstream primary schools - £0.097m (b) maintained mainstream secondary schools - £0.003m (based on October 2016 census and to be reviewed at Autumn census 2017)
3	If recommendations 1 or 2 are not approved, approval is sought from Schools Forum to fund any employment costs associated with the service being disbanded, this may include salary costs for April to June 2018 excluding the severance payments which will be paid for from the Corporate Redundancy budget, from the Statutory School Reserve, and note that once the costs in relation to the notice period and pay protection if the staff are redeployed are known this value will be incorporated into the Statutory School Reserve quarterly monitoring report.

1 REASONS FOR RECOMMENDATIONS

- 1.1 Since the last report was presented to Schools' Forum in November 2016, regarding the de-delegation of funding for EMA services, there has been continued progress towards the service becoming more fully traded. The IDEAL team has created additional tailored programmes, resources and products and has continued to create an extended customer base beyond the LA to help ensure that the service is maintained. If Schools' Forum approves either recommendations 1 or 2 to de-delegate EMA funding for the year 2018/19 this timeframe will support the service to achieve its target of becoming fully traded. **To note – the £44.56 figure represents 8% of the funding for each primary EAL-funded pupil (primary schools retain 92%) and 2% of the funding for each secondary EAL funded pupil (secondary schools retain 98%).**
- 1.2 If the Schools' Forum does not agree to de-delegate funds for a further year (2018/19) this will result in the IDEAL team becoming totally dependent upon income generation. This will result in some or all team members (of 2.6 consultants and the administrative assistant) being made redundant as income is currently insufficient to maintain all 4 posts. This would:
 - potentially result in the IDEAL service area no longer existing;
 - leave the LA vulnerable with no central provision to support schools to raise the achievement of EAL/ethnic minority pupils which is a growing percentage of the school population and a national priority as evidenced by the recent interest from the DfE into our work with asylum seekers and refugees;
 - leave no central resource to assist schools and the Fair Access Panel with the language and cognitive assessment of new arrivals with little or no English;
 - require Schools' Forum to undertake its own negotiations for the established Year 11 EAL new arrivals provision. It would also need to monitor the provision or arrange for individual secondary schools to organise their own provision independently;

- result in no Gypsy Roma and Traveller or Asylum Seeker/Refugee support as this service was absorbed into the IDEAL service area in 2009.
- 1.3 If de-delegation for 2018/19 is not agreed there would be a loss of local expertise and schools would have to manage all EMA/EAL requirements independently of LA support; there is no similar expertise available within the Local Authority. The IDEAL team has expertise that is recognised both nationally and internationally for example:

English as an Additional Language – Sharon Mitchell-Halliday is a licensed LILAC tutor (Language in Learning across the Curriculum – a professional development course to support the teaching of EAL learners and to develop literacy in mainstream classrooms

- a licenced Elklan tutor (a Speech and Language in Communication course)
 - British Council, EAL Nexus CPD Expert for the East of England– Sharon Mitchell-Halliday was identified as an EAL expert and worked with schools across the East for the EAL Nexus project. The intention of this project was to develop approaches, activities and materials to be disseminated to a wider audience;

New Arrivals – Jane Daffé leading on the successful Year 11 provision supporting the education of asylum seeker/refugees (including unaccompanied), Roma, Teenage Parents and other vulnerable groups

Syrian Resettlement Programme - Sharon Mitchell-Halliday leading on the development of this successful project with schools

Global and Anti-Racist Perspectives within the curriculum – GARP (co-author Jane Daffé, provision of resources and training nationally and internationally including the Council of Europe);

Black Achievement and Dual/Mixed Heritage Achievement initiatives (Jane Daffé, Nottingham City recognised best practice by the National Strategies).

Equalities legislation – (Jane Daffé, guidance and training for schools to ensure understanding and compliance with national requirements)

- 1.4 This expertise and local knowledge would be impossible to replace if the service was lost; provision in neighbouring authorities is very limited and the IDEAL team's reputation is very strong. The DfE is currently interested in our work with unaccompanied asylum seekers and hope to use our expertise to develop a model for other local authorities.
- 1.5 In the academic year 2016-17, the 2.6 consultants provided services to **48 City schools / academies**. This can be broken down as follows:
- **29** City schools/academies attended central training events
 - **18** maintained schools used their bespoke one-day free consultant support
 - **12** secondary schools/academies attended free EAL network meetings
 - **10** primary schools / academies attended free EAL network meetings
 - **4** secondary schools are participating in the 3-year Nottingham University MEITS project (multilingualism in schools)
 - **7** City schools/academies participated in the Young Black Achievers Event 2016
 - **140** EAL baseline assessments and reports were completed for the Fair Access process in order to inform an appropriate school placement

In addition, some of these activities were traded with a range of schools and other institutions beyond Nottingham City e.g. Nottinghamshire schools, other Virtual Schools, colleges. The above services covered a range of initiatives – EAL, Asylum Seekers/refugees, New Arrivals Excellence, Black Achievement, Racism – in the

form of staff CPD, in-class partnership work, pupil support, teaching resources and strategies.

The Annual Conference attracted delegates and participants from City schools as well as Nottingham University, Derby Virtual School, County schools, Central College, CAMHS and Nottingham and Notts Refugee Forum.

IDEAL consultants have also delivered additional training at events organised by others:

NQT CPD programme

Early Years CPD Programme

Teaching Assistant Conference

Bluecoat SCITT

Other significant contributions

Some of the other important pieces of work are harder to quantify but equally valuable for our relationships with children, families and schools:

IDEAL also managed the further development and mainstreaming of the successful **Year 11 international new arrivals provision** for City schools, as well as contributing significantly to teaching and learning, with very positive outcomes for that vulnerable cohort. We are working in collaboration with the University of Nottingham's School of Education on their international research into refugee education (with Sweden). This Year 11 work is currently under consideration with the DfE with a view to rolling out the model in other local authorities.

Syrian Resettlement Programme - Sharon Mitchell-Halliday has coordinated this work and ensured well-organised, timely and appropriate placements in schools for this vulnerable cohort, support and information for families, ongoing support and advice for receiving schools and regular progress checks.

MEITS – Longitudinal multilingualism research project with Nottingham and Cambridge Universities. Sharon Mitchell-Halliday has coordinated this work with participating City schools. Outcomes are intended to include a celebration of our linguistic diversity and skills in schools as well as sharing of best practice in the teaching of languages and EAL.

A strong and mutually beneficial relationship with **Nottingham and Notts Refugee Forum** has been formed; information is shared and regular collaboration is now established.

- 1.6 The most recent 2017 outcomes for City pupils demonstrate the effectiveness of our work with schools to meet the needs and ensure progress for EAL and ethnic minority learners, as follows:

These figures are taken from the NCER Emerging National and Local data summaries (August 2017)

KS1 attainment (% working at expected standards or above)

	Nottm			National		
	Reading	Writing	Maths	Reading	Writing	Maths
EAL pupils	66% -5	60% -6	70% -4	71%	66%	74%
English first language pupils	72% -5	64% -5	71% -5	77%	69%	76%

(fig in red shows gap with national for peer group)

	Nottm			National		
	Reading	Writing	Maths	Reading	Writing	Maths
White pupils	68 -8	60 -8	70 -5	76	68	75
Black pupils	75 -2	68 -3	71 -2	77	71	73
Asian pupils	73 -4	67 -4	73 -4	77	71	77
Mixed heritage	72 -6	65 -5	72 -4	78	70	76

KS2 attainment (Reading/Writing/Maths) - % with 100 or higher on scaled scores

	Nottm	National
EAL pupils	55% -2	57%
English first language pupils	58% -4	62%

	Nottm	National
White pupils	57 -4	61
Black pupils	57 -2	59
Asian pupils	60 -2	62
Mixed heritage pupils	60 -2	62

1.7 The data demonstrates that:

At KS1, the gap between EAL pupils and their English-speaking peers is similar to the gap nationally.

- The outcomes for EAL pupils in maths is almost the same as their peers.
- Black, Asian and Mixed heritage pupils outperform their White peers in all subjects.
- The gap with national is smaller for Black pupils and wider for White pupils

At KS2, the gap between EAL pupils and their English-speaking peers is smaller than the gap nationally.

- Outcomes for EAL pupils in Nottingham is only 2% below national for that group (4% gap for English first language pupils)
- The gap has narrowed from KS1 to KS2 for EAL pupils
- Outcomes for Asian and Mixed heritage pupils are higher than White or Black pupils
- The gap to national is wider for White pupils
- The gap has narrowed from KS1 to KS2 for all ethnic groups

(We await latest 2017 performance data at KS4 analysed by language and ethnicity).

- 1.8 It is proposed that representatives of maintained primary and maintained secondary schools separately agree to approve the de-delegated funding based on one of the two options outlined below:

Option1

£44.56 per EAL-funded pupil (based on the revised 3 year new entrant EAL indicator) for the financial year 2018/19. If de-delegation is approved the offer to maintained schools would vary according to their level of contribution (see paragraph 1.9)

Or

Option 2

£3,218 per school (based on the revised 3 year new entrant EAL indicator) for the financial year 2018/19. If de-delegation is approved the core offer to all maintained schools would be the same for each school (see paragraph 1.9)

- 1.9 The IDEAL team has been responsive to emerging local needs and continues to offer core support to Nottingham City schools at no cost as agreed at Schools' Forum in November 2016 following the agreement to de-delegate. If de-delegation were to be approved in 2018/19, we propose to amend the core offer as outlined below:

If **Option 1** were to be approved, in order to better reflect the differing levels of financial contribution made by individual schools based on the per EAL pupil factor, the core offer would be:

All maintained primary and secondary schools have an entitlement to:-

- a named consultant for bespoke advice;
- free access to phase-based termly EAL network meetings to share good practice with other school staff;
- 1 day consultant support in school (could include staff training, partnership teaching, audit, planning and data analysis etc).

In addition, those schools contributing **more than £1,100** would have an entitlement to further free support and CPD (four distinct groups have been identified, reflective of the level of contribution) as detailed in Appendices 1 and 2.

If **Option 2** were to be approved, to address the issue of some schools contributing significant funding and still having high numbers of EAL pupils not funded through the EAL factor due to their school population profile, there would be a standardised lump sum contribution per school; the core offer would therefore be the same for all schools:

All maintained primary and secondary schools have an entitlement to:-

- a named consultant for bespoke advice;
- free access to phase-based EAL network meetings to share good practice with other school staff;
- 1 day consultant support in school (could include staff training, partnership teaching, audit, planning and data analysis etc) **plus**
- 2 free places at the annual IDEAL conference
- 1 free place at **all 9 annual central CPD sessions**

Both options outlined above provide an increase to the previous core offer; the market value of the services offered reflect the financial contribution of the schools.

1.10 Without further de-delegation, schools would have to make provision for underachieving ethnic minority and EAL pupils independently and fund all necessary activities; schools would have to either train their own staff or seek external providers to support them with the specific skills required to effectively teach these groups of pupils; they would have to monitor statutory developments independently to ensure they were meeting legal requirements and translate them for the school context and would need to create their own, or source independently, resources which celebrate the diversity of children in City schools.

1.11 As a City Council there is a focus on newly arrived and emerging communities across the City and the services that are required to support their integration into local communities. It would be a regressive step to ensure that families and individuals arriving in the City are supported to find school places alongside other services but have no central services available to schools to support the specific needs, language acquisition and attainment of these pupils.

1.12 **Future developments**

De-delegation for 2018/19 will also provide the IDEAL team with additional time to further develop their traded services.

We are currently planning an exciting new initiative for City schools – the Advanced practitioners in EAL CPD programme, a year-long accredited programme aimed at experienced teachers and teaching assistants working in this field; we aim to further develop the school-to-school support by expanding the network of “experts” across the City.

Plans are underway to improve the Fair Access process for primary children (EAL new arrivals) with a dedicated EAL specialist providing a consistent service from assessment to report to high-quality time-limited in-school support for this cohort.

2 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

2.1 The IDEAL team has absorbed the provision made by other services that were removed in previous City Council reorganisations. This includes the Traveller Education Services and Asylum Seeker Support Team. The team has for over 6 years had 3 consultant vacancies that have not been filled which has meant that the team size and capacity to deliver support to schools has been halved, but the cost of de-delegation is equally reduced to cover team costs in the current structure.

Salary costs of the service have been reduced to £0.191m (from £0.198m in 2016/17).

- 2.2 Historically, the team has provided:
- an immediate response to requests for information and support for ethnic minority or EAL pupils;
 - training for specialist teachers and other school staff in the areas of ethnic minorities, EAL, Gypsy, Roma and Traveller, Black Achievement, Equality and Diversity;
 - support in the assessment of the attainment levels and support requirements of new arrivals with little or no English;
 - support in the analysis of data of minority ethnic groups;
 - resources to assist with the teaching of pupils new to English, those acquiring higher level English skills and themed approaches for example Black History Month, Global and Anti-Racist Perspectives;
 - training for governors in school responsibilities for vulnerable groups of pupils and Equalities;
 - City network meetings with a focus on EAL
- 2.3 For many years the LA retained an element of EMAG funding which enabled the EMA central team of consultants to provide a variety of resources and peer training to school staff free of charge. Peer training activities included joint lesson planning and teaching, role modelling, strategic planning and delivery support for EMAG teachers, staff meetings and phase specific network meetings. Whilst schools have been able to use their EMAG allocation for in-school provision there was previously no charge for central support which, in some cases, amounted to several days of consultant time.
- 2.4 If the service does not generate enough income to sustain itself it is appreciated that staffing will have to be reduced or completely removed from the City Council structure.

3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 3.1 If de-delegation is not agreed under either option, all maintained schools will retain the £44.56 per EAL3 pupil via the funding formula. However, schools will then have to manage all EMA requirements independently.

4 OUTCOMES/DELIVERABLES

- 4.1 The outcomes for vulnerable EM groups are measured annually through end of Key Stage and GCSE records. These are analysed by Analysis and Insight as well as the IDEAL team and trends are identified. Central CPD provision and packages of support are adapted in light of these findings.
- 4.2 The progress and attainment within individual schools of EM groups are analysed with LA and school staff to identify vulnerable groups, promote best practice and provision and determine support to be offered to the school.
- 4.3 Ofsted inspections will report on the progress of groups within schools. The team will monitor these reports and identify LA trends which will be addressed in future

central CPD provision and individual programmes created for schools identified with underachieving groups.

5 FINANCE COLLEAGUE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY/VAT)

- 5.1 As per “The national funding formula for schools and high needs Policy document – September 2017” for the next two financial years (2018/19 and 2019/20) local authorities will continue to set their local funding formula to distribute their schools block funding, in consultation with schools and their School Forum. However, local authorities will be funded based on the new national funding formula. Included within this “soft approach” is the ability for local authorities to be able to still request approval from maintained primary and secondary school representatives on Schools Forum for de-delegated services.
- 5.2 Any decisions made to de-delegate in 2017 to 2018 related to that year only; new decisions will be required for any service to be de-delegated in 2018 to 2019 and 2019 to 2020 before the start of each financial year.
- 5.3 Based on the latest available DfE indicator data and known academy conversions, the proposals highlighted in Options 1 and 2 would result in maintained mainstream primary schools de-delegating £0.097m and maintained secondary schools £0.003m. Therefore, an estimated £0.100m would be available to cover the existing cost of the EMA service.
- 5.4 If only the primary phase approve de-delegation, the team is still viable but a funding shortfall would need to be made up by either increasing traded services income or achieving staffing savings.
- 5.5 If the proposals outlined in recommendations 1 or 2 are not approved, as outlined in section 7.1, there would be significant workforce implications. If members of the team were to be made redundant the redundancy costs would be met from the Corporate Redundancy budget. However, the salaries of the team may still need to be paid for the month of April to June 2018 (worst case scenario) plus any pay protection costs for a year should the staff find alternative employment via the redeployment register. At present this value cannot be quantified. If approved, these costs would be funded from the Statutory School Reserve quarterly monitoring report once it is known.

Recommendation 3 is being made to Schools Forum as the EMA Team are funded from the Dedicated Schools Grant and there are no other sources of funding to cover these costs.

- 5.6 Noted below is a breakdown of the projected income and expenditure for the Ethnic Minority Achievement Team in 2018/19.

The total estimated cost of the Ethnic Minority Achievement Team in 2018/19 is £0.211m.

EMA Income and expenditure projection 2018/19		
Income		
De-delegated funding	-£0.100m	
Traded income	-£0.111m	
Total forecast income		
		-£0.211m
Less expenditure		
Projected pay costs	£0.191m	
Projected non-pay costs	£0.020m	
Total forecast expenditure		£0.211m
Variance		0

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

6.1 Legal Implications

6.1.1 The schools forum's powers here derive from the School and Early Years Finance (England) Regulations 2017 ("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 16 February 2017.

6.1.2 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 6 (Items That May Be Removed From Maintained Schools' Budget Shares – Primary Schools and Secondary Schools) of Schedule 2 [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(5) (SEYFR, regulation 12(1)(d)). Part 6 of Schedule 2 of the SEYFR contains paragraph 50, which states:-

Expenditure for the purposes of—

- (a) improving the performance of under-performing pupils from minority ethnic groups; or
- (b) meeting the specific needs of bilingual pupils.

6.1.3 Therefore, 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.

- 6.1.4 Lastly, it is advisable that legal advice is taken by the authority's officers about the trading by the IDEAL service referred to in this report.

Jon Ludford-Thomas
Senior Solicitor
Legal Services

7 HR COLLEAGUE COMMENTS

- 7.1 In the event that Schools Forum does not support/agree the continuation of funding arrangements as outlined in this report there would be significant workforce implications that would need to be detailed in separate Chief Officer and DMT reports. Management will also need to be aware of potential costs in any exit arrangements such as redundancy compensation as this will need to be budgeted for.

Should the proposal be rejected then it would result in a disestablishment of the team. This will mean that the process to be instigated would need to be in line with the NCC guidance and national legislation. Management would need to ensure a plan is in place with appropriate timelines to undertake genuine and meaningful consultation with both Trade Unions and affected individuals. Individuals would need to be given appropriate contractual notice to terminate their contracts on grounds of redundancy which will vary depending on their length of service.

Post holders may also have access to the Redeployment Register and any costs relating to time on the register, potential work trials and pay protection must be picked up by the exporting department. If individuals are not redeployed into alternative roles prior to the termination of their contracts, their maybe redundancy costs and in addition there may also be pension strain costs if the affected individuals are between the age of 55 and 60.

Leanne Sharp/Joanne Zylinski
Service Redesign Consultants
11-Oct-2017

8 EQUALITY IMPACT ASSESSMENT

- 8.1 Has the equality impact of the proposals in this report been assessed?

No

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An EIA is not required because:

(Please explain why an EIA is not necessary)

Yes

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Attached as Appendix 1, and due regard will be given to any implications identified in it.

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

9.1 None

10 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

10.1 Analysis and Insight August 2017 – NCER Emerging Data Summaries

10.2 Financial report – EAL funding analysis per school/academy