



NOTTINGHAM CITY COUNCIL
SCHOOLS FORUM

Date: Thursday, 24 September 2015

Time: 1.45 pm

Place: Ground Floor Committee Room - Loxley House, Station Street, Nottingham,
NG2 3NG

Members are requested to attend the above meeting to transact the following business

Acting Corporate Director for Resources

Governance Officer/Clerk to the Forum: Phil Wye, Constitutional Services **Direct Dial:**
0115 8764637

AGENDA

Pages

- | | | |
|----------|--|---------|
| 1 | APOLOGIES FOR ABSENCE | |
| 2 | CHANGE TO MEMBERSHIP
To note that Tracy Rees has been appointed as secondary academy representative | |
| 3 | DECLARATIONS OF INTERESTS | |
| 4 | MINUTES OF THE LAST MEETING
Last meeting held on 18 June 2015 (for confirmation) | 5 - 10 |
| 5 | WORK PROGRAMME | 11 - 12 |
| 6 | DE-DELEGATION PROPOSALS | |
| a | De-delegation of funding for Trade Union time off for senior representatives
Report of the Strategic Director of Organisational Transformation and the Strategic Director of Finance | 13 - 20 |
| b | De-delegation of 2016/17 Health and Safety Building Maintenance | 21 - 28 |

Report of the Corporate Director for Children and Adults

- c De-delegation of funding for the Sportsafe gym maintenance service** 29 - 36
Report of the Corporate Director for Children and Adults
- d De-delegation of funding for the Behaviour Support Team (BST)** 37 - 50
Report of the Directors of Education and the Corporate Director for Children and Adults
- e De-delegation of funding for Ethnic Minority Achievement (EMA)** 51 - 66
- 7 EDUCATION CATERING SERVICE PRESENTATION**
Presentation by Lee Kimberley, Head of Trading Operations and
Jacquie Blake, School Traded Services Manager
- 8 UPDATE ON 2015/16 ALTERNATIVE PROVISION ARRANGEMENTS AND COSTS** 67 - 80
Report of the Directors of Education
- 9 EXCLUSION OF THE PUBLIC**
To consider excluding the public from the meeting during consideration of the remaining item(s) in accordance with section 104a(4) of the Local Government Act 1972 on the basis that, having regard to all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- 10 FUNDING TO SUPPORT AN EXPANDING SCHOOL** 81 - 94
Report of the Corporate Director for Children and Adults
- 11 DATES OF FUTURE MEETINGS**
2015: 5 November, 10 December
2016: 21 January, 25 February, 21 April, 16 June

IF YOU NEED ANY ADVICE ON DECLARING AN INTEREST IN ANY ITEM ON THE AGENDA, PLEASE CONTACT THE GOVERNANCE OFFICER/CLERK TO THE FORUM SHOWN ABOVE, IF POSSIBLE BEFORE THE DAY OF THE MEETING

CITIZENS ATTENDING MEETINGS ARE ASKED TO ARRIVE AT LEAST 15 MINUTES BEFORE THE START OF THE MEETING TO BE ISSUED WITH VISITOR BADGES

CITIZENS ARE ADVISED THAT THIS MEETING MAY BE RECORDED BY MEMBERS OF THE PUBLIC. ANY RECORDING OR REPORTING ON THIS MEETING SHOULD TAKE PLACE IN ACCORDANCE WITH THE COUNCIL'S POLICY ON RECORDING AND REPORTING ON PUBLIC MEETINGS, WHICH IS AVAILABLE AT

WWW.NOTTINGHAMCITY.GOV.UK. INDIVIDUALS INTENDING TO RECORD THE MEETING ARE ASKED TO NOTIFY THE GOVERNANCE OFFICER/CLERK TO THE FORUM SHOWN ABOVE IN ADVANCE.

This page is intentionally left blank

NOTTINGHAM CITY COUNCIL

SCHOOLS FORUM

**MINUTES of the meeting held at Loxley House, Nottingham on 18 June 2015
from 13.50 - 15.15**

Membership

Present

Bev Angell
Susi Artis
Mark Precious (Chair)
Caroline Caille
Sally Coulton
Carole Fearria
Terry Smith
Paul Halcro
Sian Hampton (Vice Chair)
Andy Jenkins
Chris Manze
Richard Matthews
Janet Molyneux
James Strawbridge
Tracey Ydlibi

Absent

Carol Barker
Gary Holmes
Judith Kemplay
Wendy Vincent

Substitutes

Charlotte Malik (for Carol Barker)

Colleagues, partners and others in attendance:

Alistair Conquer	- Head of Education Partnerships
Julia Holmes	- Finance Analyst, Children and Adults
Lucy Juby	- Project Manager, School Organisation
Jonny Kirk	- Head of Access to Learning
Dave Rowe	- Fernwood School
Kathryn Stevenson	- Finance Analyst, Children and Adults
Ceri Walters	- Finance Business Partner, Children and Adults
Sarah White	- Project Manager, Major Programmes
Phil Wye	- Governance Officer

48 APOLOGIES FOR ABSENCE

Carol Barker (sent substitute)
Gary Holmes
Judith Kemplay
Councillor Sam Webster

49 DECLARATIONS OF INTEREST

None

50 MINUTES OF THE LAST MEETING

The Forum confirmed the minutes of the meeting held on 23 April 2015 as a correct record and these were signed by the chair.

51 SCHOOL ORGANISATION UPDATES

a PUPIL GROWTH CONTINGENCY FUND (Agenda Item 4a)

Lucy Juby, Project Manager, School Organisation, gave a verbal update on the Pupil Growth Contingency Fund, highlighting the following points:

(a) the remaining fund currently stands at £37,534;

(b) there are three changes since April:

- Middleton Primary has been added as it has taken a bulge year;
- Bluecoat Primary's fund has been increased due to adjustments;
- Heathfield Primary has been added to fund its new nursery;

(c) the criteria of the fund may be changed next year.

b PUPIL PROJECTIONS AND EXPANSION PROGRAMMES (Agenda Item 4b)

Jonny Kirk, Service Manager, Access to Learning gave a verbal update on pupil projections and future expansion plans in Nottingham City, highlighting the following:

(a) there has been a recent influx of families to the Wollaton area, putting pressure on the schools there. Nottingham City Council is consulting on the permanent expansion of Fernwood and Middleton primary schools;

(b) expansion of secondary schools will be needed across the city due to increasing pupil numbers, however this will not impact until the 2017/18 academic year at the earliest;

(c) on National Offer Day this year, 85% of parents received an offer of their first school preference and all parents were given the offer of a school (including 235 mandatory offers). However there has been an increase in the number of applicants of 138 compared to last year;

(d) the School Admissions team is under increasing pressure, as it is a difficult task to offer all parents the school they would like. However, they now have 8 languages spoken within the team, and 3 people dedicated to reception visits from parents;

The following responses were given in answer to questions from the Forum:

(e) some parents will not send their child to school unless they are offered a place at their preferred school, however the School Admissions team now has a dedicated person dealing with children without a school place, and there will be a week of action with the Education Welfare service to combat non-school attendance,

including possible prosecution;

- (f) there is pressure on school places in all areas of the city, however some parents have been refused a place in their catchment area school, such as Haydn Primary school. However, there were always other schools within a reasonable distance with places available;
- (g) the Access to Learning service tries to work with developers of new housing and the planning committee in areas where the pressure for school places is high, such as Wollaton;
- (h) siblings from one family being split between one or more schools is a common problem. Some other local authorities have consulted on removing the priority for siblings who do not live in the catchment area but this is currently not an idea that Nottingham City is pursuing. There may also be a review of school catchment areas for popular schools, but this can be complex and have a knock-on effect on neighbouring schools.

52 ALLOCATION OF ICT FUNDING TO SCHOOL EXPANSION PROJECTS

Sarah White, Project Manager, Major Programmes introduced the report of the Project Manager, Major Programmes requesting the approval to reallocate funding for Building Schools for the Future (BSF) Wave 5 schemes to cover ICT costs for expanding schools within the city. Sarah highlighted the following:

- (a) the funding for ICT provision within the Wave 5 BSF programme is no longer needed. As a result of budget pressures and the urgent requirement for primary school places, the level of funding for ICT infrastructure in school expansions has reduced;
- (b) expanding schools require £50 per pupil for hardware such as wireless access points, laptops or laptop trolleys. New-build schools, such as Heathfield Primary's new campus, require a higher level of funding at £115 per pupil for infrastructure such as servers, telephony kit and ICT hardware;

The following responses were given in answer to questions from the Forum:

- (c) the new-build school sites will be funded for a full complement of pupils, even though these schools may not initially be full as they are building up from the lower year groups. This is because it is better value for money to procure everything together;
- (d) the Schools IT team will be able to help schools and academies to procure the best value for money contracts.

RESOLVED to

- (1) approve the reallocation of £0.245m of the £0.275m BSF ICT funding to each of the following expanding schools (one abstention):**

School	Number of increased pupils	Total allocation
Heathfield Primary	472	£77,880
Bluecoat Primary	450	£74,250
Nottingham Academy	420	£69,300
Mellers Primary	210	£10,500
South Wilford Primary	90	£4,500
Fernwood Nursery	52	£2,600
Roslyn Primary	120	£6,000
TOTAL	1814	£245,030

- (2) approve a contingency of £0.030m to be set aside to fund any future school expansion schemes where ICT might be required and delegate responsibility for allocating the contingency to the Major Programmes team.**

53 FREE SCHOOL MEALS UPDATE

Kathryn Stevenson, Finance Analyst, Children and Families presented the report of the Corporate Director for Children and Adults giving an overview of the current processes in place to ensure Nottingham's schools are maximising their Pupil Premium funding even if those pupils are entitled to Universal Infant Free School Meals (UIFSM). The following points were highlighted:

- (a) there has been a reduction in the number of parents registering for Free School Meals (FSM) as pupils are now entitled to UIFSM. This has had the knock-on effect of a reduction in the number of children eligible for the Pupil Premium;
- (b) a new Universal Primary Pupil Benefits registration form has been created, which was publicised in SCENE and discussed at meetings of the School/Academy Business Managers in April/May 2015;
- (c) schools have been encouraged to pass the form to all parents, and then filter out those parents who are not eligible for the Pupil Premium. The form also covers School Clothing Allowance;
- (d) the Forum will receive an update later in the academic year giving an update to demonstrate if there has been an improvement.

RESOLVED to

- (1) note the impact that pupils not registering for Free School Meals (FSM) could have on the allocation of funding to schools;**
- (2) note the actions undertaken to ensure the process of identifying pupils eligible for Pupil Premium funding;**
- (3) note how the reduced number of pupils registering for FSM impacted on the budget setting process.**

54 2014/15 DEDICATED SCHOOLS GRANT - OUTTURN REPORT

Ceri Walters, Finance Business Partner, Children and Adults, introduced her report detailing the Statutory Schools Reserve (SSR) and Schools Reserve balances for 2015/16 and the commitments aligned to the SSR which will enable future funding decisions presented to the Forum.

The following responses were given in response to questions from the Forum:

- (a) the high underspend on 2 year old provision as take-up of funded places has been lower than predicted. It is unknown whether the Education Funding Agency (EFA) will claw this money back but even if it does there is still enough in the reserve to cover current commitments;
- (b) it is unknown whether the 2 year old provision underspend can be used for Capital programmes;
- (c) number 10 on the reserves commitments, Nottingham City Secondary Education Partnership Capital Expenditure, is still ongoing. This money is reserved for the PRU should it relocate to a new site.

RESOLVED to:

- (1) note that the 2014/15 financial outturn position of the DSG was an underspend of £5.815m and the reasons for the underspend as follows:**

2 Year old provision	£3.220m
BSF slippage	£0.740m
Pupil growth slippage	£0.099m
Children and Families Act contingency	£0.558m
Cross border top ups	£0.386m
TOTAL MATERIAL UNDERSPEND	£5.003m

- (2) note that this underspend has been allocated back to the SSR resulting in a closing balance of £15.698m as follows:**

Opening Balance as at 1 April 2014	£12.781m
Less: 2014/15 Commitments	(£2.898m)
Add: 2014/15 Underspends	£5.815m
Closing Balance as at 31 March 2015	£15.698m

- (3) note that, based on current commitments which includes the ring-fenced funding for 2 year olds, the SSR balance by 31 March 2017 should be £5.660m;**

(4) agree on the principle of the Local Authority exploring how the SSR balance, aligning to Early Years, may be utilised for specific schemes;

(5) request a report or presentation from the Early Years team around take up of 2 year old nursery places.

55 WORK PROGRAMME

The work programme for the next meeting of the Forum was noted, with the addition of any de-delegation reports that will be required.

56 MEETING DATES FOR THE 2015-16 ACADEMIC YEAR

The future meeting dates were not agreed, and further discussion will need to take place to ensure that meetings are suitable for Schools Forum members but also meet the requirements for financial deadlines. A list of the future meeting dates will be circulated to members prior to the next meeting.

SCHOOLS FORUM WORK PROGRAMME

Title of report	Report or presentation	Author – name, title, telephone number, email address
<u>5 November 2015</u>		
1. Revision of the Fair Funding Scheme	Report	Ceri Walters, Finance Business Partner, Children and Adults Tel: 0115 8764128 Email: ceri.walters@nottinghamcity.gov.uk
2. Update on the pupil growth contingency fund	Verbal Update	Lucy Juby, Project Manager, School Organisation Tel: 0115 8765041 Email: lucy.juby@nottinghamcity.gov.uk
<u>10 December 2015</u>		
3. Pupil Growth Contingency requirements for 2016/17	Report	Ceri Walters, Finance Business Partner, Children and Adults Tel: 0115 8764128 Email: ceri.walters@nottinghamcity.gov.uk
4. Update on the pupil growth contingency fund	Verbal Update	Lucy Juby, Project Manager, School Organisation Tel: 0115 8765041 Email: lucy.juby@nottinghamcity.gov.uk

Page 1

Deadlines for submission of reports

Date of meeting	Draft reports (10.00 am)	Final reports (10.00 am)
5 November 2015	15 October	26 October
10 December 2015	19 November	30 November
21 January 2016	30 December	11 January
25 February 2016	4 February	15 February
21 April 2016	31 March	11 April
16 June 2016	25 May	6 June

This page is intentionally left blank

SCHOOLS FORUM - 24 September 2015

Title of paper:	De-delegation of funding for Trade Union time off for senior representatives
Director(s)/ Corporate Director(s):	Angela Probert, Strategic Director of Organisational Transformation Geoff Walker, Strategic Director of Finance
Report author(s) and contact details:	Della Sewell, Employee Relations Manager Tel: 0115 876 3575 Email: della.sewell@nottinghamcity.gov.uk
Other colleagues who have provided input:	Julia Holmes – Finance Analyst, Children and Adults Tel: 01158763733 Email: julia.holmes@nottinghamcity.gov.uk Jon Ludford-Thomas – Senior Solicitor Tel: 01158764398 Email: jon.ludford-thomas@nottinghamcity.gov.uk

Summary
The purpose of this report is to outline the proposed funding arrangements for trade union (TU) facility time for senior trade union representatives from schools to attend negotiation and consultation meetings and to represent their members in schools in 2016/17.

Recommendation(s):	
1	For maintained mainstream primary schools to approve the de-delegation of funding for senior trade union representatives a rate of £1.52 per pupil and a lump sum of £1,586.86 per school. Total estimated funding requested to be de-delegated for maintained mainstream primary schools is £0.079m.
2	For maintained mainstream secondary schools to approve the de-delegation of funding for senior trade union representatives a rate of £1.52 per pupil and a lump sum of £1,586.86 per school. Total estimated funding requested to be de-delegated for maintained mainstream secondary schools is £0.004m.
3	To note this proposal is based on the assumption of academy buybacks continuing as set out in 5.2.

1. REASONS FOR RECOMMENDATIONS

- 1.1 Under the school funding arrangements staff supply cover costs must form part of the school formula. However, funding can be retained centrally on behalf of maintained mainstream primary and secondary schools if de-delegation is approved.
- 1.2 The decision made by Schools Forum to de-delegate in 2015/16 related to that year only, so a new approval is required for this service to be de-delegated in 2016/17. Schools Forum members of maintained mainstream primary and secondary schools

for each phase must decide separately whether this service should be provided for centrally and the decision will apply to all maintained schools in that phase. Funding for this service will then be removed from the formula before the school budgets are issued.

- 1.3 Schools Forum agreed in October 2013 that Academies could be approached to ascertain whether they would like to be part of the Local Authority's (LA) arrangements in relation to the funding of senior trade union representatives. Currently, thirteen primary and nine secondary academies have agreed to contribute to this arrangement.
- 1.4 In 2016/17 the cost of providing this service will increase, this is due to the following factors:
 - Schools that have academised since the last years approval was given to de-delegate that have decided to make their own arrangements;
 - Prior to the financial year 2016/17 the National Association of Schoolmasters Union of Women Teachers (NASUWT) did not take up their full entitlement. However, in 2016/17 they will be taking up their full entitlement;
 - Due to the amalgamation of Fernwood Infants and Junior to become a primary school there is one less maintained school.
- 1.5 As a result of this increase in cost it is necessary to increase the funding allocated per pupil and the lump sum per school to enable the full reimbursement of schools with senior trade union representatives. This will ensure that they are not penalised by having trade union representatives employed by their schools.

2. BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

- 2.1 Time off for workplace representatives is currently funded by the schools in which they work, but there is central funding for senior TU representatives from the main unions that represent teachers and support staff in schools namely:

NUT
NASUWT
ATL
NAHT
UNISON
GMB
UNITE

These senior representatives meet with officers of the LA to participate in the schools collective bargaining machinery; negotiating and engaging in consultation on terms and conditions of service and HR policies and procedures. If this funding were not available, senior TU representatives would be asking for time off to attend meetings with the Council and this would have to be funded by the school in which they work as there is an entitlement under the Trade Union and Labour Relations (Consolidation) Act 1992 (TULR(C)A) for reasonable time off for trade union officials to represent their members.

- 2.2 Academies are in a similar position; some of their employees are senior TU reps and are asking for release to represent employees in maintained schools and other

academies. The current funding method means that academies will be reimbursed for time spent away from school on TU duties.

- 2.3 There are benefits and economies of scale for maintained schools and academies from contributing to the LA's arrangements for trade union consultation. They do not have to duplicate effort when negotiating policies and procedures such as the recent Teachers Pay Policy. Schools can then use such policies, if they buy back HR services in the knowledge that the senior trade union representatives have been consulted and any issues resolved. Senior TU representatives are also more experienced in policies and procedures, when representing their members, which can be helpful.
- 2.4 Schools that do not contribute to the TU costs will have to have their own arrangements for negotiating and consulting trade unions on terms and conditions of service and will have to release TU representatives from their own school to undertake collective bargaining and represent their employees.

3. OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 3.1 If this is not supported the budget will be delegated and schools will have to make their own arrangements for negotiating and consulting with the trade unions on changes to HR policies and procedures which will lead to duplication of effort and inconsistencies across schools.
- 3.2 TU reps have a legal right to time off to participate in the collective bargaining arrangements of their employer and to represent their members. If the de-delegations were not agreed individual schools would have to bear the cost of the time off for the senior TU reps nominated by their union to participate in these discussions.

4. OUTCOMES/DELIVERABLES

- 4.1 The money requested is based on actual salary of those employees who have time off therefore those schools including academies who have senior TU representatives with time off will receive the actual cost of the absence of that employee. The amount of time off per union is based on the per capita membership per union based on the actual cost of the TU reps salary.

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

- 5.1 Based on the latest Department for Education indicator data and known academy conversions the proposal would result in maintained mainstream primary schools de-delegating £0.079m and maintained mainstream secondary schools de-delegating £0.004m. Therefore, a total of £0.083m would be de-delegated.
- 5.2 . This proposal assumes that the academies that bought back into the service in 2015/16 continue to do so in 2016/17, plus the new academies that have agreed to buy back into the service, this would generate additional income of £0.054m.
- 5.3 For information the proposal would result in the delegation of an estimated £0.115m to academy schools. Therefore, the total amount to be delegated is £0.198m.

- 5.4 The funding delegated to academies will be passed through the local funding formula through the basic entitlement factor and the lump sum and then the total of the academies Individual Schools Budget Shares is recouped by the Education Funding Agency.
- 5.5 These calculations are based upon a rate of £1.52 per pupil and £1,586.86 per school for both maintained schools and academies.
- 5.6 This proposal is based on the proportion between the rate per pupil and lump sum remaining the same, with 70% of the costs being delegated/de-delegated on per school basis and 30% on pupil numbers. This split has been used for the last three financial years.
- 5.7 This methodology supports the aim of achieving greater value for money as the costs are spread over a greater number of schools and if more academies buy back into the service each year the cost would reduce even further that is assuming the staffing costs do not increase.

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

Legal Implications

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

Chapter 2 of Part 2 of the SEYFR is entitled "Further Deductions and Variations to Limits Authorised by School Forums or the Secretary of State" and it contains regulation 12 of the SEYFR. Under regulation 12 of the SEYFR, on the application of a local authority the schools forum may authorise the redetermination of schools' budget shares by removal of any of the expenditure referred to in Part 5 of Schedule 2 (Items That May Be Removed From Maintained Schools' Budget Shares) [of the SEYFR] from schools' budget shares where it is instead to be treated by the authority as if it were part of central expenditure, under regulation 11(4) (SEYFR, regulation 12(1)(d)). Part 5 of Schedule 2 of the SEYFR contains paragraph 30, which states, amongst other things:-

Expenditure on making payment to, or in providing a temporary replacement for, any person –

- (a) carrying out trade union duties or undergoing training under sections 168 and 168A of the Trade Union and Labour Relations (Consolidation) Act 1992;
- (b) taking part in trade union activities under section 170 of the Trade Union and Labour Relations (Consolidation) Act 1992;

Therefore, provided the proposals fall within the above legislation, Nottingham City Schools Forum has the power to approve the recommendations in this report. This 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.

Moreover, it should be noted that any decision taken by the Schools Forum here does not obviate an employer's requirement to consult with staff via their trade union representatives. As employers of their own staff, Academies (and the governing bodies of voluntary aided schools) will still have substantive legal obligations to consult, even if their proposals align with those of Nottingham City Council in relation to the authority's own staff in maintained schools.

Jon Ludford-Thomas
Senior Solicitor
Legal Services

7. HR ISSUES

The relevant HR issues are included in the above report. The trade unions are supportive of this approach and have commented as follows:

Good employment relations are key to minimising costs. To achieve this, both schools and trade unions need effective and positive support for members and employers that can remain locally based. If schools/academies choose not to de-delegate funding then costs will almost certainly exceed the amounts as recommended in this report. We believe the proposed formula to be affordable based on the current funding provided centrally. The investment is worth making to secure peace of mind regarding providing the time and resources outlined in statute so that the unions are able to represent members both individually and collectively in negotiations and consultation meetings with schools/academies. For those of you who require further information regarding Facility Time, the TUC produced a report "The Facts about Facility Time for Union Reps" (2011) which is very informative and helpful (see link) <http://www.tuc.org.uk/tucfiles/108/TheFactsAboutFacilityTime.pdf>

There is broad agreement across the teaching unions (NUT/NAHT/ASCL/NASUWT) that de-delegation should be supported and that they have jointly contacted schools and academies to express this view.

The existing 'pot' set up by the LA for academies to pay into has been supported by a number of academies who recognise the value of the expertise provided by TU officials via effective JCNC mechanisms.

The stated ambition for City schools to be less atomised is supported by having organisations that 'join them up' and the TU's represent just such a body.

8. EQUALITY IMPACT ASSESSMENT

An Equality Impact Assessment is completed and is attached
Due regard should be given to the equality implications identified in the EIA.

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

None

10. PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

- 10.1 Schools Forum report 16 October 2014: De-delegation of funding for Trade Union time off for senior representatives

Equality Impact Assessment**Funding of time off for senior trade union representatives in schools**

This is a desk-based Equality Impact Assessment (EIA) screening of the funding arrangements for Senior Trade Union representatives in maintained schools and Academies.

Information used to analyse the effects on equality

The decision to extend the arrangements will impact on all trade union members in a consistent manner. Data regarding trade union membership in schools and academies is not available so could not be used for this EIA. Indications are that 75% of schools based employees are in a trade union.

	Could particularly benefit (X)	May adversely impact (X)	How different groups could be affected: Summary of impacts	Details of actions to reduce negative or increase positive impact (or why action not possible)
People from different ethnic groups	<input type="checkbox"/>	<input type="checkbox"/>	In undertaking this EIA there is no indication that this scheme will adversely impact on any of the protected groups. In fact it may impact on protected groups positively as the trade union representatives concerned are all experienced.	Not applicable
Men, women (including maternity/pregnancy impact), transgender people	<input type="checkbox"/>	<input type="checkbox"/>		
Disabled people or carers	<input type="checkbox"/>	<input type="checkbox"/>		
People from different faith groups	<input type="checkbox"/>	<input type="checkbox"/>		
Lesbian, gay or bisexual people	<input type="checkbox"/>	<input type="checkbox"/>		
Older or younger people	<input type="checkbox"/>	<input type="checkbox"/>		

Other (e.g. marriage/civil partnership, looked after children, cohesion/good relations, vulnerable children/adults)	Not applicable		
Outcome(s) of equality impact assessment: No major change needed <input checked="" type="checkbox"/> Adjust the policy/proposal <input type="checkbox"/> Adverse impact but continue <input type="checkbox"/> Stop and remove the policy/proposal <input type="checkbox"/>			
Arrangements for future monitoring of equality impact of this proposal / policy / service: A further EIA will be completed should any further decision to amend the arrangements for the funding arrangements in schools be proposed.			
Approved by: Della Sewell, Employee Relations Manager 20 July 2015		Date sent to equality team for publishing:	

This page is intentionally left blank

SCHOOLS FORUM – 24th September 2015

Title of paper:	De-delegation of 2016/17 Health and Safety Building Maintenance funding
Director(s)/ Corporate Director(s):	Alison Michalska, Corporate Director for Children and Adults
Report author(s) and contact details:	David Thompson, Schools H&S Manager, Children and Adults Tel: (0115) 87 64608 e-mail: davidm.thompson@nottinghamcity.gov.uk
Other colleagues who have provided input:	Andy Fletcher, Team Leader, Property Safety & Compliance Julia Holmes, Finance Analyst, Strategic Finance - Children and Adults
Summary	
<p>The purpose of this report is to update Schools Forum on the statutory and legislative responsibilities of the Local Authority (LA) in relation to health and safety maintenance and testing of maintained school properties and how the funding requested to be de delegated is used to support this.</p> <p>This report seeks approval from Schools Forum to de-delegate the funding for schools health and safety building maintenance for maintained primary and secondary schools in 2016/17.</p>	
Recommendation(s):	
1	To note the statutory and legislative responsibilities of the LA in relation to Health and Safety Building Maintenance of maintained primary and secondary schools and the type of costs that the requested funding will be used to fund, detailed in paragraph 1.4.
2	For maintained mainstream primary schools to approve the de-delegation of the Health and Safety Building Maintenance funding in 2016/17 based on a rate of £13.92 per pupil. Total estimated funding requested to be de-delegated for mainstream maintained primary schools is £0.176m.
3	For maintained mainstream secondary schools to approve the de-delegation of the Health and Safety Building Maintenance funding in 2016/17 based on a rate of £13.92 per pupil. Total estimated funding requested to be de-delegated for mainstream maintained secondary schools is £0.018m.

1. REASONS FOR RECOMMENDATIONS

1.1 The overall responsibility for health and safety lies with the employer. The Health and Safety Executive state that in England the Local Authority is the employer in community schools.

The Health and Safety at Work Etc. Act 1974 and subsequent legislation places a general duty on employers to ensure so far as is reasonably practicable the health, safety and welfare at work of all of their employees and non-employees.

- 1.2 To meet the statutory responsibilities the Property Safety and Compliance Team at the LA ensure that the Statutory and Legislative maintenance and testing regimes are undertaken within Nottingham City Council's portfolio of properties, which includes schools, and ensure that all property health and safety issues are identified and addressed on known assets.
- 1.3 Approval of the de-delegation of Health and Safety Building Maintenance is required for maintained mainstream school sites to enable the LA to deliver its statutory obligation regarding the Health and Safety of these sites.
- 1.4 The funding requested to be de-delegated in this report in 2016/17 is to be used to fund the tests and inspections in maintained primary and secondary schools. These tests and inspections include:
- Air Conditioning Units
 - Asbestos surveys
 - Automatic doors and gates
 - Boilers
 - Electrical circuit testing
 - Emergency lighting
 - Fire alarms
 - Heat pumps
 - Legionella risk assessments
 - Lifts
 - Lightning protection
 - Pressure sets
 - Stage lighting
- 1.5 Any remedial works that are required due to schools failing any tests or inspections will be organised and paid for from the Dedicated Schools Grant against the Capital expenditure from revenue funding held centrally within the Schools Block.
- 1.6 Advantages of Property Safety and Compliance organising the inspections and tests will be:
- The contracts will meet current statutory and best practice
 - The contracts are arranged without any sourcing, tendering and other associated administration required by the school
 - The contracts will deliver best value through the Local Authority's framework agreement
 - All costs are met centrally and peaks and troughs in expenditure would be managed through the health and safety building maintenance reserve enabling for better budget forecasting.
- 1.7 Approvals for de-delegations are annual regardless of the statutory nature.

2. BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

- 2.1 In order to achieve a competent level of functionality the LA will consider the relevant legislation and documentation, which may include:
- Statutory legislation and regulation

- Industry regulation
- Approved Codes of Practice
- Guidance documentation
- Equipment manufacturer’s instructions and recommendations
- Best practice

2.2 A policy has been produced by the Property Safety and Compliance Team “Statutory Testing & Inspection of Fixed Installations in Nottingham City Council Properties – Policy statement & Testing Procedures (October 2013 v 1.2b)”. This document confirms Nottingham City Council’s responsibilities and intentions as Corporate Landlord in relation to tests and inspections carried out in Nottingham City properties, in line with corporate policies. The aim of the document is to give support and advice and ensure clarifications of property related health and safety responsibilities are understood. This document can be found in the [Schools Safety Manual](#).

The Property Safety and Compliance Team have put in place a timetable for tests and inspections, which reflect a combination of statutory guidance and appropriate practice. The LA uses contractors to carry out the tests and inspections that are on its framework of contractors, these include internal and external contractors.

- 2.3 Note that the funding does not include the Property Safety and Compliance Team’s advisory service on such remedial matters- this service is available via an Education Services Nottingham contract.
- 2.4 The timetable for tests and inspections, undertaken in-house or by contractors, range from daily to up to every five years dependent on the particular test or inspection.
- 2.5 The cost of the Property Safety and Compliance Team who provide the service of arranging all the health and safety building maintenance tests and inspections are not paid from the funding requested in this report.
- 2.6 Where tests and inspections are required as part of a health and safety management system, such as asbestos, legionella or fire safety, separate policies relating to these items are included in the appendices B, C and D of the “Statutory Testing & Inspection of Fixed Installations in Nottingham City Council Properties – Policy statement & Testing Procedures (October 2013 v 1.2b)”.
- 2.7 Approval to de-delegate the schools health and safety building maintenance budget has been given by both the primary and secondary phases representatives of Schools Forum each financial year since 2013/14. Any unspent balance at the end of the financial year is transferred to a Health and Safety Building Maintenance Reserve. In reverse any in year overspend would be drawn down from the Health and Safety Building Maintenance Reserve. As at the 31 March 2015 the balance on the Health and Safety Building Maintenance Reserve was £0.121m.
- 2.8 Based on the latest timetable of tests and inspections to be carried out in 2015/16 it is estimated that the forecast expenditure for 2015/16 will be approximately £0.150m.
- 2.9 Table 1 shows the budget and expenditure on the schools health and safety building maintenance in the last three years since the funding was first de-delegated.

Table 1: Breakdown of Schools Health and Safety Building Maintenance

Year	Budget	Outturn/ Forecast	Variance	Explanation
2013/14	£0.273m	£0.231m	£0.042m	The under-spend of £0.042m at the year end was transferred to the Health and Safety Building Maintenance Reserve.
2014/15	£0.253m	£0.174m	£0.079m	The under-spend of £0.079m at the year end was transferred to the Health and Safety Building Maintenance Reserve.
2015/16	£0.208m	£0.150m	£0.058m	Any surplus at the end of the financial year will be transferred to the Schools Health and Safety Building Maintenance Reserve at the end of the financial year end or any overspend will be drawn down from the reserve.

2.10 Due to the basis upon which de-delegated budgets are calculated, which is on the pupil numbers in maintained schools in the Autumn Term prior to the financial year it is going to be applied, unfortunately as schools academise the costs charged against the de-delegated funding will reduce but the budget remains the same. If at any point Schools Forum wish to review the balance on the Schools Health and Safety Building Maintenance Reserve this can be undertaken as and when required.

3. OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

3.1 If the health and safety tasks were delegated to the school (i.e. the LA does not organise them on the schools' behalf) then according to health and safety legislation the LA would still retain the overall responsibility that they are undertaken. Therefore the LA would need to monitor the schools to ensure that they are taking place. In the event that they do not take place in a timely fashion to the relevant standard, the LA has the legal responsibility to instruct the school to act and/or undertake the inspection and tests automatically and recharge the school. The LA may choose to add officer time to this recharge.

4. OUTCOMES/DELIVERABLES

4.1. To de-delegate this funding will enable the LA to fulfil its statutory duties in relation to Health and Safety on maintained mainstream school sites.

4.2. Schools will receive an annual report in April/May including the schedule of tests for the academic year and names of the contractors who the LA have commissioned.

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

- 5.1. Based on the latest Department for Education indicator data and known academy conversions the proposal would result in maintained mainstream primary schools de-delegating £0.176m and maintained mainstream secondary schools de-delegating £0.018m. Therefore, a total of £0.194m would be de-delegated.
- 5.2. For information funding the proposal would result in the delegation of an estimated £0.325 to academies. Therefore, the total amount delegated is £0.519m.
- 5.3. The funding delegated to academies would be passed on through the local funding formula through the “Basic entitlement” factor and then the total of the academies Individual Schools Budget Shares is recouped by the Education Funding Agency.
- 5.4. These calculations are based on a rate of £13.92 per pupil for both maintained schools and academies.
- 5.5. This proposal demonstrates value for money for maintained primary and secondary schools for the reasons outlined in paragraph 1.6.

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

- 6.1 The Schools Forum’s powers here derive from the School and Early Years Finance (England) Regulations 2013 (“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 1 January 2014.
- 6.2 Chapter 2 of the SEYFR is entitled “Further Deductions and Variations to Limits Authorised by School Forums or the Secretary of State” and it contains regulation 12 of the SEYFR. Under regulation 12 of the SEYFR, on the application of a local authority the Schools Forum may authorise the redetermination of schools’ budget shares by removal of any of the expenditure referred to in Part 5 of Schedule 2 (Items That May Be Removed From Maintained Schools’ Budget Shares) [of the SEYFR] from schools’ budget shares where it is instead to be treated by the authority as if it were part of central expenditure, under regulation 11(4) (SEYFR, regulation 12(1)(d)). Part 5 of Schedule 2 of the SEYFR contains paragraph 33, which states:

Expenditure on insurance in respect of liability arising in connection with schools and schools premises.
- 6.3 Part 5 of Schedule 2 of the SEYFR contains paragraph 37, which states: Expenditure on the schools’ specific contingency.
- 6.4 Therefore, provided the proposals fall within the above legislation, Nottingham City Schools Forum has the power to approve the recommendations in this report. To be clear, that means the Schools Forum is to make the decision on whether or not to approve the recommendations in this report. In addition, by virtue of regulation 8 of the Schools Forums (England) Regulations 2012 only the representatives of the maintained primary schools and the maintained secondary

schools have a vote on this. Moreover, this 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.

- 6.7 It should be noted that there is no equivalent power for the Schools Forum in relation to Academies.
- 6.8 The EIA shows an apparent negative impact on younger people identified if the proposal were not to be implemented.

7. HR ISSUES

- 7.1 There are no people implications arising from this report.

8. EQUALITY IMPACT ASSESSMENT

Has the equality impact been assessed?

Not needed (report does not contain proposals or financial decisions)

No

Yes – Equality Impact Assessment attached

Due regard should be given to the equality implications identified in the EIA.

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

Nottingham City Council Policies:

- Statutory Testing & Inspection of Fixed Installations in Nottingham City Council Properties – Policy statement & Testing Procedures (October 2013 v 1.2b)

Legislation:

- The Schools and Early Years Financial (England) Regulations 2013
- The Health and Safety at Work etc. Act 1974 and associated legislation.

APPENDIX A – EQUALITY IMPACT ASSESSMENT

Name and brief description of proposal / policy / service being assessed

The purpose of this report is to ask Schools Forum representatives of maintained primary and maintained secondary schools to approve the de-delegation of the Building Maintenance funding in 2016/17

Information used to analyse the effects on equality

	Could particularly benefit (X)	May adversely impact (X)	How different groups could be affected: Summary of impacts	Details of actions to reduce negative or increase positive impact (or why action not possible)
People from different ethnic groups	<input type="checkbox"/>	<input type="checkbox"/>	<p>The Local Authority (LA) has a statutory duty regarding Health and Safety of maintained school sites. To ensure that the LA is able to carry out its statutory duty it has to on an annual basis request Schools Forum to approve the de-delegation of this funding.</p> <p>As the costs incurred by each school annually in relation to health and safety vary, this funding will be used to cover “peaks” and “troughs “ associated with the maintenance of maintained school sites. Any unspent balances at the end of the financial year will added back into the a sinking fund which has been set up to manage the peaks and troughs of expenditure. Likewise if there is an overspend the funding will be drawn down from the sinking fund.</p> <p>By implementing this proposal it will stop the likelihood of schools incurring budget pressures caused by having to fund health and safety maintenance costs in relation to their sites. If</p>	<p>The LA are recommending this proposal to reduce the likelihood of a negative impact on the pupils of maintained primary and secondary schools.</p>
Men, women (including maternity/pregnancy impact), transgender people	<input type="checkbox"/>	<input type="checkbox"/>		
Disabled people or carers	<input type="checkbox"/>	<input type="checkbox"/>		
People from different faith groups	<input type="checkbox"/>	<input type="checkbox"/>		
Lesbian, gay or bisexual people	<input type="checkbox"/>	<input type="checkbox"/>		
Older or younger people	<input type="checkbox"/>	<input type="checkbox"/>		
Other (e.g. marriage/civil partnership, looked after children, cohesion/good relations, vulnerable children/adults)	<input type="checkbox"/>	<input type="checkbox"/>		

		<p>schools had to fund this and the costs were higher than they had budgeted it may require them to move resources from the education of their pupils to cover health and safety maintenance costs of the site.</p> <p>By retaining this funding centrally it will enable a consistent approach as to how money is spent pupils by resources not being taken away from the education of pupils in some schools and not in others.</p> <p>There are no staffing issues generated by this decision.</p>	
--	--	---	--

Outcome(s) of equality impact assessment:

No major change needed Adjust the policy/proposal Adverse impact but continue Stop and remove the policy/proposal

Arrangements for future monitoring of equality impact of this proposal / policy / service:

If this proposal is approved then no equality impact monitoring will need to be undertaken. However, if the proposal is not approved and the budget is delegated to maintained schools then the schools would be responsible and the LA would have no influence over the equality impact.

Approved by: David Thompson Schools H&S Manager
4 September 2015

Date sent to equality team for publishing: 4 September 2015

SCHOOLS FORUM 24 SEPTEMBER 2015

Title of paper:	De-delegation of funding for the Sportsafe gym maintenance service
Director(s)/ Corporate Director(s):	Alison Michalska, Corporate Director Children and Adults
Report author(s) and contact details:	Mick Evans, Pupil and School Services Manager Tel: 0115 876 5022 Email: mick.evans@nottinghamcity.gov.uk
Other colleagues who have provided input:	Julia Holmes, Finance Analyst - Children and Adults Alistair Conquer, Head of Education Partnerships Jon Ludford-Thomas Senior Legal Officer Legal Services Tom Stevens Service Re Design Consultant

Summary

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

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

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

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

1. REASONS FOR RECOMMENDATIONS

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

2. BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

De-delegating the funding.

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

Delegate the funding to schools

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

3. OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

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

4. OUTCOMES/DELIVERABLES

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

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

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

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

Legal Implications

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

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

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

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

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

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

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

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

Expenditure on the schools' specific contingency.

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

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

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

7. HEAD OF EDUCATION PARTNERSHIPS

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

8. HR ISSUES

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

9. EQUALITY IMPACT ASSESSMENT

Attached

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

11. PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

This page is intentionally left blank

Equality Impact Assessment Form (Page 1 of 2)

Title of EIA/ DDM: De-delegation of funding for Sportsafe gym maintenance service **Name of Author:** Mick Evans
Department: Children and Adults **Director:** Sarah and Pat Fielding
Service Area: Education Partnerships **Strategic Budget EIA Y/N (please underline)**
Author (assigned to Covalent):

Brief description of proposal / policy / service being assessed:

The purpose of this report is to ask Schools Forum representatives of maintained primary and secondary schools to approve the de-delegation of the gym maintenance fund for 2016/17.

Information used to analyse the effects on equality:

The decision to extend this arrangement will ensure a consistency in the approach to safe gym equipment in schools

	Could particularly benefit X	May adversely impact X	How different groups could be affected (Summary of impacts)	Details of actions to reduce negative or increase positive impact (or why action isn't possible)
People from different ethnic groups.	<input type="checkbox"/>	<input type="checkbox"/>	<p>The Local Authority has a statutory duty regarding the maintenance of safe gym equipment in maintained school sites. To ensure that the authority is able to carry out this duty, on an annual basis a request is made to Schools Forum to approve the de-delegation of this funding.</p> <p>The first element of the service that Sportsafe will carry out is to review the current condition of all sports equipment within the schools. From this a list of necessary works will be identified and carried out.</p> <p>By approving this proposal it ensures that all equipment meets suitable safety standards and a consistent approach is taken.</p>	<p>This proposal will reduce the likelihood of any negative impact on school children that could occur due to deficient gym equipment.</p>
Men	<input type="checkbox"/>	<input type="checkbox"/>		
Women	<input type="checkbox"/>	<input type="checkbox"/>		
Trans	<input type="checkbox"/>	<input type="checkbox"/>		
Disabled people or carers.	<input type="checkbox"/>	<input type="checkbox"/>		
Pregnancy/ Maternity	<input type="checkbox"/>	<input type="checkbox"/>		
People of different faiths/ beliefs and those with none.	<input type="checkbox"/>	<input type="checkbox"/>		
Lesbian, gay or bisexual people.	<input type="checkbox"/>	<input type="checkbox"/>		
Older	<input type="checkbox"/>	<input type="checkbox"/>		
Younger	<input type="checkbox"/>	<input type="checkbox"/>		
Other (e.g. marriage/ civil partnership, looked after children, cohesion/ good relations, vulnerable children/ adults).	<input type="checkbox"/>	<input type="checkbox"/>		

Outcome(s) of equality impact assessment:

- No major change needed •

Arrangements for future monitoring of equality impact of this proposal / policy / service:

If this is approved by Schools Forum, no further monitoring will take place of equality issues.

Approved by (manager signature):

Mick Evans

Pupil and School Services Manager

Date sent to equality team for publishing:

10th September 2015

SCHOOLS FORUM – 24 SEPTEMBER 2015

Title of paper:	De-delegation of funding for the Behaviour Support Team (BST)
Director(s)/ Corporate Director(s):	Alison Michalska, Corporate Director for Children and Adults Pat and Sarah Fielding, Directors of Education
Report author(s) and contact details:	Trish Haw, Behaviour Support Team Leader Tel: 0115 8762433 Email:trish.haw@nottinghamcity.gov.uk
Other colleagues who have provided input:	Julia Holmes, Finance Analyst Leanne Sharp, Service Redesign Consultant Jon Ludford Thomas, Senior Solicitor, Legal Services Adisa Djan, Equality and Diversity Consultant

<p>Summary</p> <p>Funding for BST services has been part of the school formula since April 2013. Schools Forum has the power to de-delegate the funding on behalf of maintained schools to retain this service. BST has identified ‘core’ elements of its role which would enable the LA/schools to meet their statutory duties. Other elements of the work of BST identified as ‘non-core’ are those commissioned through schools as a traded service</p> <p>The funding is targeted towards those children and young people (CYP) with Special Educational Needs and Disability (SEND) and Social Emotional Mental Health (SEMH) difficulties where CYP:</p> <ul style="list-style-type: none"> • are at high risk of exclusion – all key stages; • are in Foundation (F) and Key Stage (KS) 1; • have identified safeguarding issues/concerns; • have barriers to progress in school. <p>In the event that the Schools Forum decides not to fund the BST the likelihood is that the team will cease to exist in its current form after March 2016.</p>
--

Recommendation(s):	
1	<p>For maintained mainstream primary schools to approve the de-delegation of funding for statutory services provided by the BST in 2016/17 at a rate of £55 per pupil eligible for free school meals and a lump sum of £0.003m per school.</p> <p>Total funding requested to be de-delegated by maintained mainstream primary schools is £0.301m. This is made up of £0.187m generated by pupils eligible for free school meals and £0.114m lump sum funding.</p>
2	<p>For maintained mainstream secondary schools to approve the de-delegation of funding for statutory services provided by the BST in 2016/17 at a rate of £55 per pupil eligible for free school meals and a lump sum of £0.003m per school.</p> <p>Total funding requested to be de-delegated by maintained mainstream primary schools is £0.026m. This is made up of £0.023m generated by pupils eligible for free school meals and £0.003m lump sum funding.</p>

3	If recommendations 1 and 2 are not approved, approval is sought from Schools Forum to fund any employment costs associated with the service being disbanded from the Statutory School Reserve (SSR), excluding the severance payments which will be funded from the Corporate Redundancy budget. Details of the costs that may be required to be funded from the SSR are detailed in 5.6. To note that once the value is known, this will be incorporated into the SSR quarterly monitoring report.
4	

1. **REASONS FOR RECOMMENDATIONS**

1.1 If de-delegation is approved the work undertaken by BST will contribute to the legal and statutory responsibilities of the maintained schools and the LA by working to the following legislation:

- Children and Families Act 2014;
- Special Educational Needs (SEN) Legislation 2014;
- SEN Code of Practice (2014);
- SEND tribunals – a successful tribunal can save from 23k up to 115k plus transport per year ;
- The Equality Act (2010) - access to the curriculum;
- The National Award for SEN Co-ordination (2009);
- SEN expert at Independent Review hearings for permanent exclusions
- School Attendance (Education Act 1996) and amendments 2010;
- Admissions - Schools Admissions Code 2012 (Education Act 1996);
- Ofsted Framework Sept 2012 (amended September 2015).

1.2 The de delegated budget will support the following services where the CYP has a primary need of SEMH and is presenting significant needs:

Safeguarding:

- attendance at and contribution to all initial Common Assessment Frameworks (CAFs);
- attendance at and contribution to subsequent CAFs where there is active BST involvement with CYP;
- attendance at and contribution to all child protection reviews/case conferences;
- attendance at and contribution to all child in need reviews/case meetings
- a negotiated allocation of work in school to support CYPs who have child protection (CP) or child in need (CiN) status

SEND:

- attendance at and contribution to team around the school (TAS) meetings x3 per year;
- support with and contribution to Higher Level Need (HLN) (was Mainstream Support Grant) requests;
- attendance at and contribution to Person Centre Review (PCRs) for CYP where BST has active involvement;
- contribution to Education Health and Care Plan (EHCP) where BST has active involvement;

- a negotiated allocation of work with school/CYP where there is an immediate risk of permanent exclusion (or repeated fixed term exclusions) for Foundation / KS1 / KS 2;
- a negotiated allocation of work with Foundation/KS1 CYP where behaviour seriously limits access to curriculum/learning.

Health and Safety:

- work with school/CYP to reduce immediate health and safety risks.

1.3 De-delegation for 2016/17 will also ensure that the BST can continue to be retained, thereby providing access to additional traded services to support early intervention and staff training/CPD.

These services will include:

- Inset training;
- Pupil support – personalised programmes;
- Play Therapy/special play;
- Targeted small group work – social skills, Social and Emotional Aspects of Learning (SEAL) etc;
- Teacher coaching;
- Teaching Assistant mentoring;
- CAF Lead Professional;
- Circle of Friends / Circle of Adults / Solution Circle
- Sunshine Circles
- Theraplay
- Art Imaging
- Learning Mentor support;
- Bespoke whole school training;
- Mid-day Supervisor training;
- Risk assessment/individual handling policy training/support;
- De-escalation training/physical intervention support;
- Support for children and young people where the family is deemed to be in ‘acute stress’;
- Advice and support around safeguarding where behaviour is an issue;
- Supporting the primary and secondary Fair Access processes

1.4 Schools will keep the value and benefit from the BST’s long-standing local knowledge, well established and trusting professional relationships and the working practices with the wider communities, including other support agencies. It is recognised that these are key factors when working with children and young people and their families.

2. BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

2.1 The team currently comprises 7.65 full time equivalent (fte) teachers, 4.6 fte Behaviour Learning Mentors and 1.8 administration support. The team’s specialist work is delivered through all key stages in schools across the City and in neighbouring local authorities. Recent work has had a particular emphasis in primary schools around early intervention in Early Years/KS 1 and for the transition between KS 2 to KS 3 in secondary schools. The team has been able to put together bespoke packages to enable some very challenging children to be included within their school setting. During the latter half of the summer term 2015 BST provided offsite

temporary emergency accommodation for 3 CYP (1 F2 and 2 YR1) who had been excluded from their setting. This is funded separately but has provided transferable experiences to take into mainstream settings.

- 2.2 Prior to 2010 the team was not required to trade services. In subsequent years income targets were set and reached. The income raised through traded services has increased year on year. In the academic year 2014/15 of all the work delivered in school 96% was evaluated as 'very good to excellent'.

3. OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 3.1 An alternative option is to delegate funds directly to schools which could have the following consequences:
- potential increased health and safety and safeguarding risks;
 - no preventative service available to schools to support the inclusion of CYP with challenging behaviour to remain in school – last year we delivered 1522 pieces of training/support to help include CYP in their mainstream placement;
 - increased risk of exclusions rising – both fixed term and permanent – of the 109 CYP referred to the team in 2014-15, 92% (102 CYP) remained in school and 79% (93) had no further exclusions;
 - no provision for pupils with significant needs in Early Years and Foundation Stage and KS1 who are at risk of exclusion. As there is currently no Pupil Referral Unit (PRU) for this age range, BST offer packages in school to try and maintain the CYP's placement and are currently providing off site temporary emergency accommodation for 3 CYP who were excluded from their school;
 - no BST strategic advice will be available regarding handling policies/risk assessments to reduce the risk of harm and limit the likelihood of litigation and claims from either staff or young people;
 - no team to deliver positive handling training;
 - no City wide training delivered around identified SEMH areas;
 - no specific team of behaviour specialist teachers to contribute to LA action plans
 - support for new SEN processes will be reduced significantly, e.g. Higher Level Need (HLN) and EHCP;
 - reduced effectiveness of the CAF due to the reduction in professionals attending – we currently support 19 CAF's;

4. OUTCOMES/DELIVERABLES

- 4.1 Outcomes include:
- reduced exclusions
 - value for money - maintaining the CYP in school against the cost of a PRU place at £15,000 and the cost of a special school place at £20-25,000;
 - increased preventative work – income from traded work has increased year on year as schools are looking at early intervention support;
 - safeguarding – our work with CYP adds to existing information around safeguarding and informs Social Care;
 - HLN – support to schools to identify appropriate interventions and secure additional funding.

- 4.2 In the academic year 2014/15, all City maintained schools have used some aspect of the services available to them from the BST. In addition a further 47 academies, 3 PRU's and 2 Special schools have bought into our services
- 4.3 The income from traded work has increased year on year since 2010:
2010/11 generated £0.082m
2011/12 generated £0.100m
2012/13 generated £0.142m
2013/14 generated £0.190m
2014/15 generated £0.200m
A further indication of how our work is valued in the city is shown by the continued 'buy back' by the maintained schools who are converting to academy status. To date for 2015/16 packages have already been 24 primaries and 29 academies have already purchased packages and others will continue to buy ad hoc

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

- 5.1 Based on the latest Department for Education indicator data and known academy conversions the proposal would result in maintained mainstream primary schools de-delegating £0.301m and maintained mainstream secondary schools de-delegating £0.026m. Therefore, a total of £0.327m would be de-delegated.
- 5.2 For information the proposal would result in the delegation of an estimated £0.534m to academy schools. Therefore, the total amount to be delegated is £0.861m.
- 5.3 The funding delegated to academies will be passed through the local funding formula through the free school meals (FSM) factor and the lump sum and then the total of the academies Individual Schools Budget Shares is recouped by the Education Funding Agency.
- 5.4 These calculations are based upon a rate of £55 per FSM pupil and a lump sum of £0.003m per school for both maintained schools and academies.
- 5.5 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.
- 5.6 If the proposal outlined in recommendations 1 and 2 are not approved, as outlined in paragraph 7.2, there would be significant workforce implications. If the team were to be made redundant the redundancy costs would be met from the Corporate Redundancy budget. However, based on the timeframe advised by HR the salaries of the team may still need to be paid for approximately two weeks in April 2016 (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 (SSR) and the value will be updated on the SSR quarterly monitoring report once it is known.

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

- 5.7 For information Table 1 shows a breakdown of the projected income and expenditure for the BST in 2016/17.

Table 1: BST Projection 2016/17		
Income		
De-delegated Funding	-£0.327m	
Income from schools	-£0.170m	
SEN Income	-£0.025m	
Total Forecast Income		-£0.522m
Less Expenditure		
Projected Pay costs	£0.472m	
Projected Non-pay costs	£0.031m	
Total Forecast Expenditure		£0.503m
Variance		-£0.019m

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

Legal Implications

The schools forum's powers here derive from the School and Early Years Finance (England) Regulations 2014 ("SEYFR"), made by the Secretary of State in exercise of powers under the School Standards and Framework Act 1998 and the Education Act 2002. The SEYFR came into force on 1 January 2014.

Chapter 2 of Part 2 of the SEYFR is entitled "Further Deductions and Variations to Limits Authorised by School Forums or the Secretary of State" and it contains regulation 12 of the SEYFR. Under regulation 12 of the SEYFR, on the application of a local authority the schools forum may authorise the redetermination of schools' budget shares by removal of any of the expenditure referred to in Part 5 of Schedule 2 (Items That May Be Removed From Maintained Schools' Budget Shares) [of the SEYFR] from schools' budget shares where it is instead to be treated by the authority as if it were part of central expenditure, under regulation 11(4) (SEYFR, regulation 12(1)(d)). Part 5 of Schedule 2 of the SEYFR contains paragraph 27, which states:-

Expenditure (other than expenditure referred to in Schedule 1 or any other paragraph of this Schedule) incurred on services relating to the education of children with behavioural difficulties, and on other activities for the purpose of avoiding the exclusion of pupils from schools.

Therefore, provided the proposals fall within the above legislation, Nottingham City Schools Forum has the power to approve the recommendations in this report. To be clear, that means the Schools Forum is to make the decision on whether or not to approve the recommendations in this report. In addition, by virtue of regulation 8 of the Schools Forum (England) Regulations 2012 only the representatives of the maintained primary schools and the maintained secondary schools have a vote on

this. Moreover, this 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.

7. HR ISSUES

It is not clear from the report whether the existing posts within the service area are fixed term due to the temporary nature of the funding. If the posts are temporary subject to the funding these would need to be extended with a further fixed term contract and management would need to ensure that appropriate exit strategies are in place to terminate the contract in line with NCC guidance in the result that the post cannot be made permanent at the end of the fixed term period. Management will need to ensure appropriate timelines are in place to notify the affected employee and give appropriate notice.

Management will also need to be aware of potential costs in any exit arrangement such as redundancy compensation 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.

Post holders may also have access to Project People (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
Service Redesign Consultant
Ext: 63603

8. EQUALITY IMPACT ASSESSMENT

Has the equality impact been assessed?

Not needed (report does not contain proposals or financial decisions)

No

Yes – Equality Impact Assessment attached

X

Due regard should be given to the equality implications identified in the EIA.

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

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

Nottingham City Council: Equality Impact Assessment Form (Page 1 of 2)

Title of EIA/ DDM:

Name of Author: Trish Haw

Department: Inclusion and Disability

Director: Pat and Sarah Fielding

Service Area: Behaviour Support Team
underline)

Strategic Budget EIA Y/N (please

Author (assigned to Covalent): Trish Haw

Brief description of proposal / policy / service being assessed:

The purpose of this report is to provide an update on the Behaviour Support Team budget position and gain approvals required to progress the 2016-17 budget development

Information used to analyse the effects on equality:

With no funding the team in its current format will cease to be viable

The projected number of pupils who would be affected would be approx 270 based on previous years

Page 45

	Could particularly benefit X	May adversely impact X
People from different ethnic groups.	<input type="checkbox"/>	<input type="checkbox"/>
Men	<input type="checkbox"/>	<input type="checkbox"/>
Women	<input type="checkbox"/>	<input type="checkbox"/>
Trans	<input type="checkbox"/>	<input type="checkbox"/>

How different groups could be affected (Summary of impacts)	Details of actions to reduce negative or increase positive impact (or why action isn't possible)
Different groups: <ul style="list-style-type: none"> • CYP (children and young people) with SEN (special educational needs) where the SEN constitutes a disability 	To reduce negative impact of non-allocation of funding, relocate current team members to alternative teams. Click once and type. What will be done to reduce

Disabled people or carers.	<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy/ Maternity	<input type="checkbox"/>	<input type="checkbox"/>
People of different faiths/ beliefs and those with none.	<input type="checkbox"/>	<input type="checkbox"/>

<ul style="list-style-type: none"> • SEMH (social emotional and mental health) CYP where their difficulties are defined as a disability “ a physical or mental impairment that has a ‘substantial’ and ‘long-term’ negative effect on your ability to do normal daily activities” <i>Equality Act 2010</i> <p><i>Impact:</i></p> <p><i>The de-delegated funding supports the above CYP to equal access to mainstream to mainstream schooling to mitigate against their disability being a barrier.</i></p> <p><i>The impact will be:</i></p> <ul style="list-style-type: none"> • <i>a reduction in the services offered in school by BST teachers for these CYP</i> • <i>risk of exclusions increasing</i> • <i>increased health and safety risks</i> • <i>risk of indirect discrimination against these CYP’s</i> Click once and type. Provide details of impacts / 	<p>negative or increase positive impact. Actions should be SMART (Specific, Measurable, Achievable, Realistic, Timebound) and correspond to identified impacts. Actions will need to be uploaded on Covalent</p> <p>Continue on separate sheet if needed (click and type to delete this note)</p>
--	--

Lesbian, gay or bisexual people	<input type="checkbox"/>	<input type="checkbox"/>
Older	<input type="checkbox"/>	<input type="checkbox"/>
Younger	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other (e.g. marriage/ civil partnership, looked after children, cohesion/ good relations, vulnerable children/ adults). <i>Please underline the group(s) /issue more adversely affected or which benefits</i>	<input type="checkbox"/>	<input type="checkbox"/>

<p>benefits on people from identified protected groups.</p> <p>Note: the level of detail should be proportionate to the potential impact of the proposal / policy / service. Continue on separate sheet if needed (click and type to delete this note)</p>	
--	--

Outcome(s) of equality impact assessment:

- No major change needed
- Adjust the policy/proposal
- Adverse impact but continue

•Stop and remove the policy/proposal

Arrangements for future monitoring of equality impact of this proposal / policy / service:

Ongoing annual review

Note when assessment will be reviewed (e.g. Review assessment in 6 months or annual review); Note any equality monitoring indicators to be used; consider existing monitoring/reporting that equalities information could form part of.

Approved by (manager signature):

Trish Haw

The assessment must be approved by the manager responsible for the service/proposal. Include a contact tel & email to allow citizen/stakeholder feedback on proposals.

Date sent to equality team for publishing:

Send document or link to:
equalityanddiversityteam@nottinghamcity.gov.uk

Before you send your EIA to the Equality and Community Relations Team for scrutiny, have you:

1. Read the guidance and good practice EIA's
<http://www.nottinghamcity.gov.uk/article/25573/Equality-Impact-Assessment>
2. Clearly summarised your proposal/ policy/ service to be assessed.
3. Hyperlinked to the appropriate documents.
4. Written in clear user friendly language, free from all jargon (spelling out acronyms).
5. Included appropriate data.
6. Consulted the relevant groups or citizens or stated clearly when this is going to happen.
7. Clearly cross referenced your impacts with SMART actions.

This page is intentionally left blank

SCHOOLS FORUM - 24 SEPTEMBER 2015

Title of paper:	De-delegation of funding for Ethnic Minority Achievement (EMA)
Director(s)/ Corporate Director(s):	Pat Fielding and Sarah Fielding, Directors of Education Alison Michalska, Corporate Director for Children and Adults
Report author(s) and contact details:	Jane Daffé, Senior Achievement Consultant, Vulnerable Groups Email: jane.daffe@nottinghamcity.gov.uk Tel: 0115 8764680
Other colleagues who have provided input:	Julia Holmes, Finance Leanne Sharp, H.R. Imogeen Denton, Equalities Jon Ludford-Thomas, Legal

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 October 2014 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 2015/16 and agreed in principle for the financial year 2016/17. This was to allow time for the new service to move towards becoming fully traded.

Over the last financial year the IDEAL brand has become further established and recognised with marketing of services to City schools and academies. 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 been very 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 has been significantly increased; our newly established Year 11 new arrivals provision has had very positive outcomes.

E.A.L is currently a regional priority; Chris Russell HMI, Ofsted East Midlands Regional Director recently met with Nottingham City colleagues Alison Michalska, the Directors of Education and Malcolm Wilson, Adviser for Vulnerable Groups and focussed on the provision and outcomes for three priority groups of learners, including those with EAL. Nottingham City is cited as one of two authorities in the region that bucks the trend in terms of outcomes for this group and the report of our work was positively received. We continue to experience ever increasing numbers of newly arrived EAL and other ethnic minority pupils into Nottingham City schools, including those of asylum seeking and refugee backgrounds, a political priority. We have seen a steady increase in the proportion of ethnic minority pupils, up from 43% of the school population in 2011 to over 50% in the 2015 school population census. Within that, group, the percentage of EAL pupils has risen from 22% to 28%. Given this increased pressure on schools and the timeframe to enable the IDEAL service to create a secure fully traded position, it requires de-delegation of EMA funding for the financial year 2016/17 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	<p>For maintained mainstream primary schools to approve the de-delegation of funding for EMA at a rate of £44.56 per EAL pupil for 2016/17 to ensure that the IDEAL team has sufficient time to create programmes and products for a fully traded service to be established.</p> <p>Total estimated funding requested to be de-delegated for maintained mainstream primary schools is £0.108m. (based on October 2014 census and to be reviewed at Autumn census 2015)</p>
2	<p>For maintained mainstream secondary schools to approve the de-delegation of funding for EMA at a rate of £44.56 per EAL pupil for 2016/17 to ensure that the IDEAL team has sufficient time to create programmes and products for a fully traded service to be established.</p> <p>Total estimated funding requested to be de-delegated for maintained mainstream secondary schools is £0.001m.(based on October 2014 census and to be reviewed at Autumn census 2015)</p>
3	<p>If recommendations 1 and 2 are not approved, approval is sought from Schools Forum to fund any employment costs associated with any reductions in staffing levels from the Statutory School Reserve (SSR), excluding the severance payments which will be funded from the Corporate Redundancy budget. Details of the costs that may be required to be funded from the SSR are detailed in 5.6. To note that once the value is known, this will be incorporated into the SSR quarterly monitoring report.</p>

1. REASONS FOR RECOMMENDATIONS

1.1 Since the last report was presented to Schools' Forum in October 2014, regarding the de-delegation of funding for EMA services, there has been continued progress towards the service becoming 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. Option 1 - If the Schools' Forum agrees to de-delegate EMA funding for the year 2016/17 this timeframe will support the service to achieve its target of becoming fully traded.

1.2 Option 2 - If the Schools' Forum does not agree to de-delegate funds for a further year (2016/17) this will result in the IDEAL team becoming totally dependent upon income generation. This will result in some team members (of 3 consultants and the administrative assistant) being made redundant as income is currently insufficient to maintain all 4 posts. This would:

- potentially result in the Achievement of Vulnerable Groups 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 an Ofsted East Midlands regional priority as evidenced by the recent report and foci of the summer term visit to Nottingham to discuss provision for and outcomes of EAL learners, amongst other vulnerable groups;
- 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 Achievement of Vulnerable Groups service area in 2009.

1.3 If de-delegation for 2016/17 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 - Steve Cooke, is former Regional Adviser for the National Strategies, national and international Continued Professional Development tutor for the Birmingham University M. Ed Bilingualism in Education course and associate lecturer at Leicester University. He is also a National Centre for Excellence in the Teaching of Mathematics (NCETM) Professional Development Accredited Lead;
- NALDIC – National Association for the Development of Language in the Curriculum Steve Cooke, co-opted Executive Committee member and author of Collaborative Learning Activities in the Classroom: Designing Inclusive Materials for Learning and Language Development;
- British Council, EAL Nexus CPD Expert for the East Midlands – Steve Cooke was identified as an EAL expert and has been working with schools across the East Midlands for the EAL Nexus project. The intention of this project was to develop approaches, activities and materials that can be disseminated to a wider audience;
- 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 Council's IDEAL team's reputation is very strong.

1.5 In the academic year 2014-15, the 3 consultants sold services to 35 schools on a range of initiatives – EAL, New Arrivals Excellence, Gypsy Roma and Travellers – in the form of staff CPD, in-class partnership work, pupil support, teaching resources and strategies (see Appendix for details). They also managed the development of the 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. The Annual Conference was well attended by schools both in the City (19) and across the Midlands and Yorkshire (7), demonstrating our potential to expand given the reputation and expertise of the IDEAL team; a regional HMI also requested to attend the conference.

1.6 The most recent 2014 outcomes for City pupils demonstrate the effectiveness of support for our schools to meet the needs and ensure progress for EAL and ethnic minority learners, as follows:

These figures are taken from the Raiseonline data for Nottingham City (December 2014):

EYFS Profile (GLD)

	Nottm		National	
EAL learners	38%	-18%	53%	-15%
All pupils	46%		60%	

Year 1 phonics screening

	Nottm		National	
EAL learners	69%	+ 2%	74%	- 5%
All pupils	67%		75%	- 8%

KS1 attainment (all subjects)

	Nottm		National	
EAL learners	14.6 APS		15.5 APS	- 0.9
All pupils	15 APS		15.9 APS	- 0.9

KS2 attainment (all subjects)

	Nottm		National	
EAL learners	27 APS	- 0.7	28.3 APS	- 1.3
All pupils	27.7 APS		28.7 APS	

KS4 attainment (5 A*-C inc Eng/Ma)

	Nottm		National	
EAL learners	42%		54%	-12%
All students	43%		55%	- 12%

1.7 The data demonstrates that:

- in Nottingham our EAL learners make better progress (KS1-2 and KS2-4) than all City pupils N.B. this only works for those who were in school in UK for previous key stage (not the case for new arrivals). Established EAL communities (i.e. Pakistani/Indian) attain in line with or better than all City pupils.
- there has been a significant rise in the percentage of EAL learners in City schools (20.3% to 26.3% in 4 years), therefore schools perceive new arrivals/beginners to English as a key area of pressure/support needs.
- the most vulnerable EAL group locally and nationally are those of Gypsy/Roma ethnicity NB ascription issues, many families remain reluctant to ascribe to GRT as a result of persecution and will often self-ascribe as Any Other White group with other European migrants. Data masks larger numbers within this vulnerable group and potentially skews attainment results for Any Other White group.
- there is a continuing need for further improvements, however, for the Mixed White/Black Caribbean and Black Caribbean groups who remain well below their peers at KS4 in terms of both attainment and progress.

1.8 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 October 2014 following the agreement to de-delegate, as follows:

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 planning, staff training, and data analysis).

1.9 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 (for example changes to equalities legislation) and would need to create their own, or source independently, resources for annual events which celebrate the diversity of children in City schools.

1.10 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.

1.11 It is proposed that representatives of maintained primary and maintained secondary schools separately agree to the de-delegation of £44.56 per EAL pupil (based on the revised 3 year new entrant EAL indicator) for the financial year 2016/17. If de-delegation is approved the offer to maintained schools would be the same for primary and secondary schools and would continue to include:

- a named consultant for bespoke advice;
- access to phase-based EAL network meetings to share good practice with other school staff;
- phase-based NQT training (additional 3 x 0.5 days to the NQT induction programme);
- 1 day consultant support in school (could include planning, staff training, and data analysis).

1.12 De-delegation for 2016/17 will also provide the IDEAL team with additional time to develop a traded services offer that can replace de-delegation.

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 4 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.

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;
- school network meetings with a focus on EAL, international links and bilingual learning support staff;

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 Because of the school commitments through ECG (Exceptional Circumstances Grant for EAL new arrivals) and EMAG funding the central team was later than some other LA services in developing its capacity to become a fully traded service. In the financial year 2012/13 income generation was £0.026m and this was increased to £0.61m in 2013/14 and £0.095m in 2014/15. We project the income for 2016/17 to be £0.110m and in 2016/17 to be £0.120m.

2.5 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, all schools (maintained schools and academies) will receive £44.56 of additional funding per EAL pupil via the funding formula. However, schools may then have to manage all EMA requirements independently of any LA support as discussed above.

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 COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY/VAT)

5.1 As the service is successfully moving towards becoming a fully traded service, the rate per English as an additional language (EAL) pupil has been reduced in 2016/17 to £44.56 from £88.61 for both maintained schools and academies.

5.2 Based on the latest Department for Education indicator data and known academy conversions the proposal would result in maintained mainstream primary schools de-delegating £0.108m and maintained mainstream secondary schools de-delegating £0.001m. Therefore, a total of £0.109m would be de-delegated.

5.3 For information the proposal would result in the delegation of an estimated £0.119m to academy schools. Therefore, the total amount to be delegated is £0.228m.

5.4 The funding delegated to academies will be passed through the local funding formula through the EAL factor. The factor is based upon pupils who attract funding for up to three years after they have entered the school system. The total of the academies Individual Schools Budget Shares is recouped by the Education Funding Agency.

5.5 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.

5.6 If the proposal outlined in recommendations 1 and 2 are not approved, as outlined in paragraph 7.2, there would be significant workforce implications. If some the team were to be made redundant the redundancy costs would be met from the Corporate Redundancy budget. However, based on the timeframe advised by HR the salaries of the team may still need to be paid for approximately two weeks in April 2016 (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 (SSR) and the value will be updated on the SSR 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 alternative sources of funding to cover these costs.

5.7 For information Table 1 shows a breakdown of the projected income and expenditure for IDEAL in 2016/17.

Table 1: EMA Projection 2016/17		
Income		
De-delegated funding	-£0.109m	
Traded Income	-£0.120m	
Total Forecast Income		-£0.229m
Less Expenditure		
Projected Pay costs	£0.198m	

Projected Non-pay costs	£0.031m	
Total Forecast Expenditure		£0.229m
Variance		-£0.000m

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

Legal Implications

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

Chapter 2 of Part 2 of the SEYFR is entitled “Further Deductions and Variations to Limits Authorised by School Forums or the Secretary of State” and it contains regulation 12 of the SEYFR. Under regulation 12 of the SEYFR, on the application of a local authority the schools forum may authorise [the redetermination of schools' budget shares by removal of any of the expenditure referred to in Part 5 of Schedule 2 \(Items That May Be Removed From Maintained Schools' Budget Shares\) \[of the SEYFR\] from schools' budget shares where it is instead to be treated by the authority as if it were part of central expenditure, under regulation 11\(4\) \(SEYFR, regulation 12\(1\)\(d\)\).](#) Part 5 of Schedule 2 of the SEYFR contains paragraph 38, 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.](#)

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.

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

7. HR ISSUES

It is not clear from the report whether the existing posts within the service area are fixed term due to the temporary nature of the funding. If the posts are temporary subject to the funding these would need to be extended with a further fixed term contract and management would need to ensure that appropriate exit strategies are in place to terminate the contract in line with NCC guidance in the result that the post cannot be made permanent at the end of the fixed term period. Management will need to ensure appropriate timelines are in place to notify the affected employee and give appropriate notice.

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 arrangement such as redundancy compensation 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.

Post holders may also have access to Project People (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

Service Redesign Consultant

8. EQUALITY IMPACT ASSESSMENT

Has the equality impact been assessed?

Not needed (report does not contain proposals or financial decisions)

No

Yes – Equality Impact Assessment attached

8.1 This proposal provides an opportunity to advance equality of opportunity in line with our public sector equality duty, as defined by Equality Act legislation.

Imogeon Denton
Equality and Community Relations

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 Schools Forum Item EMA de-delegation 16 October 2014

10.2 Osted DfE RAISEonline 2014 summary report for Nottingham

Equality Impact Assessment Form (Page 1 of 2)

Title of EIA/ DDM: De-delegation of funding for Ethnic Minority Achievement (EMA)

Name of Author: Jane Daffé

Department: School Access and Improvement

Director: Patrick and Sarah Fielding

Service Area: Children and Adults

Strategic Budget EIA Y/N (please underline)

Author (assigned to Covalent): Malcolm Wilson

Brief description of proposal / policy / service being assessed:

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 October 2014 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 2015/16 and agreed in principle for the financial year 2016/17. This was to allow time for the new service to move towards becoming fully traded.

Over the last financial year the IDEAL brand has become further established and recognised with marketing of services to City schools and academies. 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 been very 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 has been significantly increased; our newly established Year 11 new arrivals provision has had very positive outcomes.

We continue to experience ever 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 over 50% in the 2015 school population census. Within that, group, the percentage of EAL pupils has risen from 22% to 28%. Given this increased pressure on schools and the timeframe to enable the IDEAL service to create a secure fully traded position, it requires de-delegation of EMA funding for the financial year 2016/17 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.

Information used to analyse the effects on equality:

School Census data (intranet) – see profile data above

City attainment data for ethnic minority and EAL pupils (details contained within School Forum report to be submitted)

	Could particularly benefit X	May adversely impact X	How different groups could be affected (Summary of impacts)	Details of actions to reduce negative or increase positive impact (or why action isn't possible)
People from different ethnic groups.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	If the Schools' Forum does not agree to de-delegate funds for a further year (2016/17) this will result in the IDEAL team becoming totally dependent upon income generation. This will result in some team members (of 3 consultants and the administrative assistant) being made redundant as income is currently insufficient to maintain all 4 posts. This would: <ul style="list-style-type: none"> potentially result in the Achievement of Vulnerable Groups service area no longer existing; 	1 Income generation: Annual CPD programme as Sold Service to schools Ongoing support, training and guidance for individual schools as Sold Service Production of teaching resources for schools as Sold Service EAL teaching as Sold Service
Men	<input type="checkbox"/>	<input type="checkbox"/>		
Women	<input type="checkbox"/>	<input type="checkbox"/>		
Trans	<input type="checkbox"/>	<input type="checkbox"/>		
Disabled people or carers.	<input type="checkbox"/>	<input type="checkbox"/>		
Pregnancy/ Maternity	<input type="checkbox"/>	<input type="checkbox"/>		

People of different faiths/ beliefs and those with none.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Lesbian, gay or bisexual people.	<input type="checkbox"/>	<input type="checkbox"/>
Older	<input type="checkbox"/>	<input type="checkbox"/>
Younger	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other (e.g. marriage/ civil partnership, looked after children, cohesion/ good relations, vulnerable children/ adults). <i>Please underline the group(s) /issue more adversely affected or which benefits.</i>	<input type="checkbox"/>	<input type="checkbox"/>

Page 62

<ul style="list-style-type: none"> • 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 an Ofsted East Midlands regional priority as evidenced by the recent report and foci of the summer term visit to Nottingham to discuss provision for and outcomes of EAL learners, amongst other vulnerable groups; • 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; • 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. • 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 Achievement of Vulnerable Groups service area in 2009. 	<p>2 CPD to school staff to embed best practice and knowledge/awareness of needs of pupils from a range of groups vulnerable to underachievement</p> <p>3 Primary and secondary schools have an entitlement to:</p> <ul style="list-style-type: none"> • 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 planning, staff training, and data analysis). <p>4 Undertake assessments of newly-arrived pupils who are new to English to support rapid and appropriate school placements</p> <p>Actions will need to be uploaded on Covalent.</p>
<ul style="list-style-type: none"> • there would be a loss of local expertise; there is no similar expertise available within the Local Authority. The IDEAL team has expertise that is recognised both nationally and internationally • 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 (for example changes to equalities legislation) and would need to create their own, or source independently, resources for annual events which celebrate the diversity of children in City schools. 	

Outcome(s) of equality impact assessment:

- No major change needed
- Adjust the policy/proposal
- Adverse impact but continue

•Stop and remove the policy/proposal

Arrangements for future monitoring of equality impact of this proposal / policy / service:

Annual and ongoing evaluation and monitoring of service action plan. Data analysis of school census data and outcomes for ethnic minority and EAL pupils – Malcolm Wilson, Adviser for the Achievement of Vulnerable Groups

Approved by (manager signature):

Malcolm Wilson, 3.9.15

Malcolm.wilson@nottinghamcity.gov.uk

Tel: 0115 8764619

Date sent to equality team for publishing:

Send document or link to:

equalityanddiversityteam@nottinghamcity.gov.uk

Before you send your EIA to the Equality and Community Relations Team for scrutiny, have you:

1. Read the guidance and good practice EIA's

<http://www.nottinghamcity.gov.uk/article/25573/Equality-Impact-Assessment>

2. Clearly summarised your proposal/ policy/ service to be assessed.
3. Hyperlinked to the appropriate documents.
4. Written in clear user friendly language, free from all jargon (spelling out acronyms).
5. Included appropriate data.
6. Consulted the relevant groups or citizens or stated clearly when this is going to happen.
7. Clearly cross referenced your impacts with SMART actions.

This page is intentionally left blank

Ethnic Minority Achievement (IDEAL) Team 2014-15

School	Central CPD	In-school CPD	Pupil support	Yr11 provision	In-school support	EAL network
Ambleside	1				Assessment meeting	
Bentinck	2 staff					
Berridge					Support - EAL coordinator	
Bluecoat Academy				√ 1 student		
Bluecoat Beechdale		Subject leaders		√ 6 students		
Claremont	2 staff					
Crabtree Farm			10 half-days			
Djanogly City Acad	1			√ 2 students	2 Roma Education meetings	
Djanogly Northgate	5 staff					
Edale Rise	1					
Ellis Guilford				√ 1 student		
Fernwood Primary						X2
Forest Fields	2 staff				EAL pupil assessment	X2
Hempshill Hall			Y3 pupils		Support/guidance to staff	
Henry Whipple	1	Whole school				
Mellers	2 staff	Whole school			2 days/week SLT. Ofsted	X1
Middleton	4 staff					
Nethergate	1					
Nottingham Acad	1			√ 7 students	EAL student assessments	
Nottingham Girls	1			√ 1 student		
Nottm Uni Sam Acad				√ 3 students		
Oak Wood					EAL student assessments	
Rosslyn Park	3 staff	Whole school				
St Augustine's	2 staff					
Scotholme	2 staff				EAL pupil assessment	
Seely		Whole school				
Sneinton C of E						X1
Southglade	1					

Southwark	1					X1
South Wilford						X3
Top Valley				v 2 students		
Trinity	1			CPD - observations		
Unity					Meeting re EAL	
Walter Halls						X2
William Booth						X3

+ Nottingham City TA conference workshop

Traded work with schools outside Nottingham City

Bradford	2 staff
Derby	5 staff
Worksop	2 staff
Sheffield	2 staff
Boston (EAL Nexus)	2 schools /2 terms
Corby	Whole school
British Council EAL	4 days

SCHOOLS FORUM – 24th September 2015

Title of paper:	Update on 2015/16 Alternative Provision arrangements and costs
Director(s)/ Corporate Director(s):	Pat and Sarah Fielding, Directors of Education
Report author(s) and contact details:	Michael Wilsher, Inclusion Officer
Other colleagues who have provided input:	Kathryn Stevenson, Finance Analyst (Schools) – Resources Alison Weaver, Service Manager – Inclusive Education Service Jon Ludford-Thomas, Senior Solicitor, Legal Services
Summary	
<p>This report is to update Schools Forum on arrangements which have been implemented during 2015 for pupils that have been, or are at risk of being, permanently excluded and to advise Schools Forum of the associated financial implications.</p>	
Recommendation(s):	
1	Note the revised alternative provision arrangements that have been put into place during 2015 as outlined in this report.
2	<p>Note that the additional costs of alternative provision for the 2015/16 financial year compared to the amount budgeted. This cost is currently estimated at between £1.198m and £1.655m as set out in Table 1.</p> <p>This value is currently a forecast and may change dependant primarily on the rates of permanent exclusions) The total over-spend will be funded from the Dedicated Schools Grant reserve with approval to spend being gained through the Council’s Executive Board.</p>
3	Note the approach that is being taken to determining the future alternative provision strategy for the City and that Schools Forum will be consulted on the proposed new arrangements in due course.

1. REASONS FOR RECOMMENDATIONS

- 1.1** The local authority has a statutory obligation to provide education for pupils permanently excluded.

Due to the increased level of permanent exclusions across all key stages, revised arrangements have been required in response to circumstances not envisaged at the time of the original consultation.

This consultation was undertaken with the schools forum sub-group in the autumn and early spring terms regarding Pupil Referral Units (PRU) funding arrangements for 2015/16.

1.2 This report is to make Schools Forum aware of the action taken and the financial impact is set out in section 5.1 of this report.

2. BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

2.1 Immediate action has been required in response to circumstances not originally envisaged including, the background to these actions are individually set out below

- Item 2.2 Support for children at Glenbrook (KS1)
- Item 2.3 Expanded student base at Woodlands / Westbury (KS2)
- Item 2.4 Action required in relation to Denewood Learning Centre including the need for significant numbers of KS3 pupils to be educated in external offsite alternative provision (Numbers of permanently excluded pupils at KS3 and 4 significantly exceeding anticipated numbers)
- Item 2.5 Trialling of the Bulwell Hub Pilot
- Item 2.6 Unity Learning Centre (KS4)
- Item 2.7 Longer term arrangements

2.2 Glenbrook (KS1)The Local Authority does not have a learning centre provision for key stage 1 permanent exclusions, as previously, KS1 permanent exclusion have been managed through alternative education providers or swift reintegration back into mainstream school. This has been successful in the past due to very low numbers of permanent exclusions in KS1. However, during the 2014/2015 academic year there was an increase of pupils in Key Stage 1 at risk of permanent exclusion and 5 KS1 pupils were issued with permanent exclusions compared to 1 in 2013/2014. Initially, provision was provided by a specialist educational provider for one pupil, costing on average £15k per term until reintegrated. However, due to the further 4 permanent exclusions an emergency temporary accommodation with provision was required. By providing this in-house there are savings as well as increased stability, support, expertise and monitoring. The temporary accommodation is based at Glenbrook Management Centre and is supported and staffed through the Behaviour Support Team (BST).

In order to accommodate these 3 students with a specialist educational provider, it would cost the authority over £135k to £225k for an academic year. This cost would increase if any further pupils were excluded (min £45k per pupil, per academic year). Therefore, by using this temporary accommodation and provision, we can educate these pupils for under £116k meaning a saving of at least £19k. This also provides a class based provision where pupils interact with other children and has additional expertise and staff from the Behaviour Support Team and monitored through the Local Authority. It also protects against external providers ending provision and delivers a secure and stable provision for pupils. Overall this offers a better value, quality temporary provision than through individual external providers. The provision has the potential to increase the number of students accessing the provision as an intervention, which will increase its value for money. However, this is a temporary accommodated provision pending the outcome of behaviour and provision reviews and their recommendations. The Local Authority does not at this time intend to create a KS1 learning centre, but this emergency accommodation offers a medium term intervention provision to support a small number of pupils at serious risk of permanent exclusion in KS1.

Pupils have been accessing education since April 2015 and are currently receiving 1-1 support and intervention from other specialists. Their complex emotional and social needs are becoming clearer. Consequently, their behaviour is improving and they are making academic progress. A dedicated qualified teacher with behaviour experience has been employed and additional TA's to support students. These pupils are now managing a full-time timetable all week, where previously, some pupils were on limited part-time timetables and struggled to attend. An additional positive has been the opportunity for KS1 Teaching staff and BST staff to share experiences, as well as BST mentors and staff being able to work in a practical teaching environment on a daily basis.

2.3 Woodlands/Westbury Federation (KS2)

The Ofsted inspection of Denewood Learning Centre (December 2014) identified significant concerns about the provision for pupils in Key Stage 2, including the quality of teaching and learning and the behaviour and safety of pupils and staff. The physical capacity of the building to accommodate the increasing numbers of pupils in KS2 was identified as a factor which contributed to the increasingly challenging behaviours.

To address the physical capacity issues immediately following the inspection the decision was taken to find alternative classroom accommodation for a number of pupils

- 6 pupils were identified to continue to receive their education on site within Denewood, taught by Denewood staff
- Woodlands School provided a vacant classroom on a temporary basis to accommodate 4 Denewood pupils, to be taught by Denewood staff, with the support of the experienced KS2 staff and leadership within the school
- Temporary accommodation was installed at Westbury to accommodate 12 pupils. These pupils were to be taught by Denewood staff, supported by staff and leadership and management within Westbury School.

These arrangements have resulted in the following outcomes:

- Attendance of all pupils has increased significantly, so that over the last 2 terms attendance at KS2 has been consistently above 90%
- Behaviour has improved so that across all settings pupils are demonstrating a more positive attitude to learning, incidences of handling are rare and there have been no fixed term exclusions since February
- Teaching and learning has improved, so that there is evidence of progress for pupils across all settings
- A number of pupils are now being prepared for reintegration to mainstream schools

From September 2015, the accommodation in Woodlands will no longer be required due to the reduction in numbers in KS2, as a result of the transition of a number of pupils to KS3 provision.

A total of 26 places will be available for KS2 pupils, 10 places in Denewood and up to 16 places in Westbury. It is envisaged that any spare capacity will be used to assist in early intervention for pupils at risk of permanent exclusion in KS2.

2.4 Denewood Learning Centre (KS3)

Following concerns about the safety of staff and pupils and quality of education provided at Denewood (judged inadequate by Ofsted at its inspection in December 2014) the Education Department temporarily closed this resource and took the decision to relocate our KS2 and KS3 pupils in alternative settings; such as Westbury, Woodlands and alternative providers.

Outline of the measures put into place by the LA to meet the needs of the students on role at Denewood include:

- Clear and exacting Statement of Action published, which is reviewed monthly by PRU management and LA officers concerned
- Head Teacher suspended (a neutral act pending the outcomes of the commissioned investigation)
- Additional management support secured for the acting head/senior leadership capacity at Denewood to include;
 - Temporary appointment of an Acting Head Teacher from within the existing Denewood staff body
 - Support from John Dyson (Executive Head Teacher Westbury Woodlands federation)
 - Recruitment of Assistant Head Teacher from September 2015 to augment management capacity within provision
- Governing Body replaced in its entirety with an IEB
- Full review of health and safety and audit of safeguarding provision conducted. Progress against actions required monitored as part of statement of action review process
- Significant levels of support provided from HR to address outstanding casework and contract issues, support review and implementation of employment related policies, support implementation of appropriate staff structure and recruitment of staff and to support emotional well-being of staff
- Staff training provided re safeguarding, behaviour management/Positive Intervention, teaching and learning, personalisation
- Support for review of all required policies
- Formal monitoring and evaluation of the quality of provision - LA support and training for the acting Head Teacher
- Consultation with NCSEP to quality assure the range of providers currently in use
- Education Welfare support to review policies and practice, promote attendance, implement common attendance protocol, support data analysis
- LA and NCSEP working with PRU staff to improve readiness of pupils and information to schools to promote effective reintegration
- Consultation with HMI and the DfE re academisation / next steps

Outcomes

- Immediate health and safety concerns addressed
- Safeguarding policy and practice compliant with legislative requirements, shared with all staff so consistently implemented
- All pupils have full time provision from September 2015
- Attendance at KS2 consistently above 90% since February 2015, attendance at KS3 improving for those with full time provision
- Consistent implementation of behaviour policy has resulted in reduction of:
 - number of incidents

- use of PI and calming room
- days lost through fixed term exclusions – no exclusions in KS2 since February 2015
- Improved attitudes to learning and more effective teaching evidenced through lesson observation and work scrutiny, particularly at KS2
- Number of pupils now being identified for reintegration
- Required HR policies and processes now in place, reduction in outstanding casework

As of September 2015 Denewood will be educating 56 pupils, of which 30 will be full time at Denewood, 6 at Westbury and 20 at alternative providers. Since January 2015, 6 students have been reintegrated or processing through the reintegration process.

2.5 Bulwell Hub Pilot (KS3)

There has been a growing interest in developing a series of smaller localised AP hubs across the city. As such, an exciting development came in the form of a proposal made by the staff team at Bulwell Academy to pilot a new approach to planning provision for pupils who are permanently excluded/at risk of permanent exclusion. Following significant consultation with Bulwell Academy leaders, a number of pupils currently on roll at Denewood were admitted to the Academy site (as of summer half term break 2015). The academy provides these students with a range of pathways/options depending on individual needs and circumstances. The outcomes of this approach will be incorporated into the commissioned review of existing systems and structures relating to alternative provision / PRU's and outcomes will be fully evaluated mid and end of year.

Pilot arrangements

The pilot provision began 1st June 2015 and is funded for a minimum of 4 terms to August 2016. A clear monitoring and evaluation process has been put in place to assess the outcomes of the pilot and make recommendations for future developments.

The Pupil Referral Unit staff and lead of the Bulwell Academy, jointly identify pupils to be admitted and admission timelines against a comprehensive suite of documentation.

Provision agreed is as follows:

For excluded pupils/pupils at risk of exclusion

- The academy will pilot provision for full time attendance of young people who have been permanently excluded or are at significant risk of permanent exclusion, resident within the City of Nottingham, who have been placed with the academy by the LA in accordance with the agreed admissions criteria and process.
- The young people will remain on the roll of the Pupil Referral Unit. The LA will provide detailed information for admission as required by the academy and will seek to resolve complex placement issues in partnership with the Inclusion lead and Principal.
- When placements are at risk of breakdown the LA and Pupil Referral Unit will work with the academy to resolve issues and seek alternative placements which will then be purchased by the Pupil Referral Unit.

- The academy will pilot 4 pathways of support:

Pathway 1: Reintegration Bridge Pathway

Cohort: Pupils who have been excluded as a result of a one-off incident or whose behaviour presents low level risks. These pupils will be in years 7 or 8 and will have the ability to access GCSE level courses.

Initially 2 pupils will be admitted with numbers in the provision increasing to 5 pupils during 2015-16. One member of staff will run this provision from within the support block in school utilising the provision currently available.

Intended Outcomes:

Pupils will reintegrate to the main academy using the reintegration centre over an extended period. Pupils will have a flexible, personalised timetable with additional study periods for catch up/1:1/agency involvement sessions e.g. CAMHS/BST etc.

Pathway 2: Bridge Nurture Group

Cohort: 4 pupils in year 6 for early admission or in year 7, who have had limited time in education and who have learning needs for which they require additional support to access the curriculum.

The provision will focus on re-engagement of KS2/3 pupils using a Person Centred Review Approach to work with all stakeholders around each pupil.

The nurture group will be supported by 2 adults. Pupils will work in school towards ASDAN/AIM Awards (alternative accreditation to GCSE's) in English and Maths. The provision will include 2 days a week outdoor education, commissioned by the contractor.

Intended Outcomes

By the end of KS3 a decision will be made about the ongoing placement and funding arrangements between the contractor and the LA.

Pathway 3: Social Emotional and Mental Health Provision

Cohort: Focus provision support for full time attendance of up to 6 young people with Social Emotional and Mental Health (SEMH) who have been identified by the excluding school as requiring SEN Support.

1:1 support for each of these pupils will be available, on a personalised timetable which may include a combination of educational options e.g. core curriculum of English, Maths and Science provided in school with pupils accessing Alternative Provision and/or work placements for part of each week if appropriate and funding built in for the Alternative Provision placement.

Intended outcomes:

Personalised, flexible educational programme prepares pupils for next phase of education/training raising aspirations and securing effective transition.

Pathway 4: Alternative Provision (*Not yet funded for 2015-6*)

Cohort: Pupils at KS3/4 who are identified by the LA as requiring Alternative Provision.

Pupils who do not make expected progress in pathways 1, 2 or 3 may also transfer to Alternative Provision.

Alternative Provision will be commissioned by the LA from the academy as part of the solution to a complex placement break down.

The academy will source a high quality education placement enabling core and vocational qualification as appropriate to meet the needs of the pupil and oversee this for the rest of the academic year, with a yearly review in partnership with the LA.

Intended Outcomes:

Pupils will achieve vocational qualification and a range of appropriate L1 to GCSE subjects subject to need and engagement.

Monitoring and Evaluation

- The academy will ensure full access to information required by the LA to support the monitoring and evaluation of each pathway.
- This will include baseline information on admission and access to all data tracking pupil attendance and achievement data
- An initial evaluation of the pathways will be conducted by Peter Gray, who will confirm evaluation arrangements with the LA and the contractor
- The LA will conduct minimum termly monitoring visits to the academy to review provision and progress of pupils.

- Quality assurance through regular termly meetings between staff from the contractor and LA officers, as well as using the success specification criteria in Appendix 3.
- Commitment to effective partnership working with the contractor.
- The LA will allocate a budget for the contractor to use for agency support of 32 sessions of Education Psychology Services, and further input from the Behaviour Support Team and Autistic Spectrum Disorder Team as required to support placements and staff in meeting pupils' needs.

2.6 Unity Learning Centre (KS4)

Unity Learning Centre had a total of 104 permanently excluded KS4 students on roll during the 2014/15 academic year; they are commencing the 2015/16 academic year in September 2015 with 97 permanently excluded KS4 students on roll.

A formal framework agreement is currently in place, which was specifically commissioned for Unity KS4 permanently excluded pupils to access alternative provision offsite, and was procured initially (2013/14 academic year) for a projected total of 44 KS4 pupils, all educated offsite, at a full projected DSG cost of £450k. An additional framework agreement was put in place for the 2014/15 academic year for an additional 21 pupils at an additional cost of £250k; this framework only incorporates 7 providers and due to the high numbers of KS4 students permanently excluded over the past 2 academic years, and the very limited facilities at the Forest Road site to educate KS4 students onsite, Unity has had to also broker provision outside of the framework agreement.

Strategic plans are currently underway with regard to the commissioning of an updated framework agreement from 2016; it is planned that this framework agreement will not be specifically for the referral of Unity students but will seek to support wider groups of vulnerable students, both at KS3 and KS4.

2.7 Longer-term arrangements

In order to address the above issues, we established an Alternative Provision Focus Group an AP Focus Group (consisting of Head Teachers / Vice Principals of primary, secondary, special schools (maintained and academies), LA Officers and NCSEP) who have met on 4 occasions and whose role has been to carefully consider and recommend a range of activities to include the Bulwell Hub Pilot / commissioning appropriate reviews / scoping out a possible structure for city wide AP/PRU's.

Whilst our meetings have been engaging and purposeful we recognise the enormity of the challenges we face. However, we will take this opportunity to thank all members of the group who have committed significant time, effort and energy to what is a complex set of circumstances.

The Focus Group are seeking to develop a more effective and sustainable response to pupils presenting challenging behaviour in schools and academies across the city and have;

- commissioned a review of existing systems and structures relating to alternative provision / PRU's.
- commissioned a review of the structure, range of services and systems operating in the provision of education for City pupils with SEN, including special schools and focused provision
- Commissioned a review of the impact of services/agencies that work with our schools and academies KS1-KS4 to improve pupil behaviour/engagement and prevent placement breakdowns beginning with an inter-agency mapping exercise – this in response to the urgent need to put into place provision for KS1/2 pupils excluded or at risk of permanent exclusion.

A fundamental part of each of the reviews has been to interview a broad range of practitioners to help us fully understand the citywide perspective. These conversations have been carried out in strict confidence.

The work has taken place May – September. Authors will endeavour to produce final reports by the start of the Autumn Term. Further time will then be allocated to discuss findings/reports/outcomes with a broad range of stakeholders to assist in the development of new, and preferred, systems, approaches and future arrangements / commissioning processes.

These stakeholders include;

- AP Focus Group
- Primary / secondary (maintained and academy) Head Teachers and Principals.
- LA Officers
- Portfolio holder for Education (Cllr S Webster)
- Schools Forum

3. OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

3.1 Immediate action has been necessary in response to changing circumstances. Wide ranging options are being considered for the longer-term.

4. OUTCOMES/DELIVERABLES

4.1 These arrangements have been implemented to ensure the LA meets its statutory duty to provide an education to permanently excluded pupils.

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

5.1 The overall financial implications of this report are set out in **Table 1** below and are forecast at between £1.198m to £1.655m over and above the budgeted allocation.

TABLE 1: Summary of Overall Financial Implications for SSR £m					
	April - Aug	Forecast Sept-March		Full Year Forecast	
		Low	High	Low	High
Glenbrook (KS1)	0.078	0.106	0.130	0.184	0.208
Westbury/Woodlands (KS2)	-	0.000	0.065	0.000	0.065
Denewood (KS2/3)	0.401	0.323	0.550	0.724	0.951
Bulwell Hub (KS3)	0.077	0.075	0.075	0.152	0.152
Unity (KS4)	-	0.138	0.279	0.138	0.279
TOTAL	0.556	0.642	1.099	1.198	1.655

It is assumed that this additional funding will be met from the Statutory School Reserve (SSR). £1.109m was earmarked in the SSR for this risk and was included in the 2014/15 Outturn Report on 18 June 2015.

The uncommitted balance of the SSR as presented in the Outturn Report was £5.747m. **The implication of this report is that the committed balance needs to be increased by £0.546m thereby reducing the uncommitted balance of the reserve to £5.201m.**

It should be noted that there will be significant variability in the costs linked to pupil numbers and the high case estimate could be exceeded, for example if the numbers of permanent exclusions are higher than the same period last year.

5.2 The following sections describe in detail the financial detail of the revised arrangements at each key stage. 5.2 Glenbrook (KS1)

The costs incurred from April to August 2015 in relation to additional arrangements for KS1pupils are approximately £0.078m. See **Table 2** shows the breakdown.

TABLE 2: Expenditure on KS1 arrangements April-August 2015	
	£m
Specialist external alternative education provision	0.038
Agency Staffing (Glenbrook base)	0.017
Resources	0.001
Taxis (estimate)	0.022
TOTAL	0.078

Three pupils will be educated in the Glenbrook base from September 2015. It will be staffed by one full time teacher and three full time learning mentors. A small non-staff budget is required for learning resources and lunches for pupils eligible for FSM. The estimated budget required for the base for September 2015 to March 2016 is £0.075m. In addition, transport costs for 3 pupils to the end of March would be a further £0.042m, at a cost of £110 per pupil per day. The full estimated cost based on 3 pupils for September to March will be £0.117m. It is anticipated that the base could accommodate a further 2 pupils if required, in which case the overall costs September – March would increase to around £0.145m due to the additional transport costs.

Schools will be asked to contribute the AWPU and any named pupil HLN funding to support the pupil for the period they are educated at the base. Based on the 3 pupils identified for September, this would reduce the cost to the SSR by £0.011m.

5.3 Woodlands/Westbury Federation (KS2)

The costs of the temporary portacabin accommodation at the Westbury site **are not being met by the SSR**. The £0.094m installation cost is being met from a Children & Families Health and Safety contingency within the Capital Programme and the £3,358 monthly rental cost is being met from BSF allocations.

Woodlands and Westbury Schools are charging Denewood Learning Centre £200/day (tbc) in relation to the accommodation of Denewood pupils on their sites. The schools have employed temporary agency staff to support pupils outside of the classroom, and faced additional management pressures.

A proposed KS2 intervention provision would be sited in the second classroom in the new portacabin at Westbury Special School. The cost of the provision for up to 6 pupils has yet to be finalised but it is anticipated that this will be in the region of £0.116m per annum which corresponds to the £19,324 annual cost per pupil envisaged under the original 2015/16 Denewood funding proposals. This would include the cost of a teaching staff and associated administrative support costs, meals and transport. The pro-rata cost for September to March would be around £0.075m. Schools will be asked to contribute the AWPU and any named pupil HLN funding for the period. It is likely that the majority of this cost will be able to be funded from a projected underspend on the Primary Fair Access budget. This budget was underspent by £0.067m last financial year.

5.4 Denewood Learning Centre (KS 2/3)

The costs incurred from April to August 2015 in relation to Denewood pupils exceeded budget by £0.388m.

The budget was based on 72 pupils for the summer term at a cost of £0.583m made up of £0.240m place funding plus £0.343m top-up funding. During this period planned funding was due to be based on £8,000 per place and £11,432 per pupil top-up.

Whilst only around half that number have had their provision delivered by Denewood staff in the summer term, it is anticipated that DLC will have continued to incur costs at the planned level. Additional costs being charged by Westbury and Woodlands, revised transport costs and the cost of an executive head for 1 day per week (£500/day) offset savings in non-salary expenditure arising from the lower pupil numbers. £0.585m top-up funding has been provided for pupils in internal provision for the period April to August. In addition, £0.013m is required to fund the commissioning by the IEB of an independent investigating officer to review and report on the events leading up to the closure of the unit.

The cost of top-up funding for Denewood pupils accessing external alternative provision from April to August has been £0.386m. Funding is provided based on the precise costs that are being charged by each provider for each pupil. Costs range from £55 per day to £340 per day (1 to 1). 2871 pupil days have been provided in external provision at an average cost per day of £134.

It is anticipated Denewood LC will start the academic year with 56 pupils on roll, with 15 of those attending external alternative provision. The cost of provision for the remainder of the financial year will depend upon the rate of exclusions, the capacity of the Denewood Learning Centre to increase the number of pupils in internal provision and the provider mix for the external AP.

Alternative provision costs for the period September 2015 to March 2016 are forecast in the range of £0.300m to £0.500m. The lower estimate assumes that any net increases in pupils on roll from permanent exclusions can be absorbed into the internal provision, with the number of pupils in offsite external AP being static at around 15. The upper estimate assumes that pupil numbers increase in line with exclusions in the 2014/15 academic year and a maximum of 45 pupils are accommodated at the DLC base.

It is assumed that for the remainder of the financial year, DLC will receive top-up funding for internal provision of at least £0.372m, which aligns to the original budget, without regard to the number of pupils in internal provision. However, this may need to be increased to cover internal costs which weren't originally envisaged including additional leadership costs, with a new assistant Headteacher being recruited from September.

5.5 Bulwell Hub Pilot (Key Stage 3)

Table 3 below summarises the agreed funding to be provided to Bulwell Academy for the hub pilot.

TABLE 3: Bulwell Hub Pilot Costs				
Pathway	Costs April – Aug (Start up and provision)	Academic Year Cost	Annual Cost/ Pupil at full occupancy	Costs Sept - March
1	£25,000	£25,000 for up to 5 pupils	£5,000	£14,583
2	£45,000	£75,000 for up to 4 pupils	£18,750	£43,750
3	£6,743	£26,975 per pupil	£26,975	£15,735
TOTAL	£76,743			£74,069

The Pathway 1 cost per pupil represents a significant saving compared to the average cost being paid for external alternative provision (£26 per day compared to £134). The Pathway 2 cost is very close to the original budgeted cost per pupil for Denewood LC. The Pathway 3 cost is based on the cost per pupil for the existing Bulwell Focus Provision for pupils with Autism.

5.6 Unity (Key Stage 4) Top-up funding for Unity Learning Centre for the period April 2015 to August 2015 was £0.172m. The full cost of external alternative provision during this period was £0.342m, which was in line with the budget, but the first £0.174m has been met from Unity's carry forward balance.

It is anticipated Unity LC will start the academic year with 96 pupils on roll. Top-up funding required for September to March will depend on the number of permanent exclusions during that period. If the number of pupils on roll remained static, approximately £0.853m top-up funding would be required, resulting in a full year variance to budget of £0.138m.

If exclusions mirror the pattern for the 2014/15 academic year, £0.994m top-up funding will be required resulting in a full year variance to budget of £0.279m.

It should be noted that without the one-off benefit of the Unity LC carry forward balance, the anticipated full year variance would have been £0.312m to £0.453m. A small proportion of the variance relates to the average daily cost of provision under the framework being higher than budgeted from September (£70/day compared to £61/day budgeted) with the majority being caused by pupil numbers exceeding expectations.

5.7 Longer term arrangements

It is anticipated that the cost of the alternative provision/PRUs review will be met from the current year high needs central AP budget. The cost of the SEN review is being met from the Strategic Alliance budget which was the subject of the Schools Forum paper in April 2015.

5.8

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

Legal Implications

Since this is a report for noting to update Schools Forum on arrangements which have been implemented during 2015 for pupils that have been, or are at risk of being, permanently excluded and to advise Schools Forum of the associated financial implications, it is advisable that the Schools Forum considers carefully the information and financial implications set out in this report.

7. **HR ISSUES**

8. **EQUALITY IMPACT ASSESSMENT**

Has the equality impact been assessed?

Not needed (report does not contain proposals or financial decisions)

No

Yes – Equality Impact Assessment attached

Due regard should be given to the equality implications identified in the EIA.

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

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

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank