



NOTTINGHAM CITY COUNCIL
SCHOOLS FORUM

Date: Thursday, 3 November 2016

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

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

AGENDA

Pages

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| 1 | ELECTION OF CHAIR | |
| 2 | ELECTION OF VICE CHAIR | |
| 3 | APOLOGIES FOR ABSENCE | |
| 4 | DECLARATIONS OF INTEREST | |
| 5 | MINUTES
Minutes of the last meeting held on 16 June 2016 (for confirmation) | 3 - 6 |
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| 7 | SCHOOLS COLLABORATION ON RESOURCE EFFICIENCY - FINAL PROJECT REPORT UPDATE
Presentation by Penny Marshall, Schools Energy Officer | 11 - 16 |
| 8 | DE-DELEGATION REPORTS | |
| a | De-delegation of funding for Trade Union time off for senior representatives
Report of the Interim Director of HR and Transformation and the Strategic Director of Finance | 17 - 24 |
| b | De-delegation of funding for the Behaviour Support Team
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9	THE REPAIR AND MAINTENANCE OF SCHOOL GYM EQUIPMENT IN MAINTAINED SCHOOLS Report of the Directors of Education	61 - 64
10	PUPIL GROWTH CONTINGENCY - PROPOSED ADDITIONAL BUDGET Report of the Directors of Education and the Corporate Director for Children and Adults	65 - 76
11	HIGH NEEDS PLACES 2017/18 Presentation by Kathryn Stevenson and Janine Walker	
12	EXCLUSION OF THE PUBLIC To consider excluding the public from the meeting during consideration of the remaining item 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.	
13	FUNDING TO SUPPORT AN EXPANDING SCHOOL - EXEMPT REPORT Report of the Directors of Education and the Corporate Director for Children and Adults	77 - 84

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.

NOTTINGHAM CITY COUNCIL

SCHOOLS FORUM

**MINUTES of the meeting held at Loxley House, Nottingham on 16 June 2016
from 13.47 - 14.16**

Membership

Present

Sian Hampton (Chair)
Bev Angell
David Blackley
Caroline Caille
Sally Coulton
Judith Kemplay
Janet Molyneux
Tracy Rees
James Strawbridge
Marcus Wells

Absent

Susi Artis
Maria Artingstoll
Paul Halcro
Gary Holmes
Andy Jenkins
Chris Manze
Mark Precious
Terry Smith
Dawn Whitemore
Tracey Ydlibi

Colleagues, partners and others in attendance:

Alistair Conquer - Head of Education Partnerships
Lucy Juby - Project Manager, Access to Learning
Ceri Walters - Finance Business Partner, Children and Adults
Phil Wye - Governance Officer

44 APOLOGIES FOR ABSENCE

Maria Artingstoll
Susi Artis
Dave Hooker
Gary Holmes
Andy Jenkins
Chris Manze
Mark Precious
Terry Smith
Dawn Whitemore
Councillor Sam Webster

45 DECLARATIONS OF INTEREST

None.

46 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting from 21 April 2016 were agreed as a correct record and signed by the Chair.

47 WORK PROGRAMME

The work programme for the next meeting of the Forum was noted.

48 UPDATE ON THE PUPIL GROWTH CONTINGENCY FUND

Lucy Juby, Project Manager, School Organisation, updated the Forum highlighting the following:

- (a) the remaining balance after the 2015/16 closedown was £36,089. This was slightly higher than expected as the early years funding for Fernwood was lower;
- (b) the majority of the schemes for 2016/17 were approved by Schools Forum in January;
- (c) Glade Hill Primary is taking an additional bulge year, in advance of a possible permanent expansion due to a shortage of places in the area;
- (d) IDEAL provision is still under review but £8,000 has been set aside for this;
- (e) the largest amount is a one-off payment to Nottingham Academy for their new site on Sneinton Boulevard opening in September. They have taken on additional pupils gradually over a number of years;
- (f) Huntingdon Primary is taking a bulge year, as it has done in previous years, due to pressure on school places in the area;
- (g) The remaining balance currently stands at £39,547.

RESOLVED to note the information

49 STATUTORY MONITORING PROCESS FOR DEFICIT MAINTAINED SCHOOLS

Ceri Walters, Finance Business Partner, Children and Adults, introduced the report updating the Forum on the statutory monitoring process for deficit maintained schools, highlighting the following:

- (a) the report sets out the steps to be taken when a maintained school sets a deficit budget, as specified in the Fair Funding Scheme;
- (b) the process only applies where the deficit exceeds 5% of the school budget share or £35,000 for primary schools, and 2.5% of the school budget share or £70,000 for secondary schools;
- (c) if schools have any further queries on this they can contact Schools Finance or the Clerk of the Schools' Forum.

RESOLVED to note the statutory monitoring process for deficit maintained schools

50 2015/16 DEDICATED SCHOOLS GRANT - OUTTURN REPORT

Ceri Walters, Finance Business Partner, Children and Adults, introduced the report setting out the 2015/16 Dedicated Schools Grant (DSG) outturn and the updated reserve balance.

The following points were raised in the discussion which followed:

- (a) secondary schools are still awaiting devolved high needs funding and funding for additional high needs in terms of behaviour. Schools Finance and the Director of Education are currently working on resolving this;
- (b) Forum members there may be a large future contingency needed for education of children in hospitals, due to increased number at the Queens Medical Centre and a new mental health hospital. National funding is currently frozen so this could fall to the High Needs Block.

RESOLVED to

- (1) note that the 2015/16 financial outturn position of the DSG was an underspend of £1.373m and the reasons for the material underspend are as follows:**

	(Under)Spend £m	Details
3 & 4 year old contingency	(0.278)	Pupil premium, to be paid back to the DfE in 2016/17
BSF slippage	(0.619)	Slippage in capital programme
Pupil growth slippage	(0.099)	Slippage to support 2015/16 growth as per report presented in April.
Early Years contingency	(0.125)	No longer required
Exclusions	(0.281)	Primary exclusions
Home Tuition	(0.100)	Not required in 2015/16
Special Schools Contingency and Transition	(0.166)	Underspend of contingency and transitional costs
Special Educational Needs	(0.116)	Underspend of contingency and transitional costs
Headroom	(0.143)	Unallocated balance of final settlement
Education cost of placements	0.322	Increase in complexity and growth in population
Cross Border Top ups	0.385	Demand driven increase

Total material underspends	(1.220)	
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(2) note that this under spend has been allocated back to the Statutory Schools Reserve (SSR) resulting in a closing balance of £11.997m for 2015/16, as below:

	Forecast £m	Actual £m
Opening Balance as at 1 April 2015	(14.885)	(14.885)
Less: 2015/16 Commitments	5.826	4.261
Add: 2015/16 Under spends		(1.373)
Closing Balance as at 31 March 2015	(9.875)	(11.997)
Less: 2015/16 & 2016/17 Commitments	4.212	7.796
Less: 2 Year old Funding	4.405	
Uncommitted Balance	(1.258)	(4.201)

(3) note that based on current commitments, that the SSR balance by 31 March 2022 should be £4.201m, as in the table above.

51 MEETING DATES FOR THE 2016/17 ACADEMIC YEAR

The Forum noted that the dates have been set for the 2015/16 academic year as follows:

22 September 2016
 3 November 2016
 8 December 2016
 19 January 2017
 23 February 2017
 20 April 2017
 22 June 2017

Some dates may be subject to financial deadlines set by the Department for Education.

SCHOOLS FORUM WORK PROGRAMME

Title of report	Report or presentation	Author – name, title, telephone number, email address
<u>8 December 2016</u>		
1.	School Funding Formula 2017/18	Report Ceri Walters, Head of Commercial Finance Tel: 0115 8764128 Email: ceri.walters@nottinghamcity.gov.uk
2.	Early Years Funding Formula 2017/18	Presentation Kathryn Bouchlaghem, Early Years Manager Tel: 0115 8764531 Email: Kathryn.bouchlaghem@nottinghamcity.gov.uk Kathryn Stevenson, Senior Commercial Business Partner Tel: 0115 8763731 Email: Kathryn.stevenson@nottinghamcity.gov.uk
3.	Post ESG De-delegation	Report Ceri Walters, Head of Commercial Finance Tel: 0115 8764128 Email: ceri.walters@nottinghamcity.gov.uk
4.	Central Expenditure budgets 2017/18	Report Ceri Walters, Head of Commercial Finance Tel: 0115 8764128 Email: ceri.walters@nottinghamcity.gov.uk
5.	Proposed budget for pupil growth 2017/18	Report Lucy Juby, Project Manager, School Organisation Tel: 0115 8765041 Email: lucy.juby@nottinghamcity.gov.uk
6.	Year 11 EAL New Arrivals Provision	Report Jane Daffe, Senior Achievement Consultant Tel: 0115 8764680 Email: jane.daffe@nottinghamcity.gov.uk
7.	Alternative Provision	Report Michael Wilsher, Inclusion Officer Tel: 0115 8764626

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Agenda Item 6

Title of report		Report or presentation	Author – name, title, telephone number, email address
			Email: michael.wilsher@nottinghamcity.gov.uk
8.	Primary and Secondary Fair Access Funding	Report	Michael Wilsher, Inclusion Officer Tel: 0115 8764626 Email: michael.wilsher@nottinghamcity.gov.uk
9.	Education Improvement Board – Update and Next Steps	Report	Jennifer Hardy Tel: 0115 8765629 Email: Jennifer.hardy@nottinghamcity.gov.uk
10	Dolly Parton Imagination Library	Report	Lucy Sheldon, Project Officer Tel: 0115 8762777 Email: lucy.sheldon@nottinghamcity.gov.uk
9 January 2016			
	Schools Budget 2017/18	Report	Ceri Walters, Head of Commercial Finance Tel: 0115 8764128 Email: ceri.walters@nottinghamcity.gov.uk

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Deadlines for submission of reports

Date of meeting	Draft reports (10.00 am)	Final reports (10.00 am)
8 December	17 November	28 November
19 January	29 December	9 January
23 February	2 February	13 February

Date of meeting	Draft reports (10.00 am)	Final reports (10.00 am)
20 April	23 March	10 April
22 June	1 June	12 June

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Nottingham City Council

Final Project Report Update

Project Title: Schools' Collaboration on Resource Efficiency (SCoRE)

Lead Department: Energy Services



DOCUMENT CONTROL

Author:	Ruth Zoumides and Penny Marshall
Project Sponsor:	School's Forum, Nottingham City Council
Project Manager:	Andrew Whitley and Jane Lumb
Date:	27 th May 2016
Document ID:	SCoRE
Document version:	1.0

1.0 PURPOSE OF DOCUMENT

Executive Summary

SCoRE, or Schools' Collaboration on Resource Efficiency began as a pilot trial run by The Carbon Trust in 2011.

SCoRE is a programme run solely with the aim to help schools and communities to become more eco-friendly and sustainable and to make financial and carbon savings by reducing energy consumption and associated emissions through behavioural and technical changes.

Following this, in March 2012, Forum funded two roles at £67,000. With an under spend of £41,608 in 2014, this provided 6 months extra support. In September 2014, Forum agreed the further underwriting of £134,000 extending both posts until September 2016.

2.0 PROJECT OBJECTIVES ACHIEVEMENT

SCoRE has won a National Green Apple Award received at Westminster 2011 and was voted finalist in the Local 2015 Nottingham Evening Post Awards.

During role, officers have qualified as Energy Surveyors.

Technical Change

Officers have carried out:

- 87 detailed energy efficiency surveys
- 87 survey reports

Survey reports identified:

- £100,000 per annum from potential lighting upgrades
- 12 boilers for replacement
- £580,000 in cumulative savings for similar interventions over school estate

Schools invested:

- £83,719 Salix investment (Salix total since 2012)
- £31,692 School investment

Technical change has included:

- Replacement lighting
- Boiler and heating system upgrade
- Glazing/partial glazing update
- IT and server efficiency implementation
- Insulation installation
- Timer switches and programmes overhaul
- Heating, timers and boiler upgrade

Resulting in:

- £36,218 energy cost savings per annum (since 2012)
- 197 tonnes of CO2 savings pro rata (since 2012)

SCoRE has been instrumental in developing council's in-house workforce or Direct Labour Organisation (DLO).

Behavioural Change

Engagement, Primary:

- Whole school assemblies
- Small group and whole class sessions
- Child led energy audits
- School mapping
- Lighting labelling
- Temperature measuring
- Forming of energy saving pledges

Engagement, Secondary:

- Inner workings of power stations
- Law, legislation and Parliament
- Renewable technologies
- Climate change
- Fossil fuels
- Carbon capture and storage
- DECC led live computerised simulation; 'My 2020 World'
- Forming of energy saving pledges

Schools participating in the SCoRE programme benefit from:

- Curriculum enriched engagement
- Energy policy writing support
- Eco-team formation
- Campaigns, green guidance and lesson plans
- Eco-Schools support and advice towards Energy Module for Green Flag award
- Increased schools' awareness of energy through NCC's Marketing and Communications team, BBC Radio Nottingham, Evening Post, Impact magazine, Scene, City's intranet, schools net and school newsletters
- Strengthened existing operational relationships within NCC

To date, officers report:

- 84 whole schools assemblies
- 46 early year's education days
- 25 adult engagement sessions
- 17 Climate Cops Activity Days
- 14 travelling plays 'Town of Total Darkness' delivered using a professional cast of actors and stage sets

A further:

- 29 schools awarded full SCoRE status (1-2 week's engagement followed by ceremony)

SCoRE has reached approximately

- 8,850 City pupils
- 2,200 members of school staff

Adult Engagement carried out:

- 91 whole staff meetings
- 14 train the trainer styled catering and cleaning workshops with dissemination to 56 schools
- 65 Automatic Meter Reading (AMR) and energy management training sessions
- 27 boiler heating and health check training advice workshops

SCoRE reports 56 public engagement events ranging from small market stalls to international conference, raising the profile of SCoRE and providing energy and sustainability training.

The success of the SCoRE project has been recognised, it has been used as a model to develop The Northamptonshire Waste and Energy Education Team Energy sessions.

4.0 CONCLUSION

SCoRE will cease service on the last day of the month of September year 2016 due to cease of Forum Funding.

There remains a carry-over of £0.00 from Schools Forum funding from spending to date.

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SCHOOLS FORUM - 3 November 2016

Title of paper:	De-delegation of funding for Trade Union time off for senior representatives
Director(s)/ Corporate Director(s):	Richard Henderson, Interim Director of HR and Transformation Geoff Walker, Strategic Director of Finance
Report author(s) and contact details:	Carol McCrone, HR Consultant Tel: 0115 876 3610 Email: carol.mccrone@nottinghamcity.gov.uk Della Sewell, Employee Relations Manager Tel: 0115 876 3443 Email: della.sewell@nottinghamcity.gov.uk
Other colleagues who have provided input:	Dee Fretwell, Commercial Business Partner, Finance Jon Ludford-Thomas, Senior Solicitor, Legal Services
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 2017/18.	
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 £1590.00 per school.
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 £1590.00 per school.

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 2016/17 related to that year only, so a new approval is required for this service to be de-delegated in 2017/18. 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, twelve primary and eight secondary academies have agreed to participate in this arrangement.

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 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. TUs may also decide that they each wish to appoint reps in individual schools and, therefore, schools may also have to pay additional costs for the training and CPD of each TU rep.

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 available Department for Education indicator data and known academy conversions, the proposal would result in maintained mainstream primary schools de-delegating £0.076m and maintained mainstream secondary schools de-delegating £0.004. Therefore a total of £0.080m would be de-delegated.
- 5.2 The proposal assumes that the academies that have indicated their wish to buy back into the service do so, this would generate additional income of £0.042m.
- 5.3 The total Dedicated Schools Grant requirement for this proposal is estimated at £0.198m (£0.080m of which would be de-delegated if approved plus £0.118m to be delegated to academies).
- 5.4 These calculations are based upon a rate of £1.52 per pupil and £1590.00 per school for both maintained and academies
- 5.5 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)

6.1 Legal Implications

The schools forum's powers here derive from the School and Early Years Finance (England) Regulations 2015 ("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 7 January 2016.

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 30, which states, amongst other things:-

Expenditure on making payments to, or in providing a temporary replacement for, any person who is –

(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

7.1 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 the 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 the 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>

- 7.2 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.
- 7.3 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.
- 7.4 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

- 8.1 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

- 9.1 None

10 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

- 10.1 Schools Forum report 24 September 2015: De-delegation of funding for Trade Union time off for senior representatives.

Appendix 1

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 4 October 2016		Date sent to equality team for publishing:	

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SCHOOLS FORUM - November 3rd, 2016

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 Joint Directors of Education
Report author(s) and contact details:	Kimberly Butler, Behaviour Support Team Leader Tel: 0115 8762438 Email: kimberly.butler@nottinghamcity.gov.uk
Other colleagues who have provided input:	Dee Fretwell, Finance Analyst, Children and Adults Joanne Zylinski, Service Redesign Consultant Jon Ludford-Thomas, Senior Solicitor, Legal Services Adisa Djan, Equality and Diversity Consultant

Summary

Since April 2013 funding for BST services has been part of the school formula. 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.

The funding is targeted towards those children and young people (CYP) with Social Emotional Mental Health (SEMH) difficulties and/or Special Educational Needs and Disability (SEND) where CYP:

- are at high risk of exclusion;
- are in the Foundation Stage or Key Stage 1;
- have safeguarding concerns;
- have barriers to progress in school.

Other elements of BST work are those commissioned through schools as a traded service. This funding also contributes to BST support for schools with a LA action plan following an Ofsted report.

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 2017.

Recommendation:

1	For maintained mainstream primary schools to approve the de-delegation of funding for statutory services provided by the BST in 2017/18 at a rate of £55 per pupil eligible for free school meals and a lump sum of £0.003m per school. Total funding requested to be de-delegated by maintained mainstream primary schools is £0.276m. This is made up of £0.168m generated by pupils eligible for free school meals and £0.108m lump sum funding.
2	For maintained mainstream secondary schools to approve the de-delegation of funding for statutory services provided by the BST in 2017/18 at a rate of £55 per pupil eligible for free school meals and a lump sum of £0.003m per school. Total funding requested to be de-delegated by maintained mainstream secondary school is £0.026m. This is made up of £0.023m generated by pupils eligible for free school meals and £0.003m lump sum funding.
3	If recommendations 1 and 2 are not approved, approval is sought from Schools Forum to

<p>fund any employment costs associated with the service being disbanded, this may include salary costs for April 2017 excluding the severance payments which will be paid for from the Corporate Redundancy budget, from the Statutory School Reserve, and note that once the costs in relation to the notice period and pay protection if the staff are redeployed are known this value will be incorporated into the Statutory School Reserve quarterly monitoring report.</p>

1 REASONS FOR RECOMMENDATION

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

- Children and Families Act 2014;
- Special Educational Needs (SEN) Legislation 2014;
- SEN Code of Practice (2014);
- Health and Safety Act 1974;
- SEND tribunals;
- The Equality Act (2010) - access to the curriculum;
- The National Award for SEN Co-ordination (2009);
- Exclusions School Discipline Regulations: Education Act (2012);
- School Attendance (Education Act 1996) and amendments 2010;
- Admissions - Schools Admissions Code 2012 (Education Act 1996);
- Ofsted Framework 2012 (amended 2015).

1.2 The delegated budget will provide the following services to maintained primaries where the CYP has a primary need of SEMH and is presenting with significant needs:

SEND:

- a negotiated allocation of work with school/CYP where there is an immediate risk of permanent exclusion for KS1 Foundation Stage CYP;
- a negotiated allocation of work with Foundation/KS1 CYP where behaviour seriously limits access to curriculum/learning;
- attendance at and contribution to Person Centred Review (PCRs) for CYP where BST has active involvement;
- contribution to Education Health and Care Plan (EHCP) where BST has active involvement;
- attendance at and contribution to team around the school meetings (TAS) up to 3 per year.

Safeguarding:

Where the Behaviour Support team are actively involved in working with a pupil in maintained primaries, the team will provide:

- attendance at and contribution to Common Assessment Frameworks/early help meetings;
- 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 CYP who are subject to child protection status (S47);
- a negotiated allocation of work in school to support CYP who have child in need status (S17) for CYP.

Health and Safety:

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

1.3 De-delegation for 2017/18 will ensure that sufficient staffing can be retained within the BST to continue access to additional traded services, for both academies and maintained schools.

These services include:

- risk assessment and individual handling policy training/support;
- de-escalation training and physical intervention support;
- therapeutic interventions e.g. Play Therapy, Theraplay, Sunshine Circles, Art Imaging;
- personalised programmes for an identified CYP;
- parenting programmes e.g. Solihull or personalised parenting support;
- teacher or TA coaching/mentoring;
- Senco support;
- observations – whole class or pupil;
- inset training;
- mid-day Supervisor training;
- behaviour and lunchtime audits;
- strategic work e.g. review/rewrite schools behaviour policy;
- support to schools in the Ofsted overall effectiveness grade around Personal Development, Behaviour and Welfare.

2 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

2.1 The team currently comprises 5.0 full time equivalent (fte) teachers, 5.0 fte Behaviour Learning Mentors and 1.0 administration support. Over the last year staffing has been reduced and models of service delivery reviewed in order to provide a more efficient service delivery.

The team's specialist work is delivered across all key stages in schools across the City and in neighbouring local authorities and to other agencies. All members of staff deliver a combination of traded services to all settings and support that is free at the point of delivery to maintained schools.

Work continues to have a particular emphasis in primary schools around early intervention in FS/KS 1; and around transition support from KS2 to KS3.

Additionally, there are increasing requests for therapeutic work to support very vulnerable or challenging CYP. The team continues to work with schools to create bespoke packages to enable some very challenging children to be included within their school setting or maintain their school place.

2.2 Since trading was required from 2010, income targets were set and reached. The income raised through traded services has increased year on year. In the academic year 2015/16 of all the work delivered in school 97% continued to be evaluated as 'very good to excellent'.

- 2.3 Since 2014 the team has diversified and is working to establish itself on commercial footing by offering training and support to settings other than maintained schools and academies. For example, provision of RPI training to social care settings.

3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 3.1 An alternative option is to delegate funds directly to schools. The failure to de-delegate the funding will lead to increased uncertainty that the team will be financially viable. The uncertainty regarding income may lead to a loss of experienced and knowledgeable staff and impact on the team's sustainability and capacity to provide support to schools across the city.

A reduction in the capacity within BST would have the following consequences:

- lack of preventative services available to schools to support the inclusion of CYP with challenging behaviour/ SEMH to remain in school;
- potential increased health and safety and safeguarding risks to pupils and staff;
- increased risk of exclusions rising – both fixed term and permanent – especially in FS/KS1;
- lack of BST strategic advice 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;
- insufficient capacity to deliver positive handling training and support schools with risk reduction;
- support for SEN processes will be reduced significantly, e.g. HLN and EHCP;
- reduced effectiveness of the CAF/early help action plan due to lack of support from BST
- no City wide training or Senco Network input around SEMH;
- no specific team of behaviour specialist teachers to contribute to LA action plans for maintained schools where behaviour has been identified as an area of concern
- reduction in support for the primary and secondary Fair Access processes. BST currently support CYP reintegration back into schools;
- no BST attendance to represent schools at JCNC or joint working with the HSE around violent incidents.

4 OUTCOMES/DELIVERABLES

4.1 Outcomes delivered 2015/16:

- Increased preventative work – income from traded work has increased year on year as schools are looking at early intervention and therapeutic support.
- Reduced exclusions - of the CYP referred to us at risk of exclusion 97% remained in school and 84% received no subsequent exclusions.
- 1,137 staff were trained in positive handling.
- Immediate BST response (via phone consultation or RPI call out) to emergency health and safety risks at a school – an average of 1 per day.
- Increased casework:
 1. In 2014/15 110 pieces of casework around FS/KS1; in 2015/16 there were 205.
 2. In 2015/16 172 pieces of casework around KS2.
 3. In 2015/16 178 pieces of casework around KS3/4.

- 'Core' children - 80 x FS/KS1 CYP in maintained Primaries were supported as 'core' children by BST as they were deemed to be at very high risk of exclusion.
- Safeguarding – 40% CYP that BST supported had either active social care involvement or TFS/PF. BST attended meetings (e.g. ICPCs) and contributed to reports around these CYP.
- HLN – strategic support given to schools to identify appropriate interventions and secure additional funding.
- HLN – active involvement with 130 CYPs receiving HLN:
 1. 3 x FS CYP;
 2. 95 x Primary CYP.
 3. 32 x Secondary CYP.
 4. CYP who received HLN and their school place was being directly maintained through sustained BST support was 58.
- EHCP process – BST attended PCRs and completed reports to support the EHCP process for 50 CYP across all key stages.
- Reducing financial risks and providing value for money - maintaining the CYP in school against the cost of a PRU place at £15,000 per pupil; the cost of a special school place at £20-25,000 per pupil; supporting the EHCP process at £6000 per request.

4.2 In the academic year 2015/16, BST has directly worked in:

1. 76 of the 77 City Primaries;
2. 14 of the 15 City Secondaries;
3. 4 of the 9 City Special Schools (2016/17 BST will work in 5 of the 9 City Special Schools (Oakfield, 07-10-16));
4. 1 free school in the City.

4.3 The income from traded work has increased year on year:

1. 2010/11 generated £32,000
2. 2011/12 generated £50,000
3. 2013/14 generated £98,000
4. 2014/15 generated £171,000 (including £50,000 through positive handling training)
5. 2015/16 generated £259,741 (including £71,469 through positive handling training)

Income and costs:

	2015-16 (actual)	2016-17 (projected)	2017-18 (projected)
Service Costs	£0.567m	£0.421m	£0.421m
DSG Income	-£0.311m	-£0.291m	-£0.302m
Income generated	-£0.260m	-£0.252m	-£0.275m

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 £0.276m and maintained mainstream secondary schools £0.026m.
- 5.2 For information the proposal would result in the delegation of an estimated £0.518m to academy schools. Therefore, the total amount to be delegated is £0.820m.
- 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.

- 5.6 If the proposal outlined in recommendations 1 and 2 are not approved, as outlined in paragraph 7.1, 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 the month of April 2017 (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.

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

6.1 Legal Implications

- 6.1.1 The schools forum's powers here derive from the School and Early Years Finance (England) Regulations 2015 ("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 7 January 2016.
- 6.1.2 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 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.

6.1.3 Therefore, provided the proposals fall within the above legislation, Nottingham City Schools Forum has the power 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 have a vote on this in respect of maintained primary schools and only the representatives of maintained secondary schools have a vote on this in respect of maintained secondary schools. 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

7.1 As outlined in the report, although the size of the team has reduced through vacant posts, a decision not to continue funding arrangements is likely to lead to the reduction of the service. This would have significant workforce / financial implications relating to potential redundancy situations that would need to be detailed separately in Chief Officer and Departmental Management Reports, including potential employment / contractual obligations, costs and risks to the authority, and appropriate timelines for both teachers and LG employees. Potential exit payments of any affected post holders would also need to be considered.

If the decision is to not de-delegate funding, uncertainty around post funding is likely to jeopardise the sustainability of the service in terms of staffing during transition to any alternative model of funding that may be identified.

8 EQUALITY IMPACT ASSESSMENT

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

No

An EIA is not required because:
(Please explain why an EIA is not necessary)

Yes

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

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

9.1 None

10 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

10.1 None

Equality Impact Assessment Form (Page 1 of 2)

Title of EIA/ DDM:
Department: Inclusion & Disability
Service Area: Behaviour Support Team
Author (assigned to Covalent): K Butler

Name of Author: Kimberly Butler
Director: Pat & Sarah Fielding
Strategic Budget EIA Y/N (please underline)

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 2017-18 budget development.

Information used to analyse the effects on equality:

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

The projected number of pupils who would be affected would be approximately 555 based on last year's casework figures.

People Groups	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"/>	<ul style="list-style-type: none"> CYP (children & young people) with SEN (special educational needs) where the SEN constitutes a disability CYP with SEMH (social, emotional & mental health) where their difficulties are defined as a disability: <i>'a physical or mental impairment that has a 'substantial' or 'long term' negative effect on your ability to do normal daily activities'</i> Equality Act 2010 <p>IMPACT: The de-delegated funding supports the above CYP to equal access to mainstream schooling to mitigate against their disability being a barrier. The impact will be:</p> <ul style="list-style-type: none"> A reduction in the services offered in school by BST 	<ul style="list-style-type: none"> To reduce the negative impact of non-allocation funding, relocate current team members to alternative teams.
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 checked="" type="checkbox"/>		
Other (e.g. marriage/ civil partnership, looked after children, cohesion/ good relations, vulnerable children/ adults).	<input type="checkbox"/>	<input type="checkbox"/>		
<p><i>Please underline the group(s) /issue more adversely affected</i></p>				

<i>or which benefits.</i>			teachers for these CYP <ul style="list-style-type: none"> • Risk of fixed term and permanent exclusions increasing • Increased health and safety risks • Risk of indirect discrimination against these CYP. 	
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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:
 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):
 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

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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.

SCHOOLS FORUM - 3 NOVEMBER 2016

Title of paper:	De-delegation of funding for Ethnic Minority Achievement (EMA) – IDEAL team
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 Joanne Zylinski, H.R. Imogeen Denton, Equalities Jon Ludford-Thomas, Legal

Summary

The EMA Team was historically funded through the Ethnic Minority Achievement Grant (EMAG). 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 September 2015 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 2016/17. This was to allow time for the team to further develop its traded services.

Over the last financial year the IDEAL brand has become well established with marketing of services to City schools and academies. We continue to widen our traded offer to external schools/academies, Local Authorities and other organisations regionally and nationally. The take-up of this offer has again been positive over the last 12 months. Specialist services continue to be adapted and tailored to meet the changing needs and demands of our community and customers and income generation is ongoing; our Year 11 EAL new arrivals provision has had very positive outcomes.

E.A.L remains a national and regional priority; last year's Ofsted East Midlands Regional report cited Nottingham City 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 (e.g. the Syrian resettlement project), 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 51% in the 2016 school population census. Within that, group, the percentage of EAL pupils has risen from 22% to 29%. Given this increased pressure on schools and the timeframe to enable the IDEAL service to create a more fully traded position, it requires de-delegation of EMA funding for the financial year 2017/18 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 2017/18 to ensure that the IDEAL team has sufficient time to create programmes and products for a more fully traded service to be established.</p> <p>Total estimated funding requested to be de-delegated for maintained mainstream primary schools is £0.109m. (based on Autumn 2015 census)</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 2017/18 to ensure that the IDEAL team has sufficient time to create programmes and products for a more fully traded service to be established.</p> <p>Total estimated funding requested to be de-delegated for maintained mainstream secondary schools is £0.003m. (based on Autumn 2015 census)</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 September 2015, regarding the de-delegation of funding for EMA services, there has been continued work on 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 2017/18 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 (2017/18) this will result in the IDEAL team becoming totally dependent upon income generation. This will result in some team members (of **2.6 consultants and the Office Manager**) being made redundant as income is currently insufficient to maintain all 4 posts. This would:
- potentially result in the ethnic minority achievement section of 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 regional priority;
 - 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 management of the 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;
 - leave no central educational provision to support the Syrian Resettlement Programme

- 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 2017/18 is not agreed there would be a loss of local expertise and schools would have to manage all EMA/EAL requirements independently of LA support; there is no similar expertise available within the Local Authority. The IDEAL team has expertise that is recognised both nationally and internationally for example:

English as an Additional Language - Sharon Mitchell- Halliday is a licensed LiLAC tutor (Language in Learning Across the Curriculum - a professional development course to support the teaching of EAL learners and to develop literacy in mainstream classrooms). - a licensed Eiklan tutor (a Speech, Language and Communication course).

- British Council, EAL Nexus CPD Expert for the East Midlands – Sharon Mitchell-Halliday was identified as an EAL expert and worked with schools across the East of England 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;

Syrian Resettlement Programme – (Sharon Mitchell-Halliday, leading on the development of this exemplary project)

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).

Black History Month – (advising and supporting the City-wide activities, liaison with schools and civic event)

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

Roma initiatives – (Jane Daffé, reporting on the educational issues impacting on Roma communities in Nottingham)

Asylum seeker/refugee initiatives – (Jane Daffé, reporting on the educational issues impacting on asylum seeker/refugee communities in Nottingham)

- 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 2015-16, the 3 consultants provided support to **72 City schools/academies** (a significant increase on the previous year's work) on a range of initiatives – EAL, New Arrivals Excellence, Asylum Seekers/Refugees, Gypsy Roma and Travellers – in the form of staff CPD, in-class partnership work, pupil support, teaching resources and strategies (**see Appendix 1 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.
- 1.6 2016 KS2 and KS4 outcomes for City pupils illustrate the effectiveness of our work with schools to meet the needs and ensure progress for EAL and ethnic minority learners, as follows:

The following figures are taken from the KS2 Scaled Scores data for Nottingham City (July 2016):

English First Language pupils	EAL pupils	GAP
102.6	102.5	- 0.1

White	Black/Black British	Mixed	Asian/Asian British	Any Other Ethnic	Chinese	CITY
102.4 (-0.2)	103.2 (+0.6)	102.1 (-0.5)	103 (+0.4)	102.7 (+0.1)	109.1 (+6.5)	102.6

The following figures are taken from the KS4 Performance Indicators for Nottingham City (2016) – 5A*-C incl Eng & Ma:

English First Language students	EAL students	GAP
42.2%	49.1%	+ 6.9%

White	Black/Black British	Mixed	Asian/Asian British	Any Other Ethnic	Chinese	CITY
40.2% (-3.7%)	44.2% (+0.3%)	42.4% (-1.5%)	58% (+14.1%)	38.9% (-5%)	75% (+31.1%)	43.9%

1.7 The data demonstrates that:

- EAL pupils attain in line with their City peers at KS2; in light of the fact that many of this group will have arrived in the UK during their primary school experience, starting with little or no English, this indicates good progress.
- EAL students outperform their English First Language peers at KS4; this is even more significant in light of the fact that a significant number of those KS4 students will have arrived in the UK part way through their education
- Chinese pupils continue to be the highest achieving group at KS2 and KS4 (although numbers are small); Black and Asian pupils (including EAL) also attain above the City average at both key stages.
- Pupils of mixed heritage underachieve compared to their peers at both key stages – this group need to remain a focus for interventions.
- White students underachieve at KS4 (it is worth noting that this group includes White British and Other White Background, White British performing less well).
- Students of Any Other Ethnic Group underperform at KS4; this includes many of asylum seeker background, a current focus of our work and the theme for our planned Annual Conference

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 September 2015 following the agreement to de-delegate, as follows:

Maintained primary and secondary schools have an entitlement to:

- a named consultant for bespoke advice;
- free access to phase-based EAL network meetings to share good practice with other school staff;
- NQT training (additional 3 x 0.5 days to the NQT induction programme);
- 1 day consultant support in school at no cost (could include staff training, planning, partnership teaching 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 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 2017/18. 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;
- 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 2017/18 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 had 3 consultant vacancies for over 5 years 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. A consultant within the team has recently retired (September 2016), further reducing the salary costs of this service (now **£171K**).

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, Asylum Seeker/Refugee, Black Achievement, Equality and Diversity;
- support in the assessment of the language 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 with responsibilities for vulnerable groups of pupils and Equalities;
- network meetings with a focus on EAL

2.3 For many years the LA retained an element of EMAG funding which enabled the EMA central team of consultants to provide a variety of resources and peer training to school staff free of charge. Peer training activities included joint lesson planning and teaching, role modelling, strategic planning and delivery support for EMAG teachers, staff meetings and phase specific network meetings. Whilst schools have been able to use their EMAG allocation for in-school provision there was previously no charge for central support which, in some cases, amounted to several days of consultant time.

2.4 If the service does not generate enough income to sustain itself it is appreciated that staffing will have to be reduced or completely removed from the City Council structure.

3. OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

3.1 If de-delegation is not agreed, 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 more fully traded service, the rate per English as an additional language (EAL) pupil continues to be at the reduced level of **£44.56 in 2017/18 (from £88.61 in 2015/16)** 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 **£0.109m** and maintained mainstream secondary schools de-delegating **£0.003m**. Therefore, a total of **£0.112m** would be de-delegated.

5.3 For information the proposal would result in the delegation of an estimated £0.130m to academy schools. Therefore, the total amount to be delegated is £0.242m.

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 of 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 the month of April 2017 (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 2017/18.

Table 1: EMA Projection 2017/18		
Income		
De-delegated funding	-£0.112m (from £0.109m)	

	2016/17	
Traded Income	-£0.090m	
Total Forecast Income		-£0.202m (from 0.229m 2016/17)
Less Expenditure		
Projected Pay costs	£0.171m (from £0.198m 2016/17)	
Projected Non-pay costs	£0.031m	
Total Forecast Expenditure		£0.202m
Variance		-£0.000m

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

6.1 Legal Implications

6.1.1 The schools forum's powers here derive from the School and Early Years Finance (England) Regulations 2015 ("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 7 January 2016.

6.1.2 Chapter 2 of Part 2 of the SEYFR is entitled "Further Deductions and Variations to Limits Authorised by School Forums or the Secretary of State" and it contains regulation 12 of the SEYFR. Under regulation 12 of the SEYFR, on the application of a local authority the schools forum may authorise *the redetermination of schools' budget shares by removal of any of the expenditure referred to in Part 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.

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

regulation 8(9B) of the Schools Forums (England) Regulations 2012 (as amended), only the schools members of the schools forum who are representatives of mainstream local authority maintained secondary schools may vote to decide whether or not to approve the recommendations in this report where they relate to mainstream local authority maintained secondary schools.

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

Jon Ludford-Thomas
Senior Solicitor
Legal Services

7. **HR ISSUES**

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 which will need to be budgeted for.

Should the proposal be rejected, it is identified at section 1.2 of the report that the current staffing levels would not be sustainable. Consequently the service would need to formulate specific proposals to make redundancies. This would 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, and this should be taken into account when devising timelines.

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, there may be redundancy costs. In addition there may be pension strain costs if the affected individuals are between the age of 55 and 60.

Joanne Zylinski
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. I recommend that you attach last year's full EIA in support of this report.

Imogeen 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 September 2015

10.2 NCC Strategy and Commissioning - KS2 Scaled Scores (July 2016), KS4 Performance Indicators (2016)

10.3 Equalities Impact Assessment September 2015

Appendix 1 - Ethnic Minority Achievement (IDEAL) Team 2015-16

School	Central CPD	In-school CPD	Pupil support	Yr11 provision	In-school support	EAL network
Ambleside	X4					
Bentinck						X1
Berridge	X2					X1
Bluebell Hill						X1
Bluecoat Academy					√	
Bluecoat Beechdale Acad			√	√2 students		
Brocklewood						X1
Bulwell St Marys						X1
Burford		X1				
Carrington		X1	√		√	X1
Claremont	X1					X1
Crabtree Farm			√		√	
Djanogly City Acad	X3			√ 9 students	√	X1
Djanogly Northgate	X1					X1
Dovecote		X1			√	X1
Dunkirk	X3					X1
Edale Rise						X1
Ellis Guilford	X2	X1	√	√ 10 students	√	X1
Emmanuel				√ 1 student		
Farnborough				√2 students		
Fernwood			√	√ 1 student		X3
Forest Fields					√	
Glade Hill					√	X1
Glapton						X1
Glenbrook						X1
Greenfields		X1				
Haydn						X1
Heathfield		X1				X1

Hempshill Hall			√			X1
Henry Whipple						X1
Highbank		√			√	X1
Hogarth						X1
Huntingdon	X2					X1
Melbury						X2
Mellers	X2	X2				X2
Middleton	X3					
Milford Academy		X1	√			
Nethergate						X1
Nottingham Acad			√	√ 5 students		X1
Nottingham Free School						X1
Nottingham Girls Academy						X1
NUAST		X1				
NUSA						X1
Oakfield						X1
Oak Wood		X1	√	√ 3 students		
Our Lady & St Edwards						X1
Portland						X1
QMC HHELC						X1
Radford Primary						X1
Rise Park		X1	√		√	
Riverside						X1
Robert Shaw						X1
Rose Hill					√	
Rosslyn Park		X1				
Rufford						X1
Scotholme						X1
Seely	X1	X1				
Sneinton C of E						X1
Southglade	X3					X1
Southwark			√			

South Wilford		X1				
Southwold			√			
Springfield		X2				
St Augustine's						X2
St Marys Catholic Primary						X1
St Patrick's					√	
St Teresa's						X1
Stansted		X2	√			X1
Top Valley		X1	√	√ 2 students		
Trinity				√ 1 student		
Unity			√			
Walter Halls	X2	X1				X1
William Booth		X1			√	X2

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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"/>	<p>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:</p> <ul style="list-style-type: none"> potentially result in the Achievement of Vulnerable Groups service area no longer existing; 	<p>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</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 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"/>

<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. • 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. 	<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>
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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.

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SCHOOLS FORUM –3RD NOVEMBER 2016

Title of paper:	De-delegation of 2017/18 Health and Safety Building inspection 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 Maintenance Julia Holmes, Senior Commercial Business Partner, Finance Jon Ludford-Thomas, Senior Solicitor, Legal Services
Summary	
<p>The purpose of this report is to update Schools Forum on the statutory and legislative health and safety responsibilities of the Local Authority (LA) in relation to 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 equipment inspections for maintained primary and secondary schools in 2017/18.</p>	
Recommendation(s):	
1	To note the statutory and legislative health and safety responsibilities of the LA in relation to 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 1.2.
2	For maintained mainstream primary schools to approve the de-delegation of: <ul style="list-style-type: none"> Health and safety building inspection funding in 2017/18 based on a rate of £13.92 per pupil. Total estimated funding requested to be de-delegated for mainstream maintained primary schools is £0.172m.
3	For the maintained mainstream secondary school to approve the de-delegation of: <ul style="list-style-type: none"> Health and safety building inspection funding in 2017/18 based on a rate of £13.92 per pupil. Total estimated funding requested to be de-delegated for the 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.

To meet the statutory building health and safety responsibilities, Property Maintenance, situated within Building Services 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 maintained schools, to ensure that all property health and safety issues are identified.

1.2 The funding requested to be de-delegated in this report in 2017/18 is to be used by:

- Property Maintenance to fund the tests and inspections in maintained primary and secondary schools. These tests and inspections include, but are not restricted to:
 - 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

1.3 Approval of the de-delegation of Health and Safety inspections 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 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.

1.5 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 Maintenance 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.

Property Maintenance Team have put in place a timetable for tests and inspections, which reflect a combination of statutory guidance and appropriate practice. The LA uses internal and external contractors to carry out the tests and inspections. 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.

- 2.3 Note that the funding does not include the Property Maintenance advisory service on such remedial matters; this service is available via an Education Services Nottingham contract.
- 2.4 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)”.
- 2.5 Approval to de-delegate the schools health and safety building inspection 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 2016 the balance on the Health and Safety Building Maintenance Reserve was £0.175m.
- 2.6 Based on the latest timetable of tests and inspections to be carried out in 2016/17 it is estimated that the forecast expenditure for 2016/17 will be approximately £0.185m.
- 2.7 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.

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	£0.154m	£0.054m	The underspend was transferred to the Schools Health and Safety Building Maintenance Reserve at the end of the financial year.
2016/17	£0.199m	£0.185m	£0.014m	Any surplus at the end of the financial year will be transferred to the schools Health and Safety Building Maintenance Reserve, or any

				overspend will be drawn down from the reserve.
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2.8 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 inspections were undertaken by 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 schools health and safety building inspection proposal would result in maintained mainstream primary schools de-delegating £0.172m and maintained mainstream secondary schools de-delegating £0.018m. Therefore, a total of £0.190m would be de-delegated.

For information funding the proposal would result in the delegation of an estimated £0.341m to academies. Therefore, the total amount delegated is £0.531m.

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.

These calculations are based on a rate of £13.92 per pupil for both maintained schools and academies.

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

- 6.1 Primary responsibility for health and safety in relation to community schools and community special schools rests with the local authority that maintains those community schools and community special schools since it owns the land and buildings of the community schools and community special schools, and employs the staff of those schools. However, it should be noted that the governing bodies of community schools and community special schools have health and safety responsibilities arising from their control and use of the school premises and their management of the school staff.
- 6.2 The Schools Forum's powers here derive from the School and Early Years Finance (England) Regulations 2015 ("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 7 January 2016.
- 6.3 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.

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

Expenditure on the schools' specific contingency.

- 6.5 Therefore, provided the proposals fall within the above legislation, Nottingham City Schools Forum has the power 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 in respect of maintained primary schools and maintained secondary schools respectively. 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

- 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 School and Early Years Finance (England) Regulations 2015
- 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 2017/18

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>	
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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

Date sent to equality team for publishing:

SCHOOLS FORUM – 3 November 2016

Title of paper:	The repair and maintenance of school gym equipment in maintained schools.
Director(s)/ Corporate Director(s):	Pat and Sarah Fielding Director of Education
Report author(s) and contact details:	Mick Evans 8765022 Pupil and School Services Manager
Other colleagues who have provided input:	Julia Holmes 8763733 Senior Commercial Business Partner
Summary	
Previously school funds have been de-delegated to carry out the assessment and maintenance of maintained school's gym equipment. The work was carried out through a contract with Sportsafe, and this has now expired. This report outlines changes required going forward.	
Recommendation(s):	
1	That schools forum stops de-delegating monies for gym maintenance to maintained schools.
2	That Pupil and School Services write to Headteachers and Governing bodies of the maintained schools informing them of the need for an annual survey and the links to recommended suppliers.
3	That Headteachers and Governors take necessary steps to carry out school gym maintenance safety checks for all equipment in their schools using one of the approved suppliers from the Eastern Shires Purchasing Organisation (ESPO).

1 REASONS FOR RECOMMENDATIONS

- 1.1 The authority needs assurance that it is carrying out an annual assessment of the gym equipment in the city maintained schools. These recommendations enable these to be met in the most economical manner.

2 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

- 2.1 In recent years Schools Forum has de-delegated funds for the repair and maintenance of school gym and outdoor play equipment in maintained schools. It needs to be noted that this has been for repair and maintenance only and does not include replacement of obsolete equipment.
- The annual service included a site visit from the supplier to carry out a review of the equipment and to list any defects that needed attention. The procurement of these annual inspections gave not only a list of minor repairs, but also gave an ongoing commentary of the state of the equipment in the maintained schools.
- Minor repairs orders were placed and approved with the administration of the contract with Sportsafe carried out centrally within Pupil and School Services in the

Education Department. Economies of scale meant that the best approach to this was to manage the contract centrally, but with the increase in number of academies this is no longer the case.

The contract with Sportsafe has also expired and it is now opportune to look again at the arrangements.

The Eastern Shires Purchasing Organisation (ESPO) carries a list of approved suppliers within their frameworks. All of these are approved and vetted for school use.

With the responsibility for overseeing the annual appraisal of school equipment moving away from the corporate centre it will be necessary to remind Schools, Headteachers, and Governing bodies of the need for an annual appraisal, and this will be carried out once Schools Forum approve this report.

3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 3.1 The option was considered to leave the system as it was and continue to de-delegate. However, VFM, and the fact that the Sportsafe contract had expired makes this untenable.

4 OUTCOMES/DELIVERABLES

- 4.1 Safe working gym equipment in the city's maintained schools.

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

- 5.1 This report outlines that from the financial year 2017/18 all schools will be responsible for arranging their annual inspection of their sports and play equipment and any subsequent repairs or maintenance of their sports and play equipment. This is due to the fact that the service has now become financially unviable due to the number of academisations.

The funding of £500 per school will continue to be delegated to all schools through the lump sum factor but from the financial year 2017/18 this funding will no longer be de-delegated by maintained schools as the responsibility for the inspections and repairs and maintenance will move to maintained school headteachers and Governing bodies. Any costs associated with inspections and repairs/maintenance will then be funded from the schools budget.

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

- 6.1 None

7 HR ISSUES

- 7.1 Non to report

8 EQUALITY IMPACT ASSESSMENT

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

No



An EIA is not required because there is no change to the final service being provided

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 None

Gymnasium and fitness equipment maintenance

Framework 107

This framework offers the inspection and maintenance of gymnasium and fitness equipment (including but not restricted to Trampolines, Climbing Walls, Balance Benches, Vaulting Boxes/Horses, Bikes, Treadmills, Rowing Machines and Multigyms), minor repairs and line marking.

- Suppliers:
- G.M. Services Ltd
- Sportsafe UK Ltd
- Universal Services Ltd

Outdoor playground equipment

Framework 115

Included within this framework are playground equipment, safety surfacing, multi-use games areas (MUGAs), skate / BMX parks, outdoor fitness equipment, line marking, impact absorbing artificial grass & play carpet and other related equipment. Associated services include installation, inspection and maintenance, bespoke design and 'stakeholder engagement' services.

Suppliers:

Bendcrete Skateparks Ltd,
Caloo Ltd,
Dura-Sport Ltd,
Eibe Play Ltd,
Fenland Leisure Products Ltd,
Gravity Engineering Ltd,
HAGS-SMP Ltd,
KOMPAN Ltd,
Ludus Leisure Ltd,
Pennine Playgrounds Ltd,
PHS Ltd (Matta),
Playdale Playgrounds Ltd,
S J Danby t/a Playscheme,
Proludic,
Russell Leisure Ltd t/a Russell Play,
Sutcliffe Play Ltd,
The Great Outdoor Gym Company,
Wicksteed Leisure Ltd t/a Wicksteed Playscapes

SCHOOLS FORUM – 3 NOVEMBER 2016

Title of paper:	Pupil growth contingency fund – proposed additional budget
Director(s)/ Corporate Director(s):	Pat & Sarah Fielding – Directors of Education Alison Michalska – Corporate Director for Children and Adults
Report author(s) and contact details:	Lucy Juby, School Organisation lucy.juby@nottinghamcity.gov.uk
Other colleagues who have provided input:	Kathryn Stevenson, Senior Commercial Business Partner kathryn.stevenson@nottinghamcity.gov.uk
Summary	
<p>This report outlines the proposed additional budget requirements of the pupil growth contingency for 2016/17 and seeks Schools Forum's approval to allocate £0.300m of the Dedicated Schools Grant to fund this proposal. The funding will be used to fund pupil growth in both maintained schools and academies.</p> <p>The Department for Education (DfE) Schools Forums: operational and good practice guidance document from March 2015 identifies central spend on and the criteria for pupil growth as one of the functions Forum are responsible for deciding on (Page 5).</p>	
Recommendation(s):	
1	To approve the allocation of an additional £0.300m to support pupil growth in 2016/17 from the Statutory School Reserve.

1 REASONS FOR RECOMMENDATIONS

- 1.1 The pupil growth contingency fund provides funding predominantly to schools who have admitted additional school children to meet growing need for school places. The level of pupil growth in Nottingham in recent years has been substantial. The Council has invested £41.9m in its primary school expansion programme, which will create a total of over 4000 additional school places over the period of expansion, once all year groups are full.
- 1.2 Staffing, utilities and classroom resource costs associated with these additional places must be funded through the pupil growth contingency fund, using the criteria agreed by Schools Forum in July 2013.
- 1.3 In January 2016, as part of the budget setting process, Schools Forum approved the pupil growth budget of £1.018m for 2016/17. This was a reduction on the previous two years funding, which was £1.523m in 2014/15 and £1.047m in 2015/16. Appendix 2 shows a breakdown of how the funding has been allocated in 2016/17. A contingency of £0.250m was allowed for as new expansions or bulge years came on line. However, in the context of increased migration and continually changing demographics, this is insufficient to meet the need.

- 1.4 The investment of the primary school expansion programme has resulted in a much improved city-wide picture for primary provision, and in most areas of the city we are meeting the need for those pupils joining in Reception. However, there are still significant place pressures in the higher key stage two year groups in most areas of the city. This is a combination of inward migration and the rise in birth rate since 2012 is now impacting on the higher year groups. The last of the smaller cohorts have left year six, so the higher cohorts are now apparent in every year group. Key stage two year groups will continue to grow for the next six years and beyond, an increase of approximately 14% from 2015/16 to 2019/20. Families that are moving into the area are often multi-sibling, which adds to the challenge of admitting siblings into the same school.
- 1.5 We need to work with schools and academies to make provision for admitting more children into the higher year groups. It is anticipated that we need approximately 5-6 additional classes to meet the current need. Based on the agreed funding criteria for staffing, utilities and classroom set up costs, this amounts to £0.270m, the calculation for which is shown below. A further £0.030m is requested to allow for contingency for the remainder of this financial year, to avoid the need for a further request for funds.

Funding stream	7/12ths of annual amount (Sept – March)
Staffing	£0.034m
Utilities	£0.002m
Classroom set up	£0.008m
Total staffing, utilities and classroom set up	£0.044m x 6 classes = £0.270m

2 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

- 2.1 Refer to report: proposed budget for pupil growth for 2016/17, 21 January 2016.
- 2.2 The agreed funding criteria per additional class is included at Appendix 1.

3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 3.1 None.

4 OUTCOMES/DELIVERABLES

- 4.1 Continued provision of required school places.

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

- 5.1 This report seeks approval to increase the 2016/17 Pupil Growth contingency from £1.018m to £1.318m, which is an increase of £0.300m. This is to meet the unforeseen increase in demand as outlined in paragraphs 1.3 to 1.5.

- 5.2 This requirement will need to be met from the Statutory School Reserve (SSR). There is already £0.099m ring-fenced in the SSR for pupil growth resulting from an under-spend against the 2015/16 allocation. This proposal will therefore result in a reduction in the un-earmarked SSR balance of £0.201m.
- 5.3 Prior to any decisions made at this meeting, the un-earmarked SSR balance, as per the June 2016 outturn report stands at £4.201m.
- 5.4 Any unspent monies at the end of the financial year will be returned to the SSR.
- 5.5 If Schools Forum approves this request it will also need the Portfolio Holder for Schools approval before the payment is released. This is a requirement of the Local Authority's constitution which applies to all funding streams.

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

6.1.1 Legal Implications

- 6.1.2 The budgetary framework for the financing of maintained schools is contained in Chapter IV of Part II of the School Standards and Framework Act 1998 ("SSFA"). This chapter of the SSFA includes sections 45A (determination of specified budgets of a local authority) and 47A (the duty on a local authority to establish a schools forum for its area).
- 6.1.3 Section 45A(2) of the SSFA states that for the purposes of Part II of the SSFA, a *local authority's "schools budget" for a funding period is the amount appropriated by the authority for meeting all education expenditure by the authority in that period of a class or description prescribed for the purposes of this subsection (which may include expenditure incurred otherwise than in respect of schools)*. Section 45A(2A) of the SSFA states *the amount referred to in subsection (2) includes the amount of any grant which is appropriated, for meeting the expenditure mentioned in that subsection, in accordance with a condition which –*
 - (a) *is imposed under section 16 of the Education Act 2002 (terms on which assistance under section 14 of that Act is given) or any other enactment, and*
 - (b) *requires that the grant be applied as part of the authority's schools budget for the funding period.*
- 6.1.4 This means that the designated schools grant ("DSG"), which is paid to local authorities under section 14 of the Education Act 2002 ("EA2002") essentially on condition imposed by the Secretary of State under section 16 of the EA2002 that it is applied as part of an authority's schools budget for the funding period, is part of the schools budget. Indeed, the DSG is the main source of income for the schools budget (Education Funding Agency ("EFA") guidance *Dedicated schools grant Conditions of grant 2015 to 2016* (December 2014), paragraph 2). Local authorities can add to the schools budget from local sources of income (*ibid*, paragraph 4).
- 6.1.5 The detail is prescribed by regulations. The current regulations are the School and Early Years Finance (England) Regulations 2015, SI 2014/2033 ("SEYFR").

6.1.6 Amongst other things, regulation 1 of SEYFR states the following:-

(4) *In these Regulations—*

...

“1996 Act” means the Education Act 1996;

...

“2003 Act” means the Local Government Act 2003;

...

“2014 Regulations” means the School and Early Years Finance (England) Regulations 2014;

...

“capital expenditure” means expenditure of a local authority which falls to be capitalised in accordance with proper accounting practices, or expenditure treated as capital expenditure by virtue of any regulations or directions made under section 16 of the 2003 Act;

...

“CERA” means capital expenditure which a local authority expects to charge to a revenue account of the authority within the meaning of section 22 of the 2003 Act;

6.1.7 Amongst other things, regulation 8 of SEYFR states the following:-

(5) *A local authority must not deduct the expenditure referred to in Schedule 2 (other than expenditure referred to in paragraph 12 (expenditure on licences) and Part 4 (Children and Young People With High Needs) of Schedule 2) without authorisation from its schools forum under regulation 12(1), or from the Secretary of State under regulation 12(3).*

6.1.8 Amongst other things, regulation 12 of SEYFR states the following:-

(1) *On the application of a local authority, its schools forum may authorise—*

...

(b) *the making of deductions from the authority's schools budget of expenditure under regulation 8(5);*

6.1.9 Schedule 2 to SEYFR sets out the following expenditure relevant to this report:-

3

CERA incurred for purposes not falling within any other paragraph of this Schedule or Schedule 1.

...

5

Any deductions under any of paragraphs 1, 2, 3, 4(a), 4(b), 4(c), 4(d) and 4(e) must not exceed the amount deducted under each of the corresponding paragraphs of Part 1 of Schedule 2 to the 2014 Regulations for the previous funding period.

...

8

Expenditure due to a significant growth in pupil numbers as a result of the local authority's duty under section 13(1) of the 1996 Act to secure that efficient primary education and secondary education are available to meet the needs of the population of its area.

6.1.10 Therefore, the expenditure proposed here is potentially expenditure to be made from the schools budget for Nottingham City Council ("NCC") and NCC's DSG at that. This is provided if the money is to be spent in the way proposed in this report that it is either spent as CERA as defined by SEYFR and in accordance with SEYFR, or it is spent due to a significant growth in pupil numbers as a result of NCC's duty under section 13(1) of the 1996 Act to secure that efficient primary education and secondary education are available to meet the needs of the population of its area. That last point is particularly important where it is envisaged that any such expenditure would be made to assist the expansion of an Academy since any expenditure of NCC's schools budget on an Academy without a clear legal duty or power enabling NCC to do so would be unlawful. The reasons for recommendations and the background sections to this report set out that a significant growth in pupil numbers means that section 13(1) of the 1996 Act is potentially engaged here and the proposed expenditure would be lawful on that basis alone.

6.1.11 Lastly as expenditure caught by Schedule 2 to SEYFR, regulation 8(5) of SEYFR requires NCC to seek the approval of Nottingham City Schools Forum under regulation 12(1)(b) of SEYFR for the expenditure referred to in this report, hence this report.

7 HR ISSUES

7.1 Not applicable.

8 EQUALITY IMPACT ASSESSMENT

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

No

An EIA is not required because:

(Please explain why an EIA is not necessary)

Yes



The EIA undertaken for the report submitted on 21 Jan 16 still applies (Proposed budget for pupil growth 2016/17).

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

9.1

10 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

10.1 Proposed budget for pupil growth for 2016/17, 21 January 2016.

FUNDING CRITERIA VALUES			
Funding Streams	7/12ths (Sept-March)	5/12ths (April-Aug)	Annual Value
Staffing			
Teacher	£17,824	£12,731	£30,555
Teaching Assistant	£14,242	£10,173	£24,415
Midday Supervisor	£2,150	£1,536	£3,686
Total staffing cost package	£34,216	£24,440	£58,656
Utilities			
Utilities Costs (£150 per pupil per annum)	£2,625 (based on 30 pupils)	£1,875 (based on 30 pupils)	£150 x 30 = £4,500
TOTAL COST (staffing and utilities – based on additional 30 pupils)	£36,841	£26,315	
Classroom set up			
Classroom set up costs - Fixtures & Fittings			Up to £6,000
Smart board kit			Up to £2,000
Total classroom set up costs			Up to £8,000

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Update on pupil growth contingency fund 2016/17– Update for Schools Forum (Nov 2016)

School	Category	Nov 2016 Figure	Funding start date	Funding end date (up to and including)
Glade Hill	Bulge year – 7/12ths (inc. 2 teachers if admit 2 nd class)	54,665	Sept 2015	TBC
Huntingdon Academy	Bulge year – 5/12ths academy funding	26,315	April 2015	April 2017
Huntingdon Academy	Bulge year – 7/12ths	36,841	Sept 2014	Sept 2016
Middleton Primary	Bulge year – Teacher cost for full year	30,555	Sept 2015	Sept 2017
Glenbrook	Classrooms	8,000	Sept 2014	Sept 2019
Heathfield	Classrooms	24,000	Sept 2015	Sept 2020
IDEAL	City wide provision – classroom set up (TBC)	8,000	Sept 2016	Sept 2016
Glade Hill	Classrooms	8,000	Sept 2016	TBC
Fernwood Primary	Classrooms	8,000	Sept 2015	Sept 2021
Huntingdon Academy	Classrooms	8,000	Sept 2014	Sept 2016
Mellers	Classrooms	8,000	Sept 2016	Sept 2022

Summary – November 2016	
16/17 fund	1,017,614
15/16 C/F balance	36,089
TOTAL FUND	1,053,703
Bulge year	148,376
Classroom set up	257,500
Late admissions – children previously without a school place	10,173
Planned expansions	627,332
Current total spend	1,043,381
Remaining balance	£10,322

Middleton	Classrooms	8,000	Sept 2015	Sept 2016
Nottingham Academy	Classrooms / set up	129,500	Sept 2016	Sept 2016 (one-off payment)
Riverside	Classrooms	8,000	Sept 2014	Sept 2018
Rosslyn Park	Classrooms	8,000	Sept 2013	Sept 2017
Rufford	Classrooms	8,000	Sept 2013	Sept 2019
South Wilford	Classrooms	8,000	Sept 2015	Sept 2021
Whitegate	Classrooms	16,000	Sept 2016	Sept 2016
Riverside	Late admissions – 5/12ths funding (Teaching Assistant)	10,173	April 2016	April 2016 (one-off payment)
Blue Bell Hill	Expansion - 7/12ths	36,841	Sept 2010	Sept 2016
Blue Bell Hill	Expansion – 5/12ths	26,315	April 2014	April 2017
Djanogly Northgate	Expansion – 7/12ths	36,841	Sept 2010	Sept 2016
Djanogly Northgate	Expansion – 5/12ths	26,315	April 2014	April 2017
Dunkirk	Expansion – 7/12ths	36,841	Sept 2012	Sept 2018
Fernwood Nursery	New build	29,225	One-off payment	
Fernwood Primary	Expansion – 7/12ths	36,841	Sept 2015	Sept 2021
Forest Fields	Expansion – 7/12ths	36,841	Sept 2013	Sept 2019

Glenbrook	Expansion – 7/12ths	36,841	Sept 2013	Sept 2017
Glenbrook	Expansion – 5/12ths	26,315	April 2014	April 2018
Mellers	Expansion – 7/12ths	36,841	Sept 2016	Sept 2022
Riverside	Expansion – 7/12ths	36,841	Sept 2012	Sept 2018
Riverside	Expansion – 5/12ths	26,315	April 2015	April 2019
Rossllyn Park	Expansion – 5/12ths	24,440	April 2015	April 2018
Rossllyn Park	Expansion – 7/12ths	36,841	Sept 2013	Sept 2017
Rufford	Expansion – 7/12ths	36,841	Sept 2013	Sept 2019
South Wilford	Expansion – 7/12ths	36,841	Sept 2016	Sept 2021
Sycamore	Expansion – 7/12ths	36,841	Sept 2013	Sept 2019
Sycamore	Expansion – 5/12ths	26,315	April 2014	April 2020
TOTAL SPEND		1,043,381		

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

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