

SCHOOLS FORUM - 16 OCTOBER 2014

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

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

At the October 2013 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 2014/15 and agreed in principle for the financial year 2015/16. This was to allow time for the new service to move towards becoming fully traded in 2016/17.

Over the last financial year the new IDEAL brand has been successfully established with marketing of services to City schools and academies. It has also widened its 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 customers and income generation has been significantly increased.

We continue to experience ever increasing numbers of newly arrived EAL and other ethnic minority pupils into Nottingham City schools. We have seen a 4.4% increase in ethnic minority pupils, up from 41% in January 2012 to 45.4% in the 2013 school population census. Given this increase 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 2015/16 to continue to develop 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):

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| 1 | For maintained mainstream primary and secondary schools to approve the de-delegation of funding for EMA of £88.61 per EAL pupil for 2015/16 to ensure that the IDEAL team has sufficient time to create programmes and products for a fully traded service to be |
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	<p>established in the financial year 2016/17:</p> <p>(a) maintained mainstream primary schools - £0.194m</p> <p>(b) maintained mainstream secondary schools - £0.002m</p>
2	To note the total estimated funding to be delegated to schools in 2015/16 is £0.405m as detailed in paragraph 5.2.

1. REASONS FOR RECOMMENDATIONS

- 1.1 Since the last report was presented to Schools' Forum in October 2013, regarding the de-delegation of funding for EMA services, there has been continued progress towards the service becoming fully traded. The IDEAL team has created additional tailored programmes, resources and products and have 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 2015/16 this timeframe will enable the service to achieve its target of becoming fully traded in the financial year 2016/17.
- 1.2 **Option 2** If the Schools' Forum does not agree to de-delegate funds for a further year (2015/16) this will result in the IDEAL team becoming totally dependent upon income generation. This will result in some team members (of 3 consultants and the administrative assistant) being made redundant as income is currently insufficient to maintain all 4 posts. This would:
- potentially result in the Achievement of Vulnerable Groups service area no longer existing;
 - leave the LA vulnerable with no central provision to support schools to raise the achievement of EAL/ethnic minority pupils which is a growing percentage of the school population and a focus in terms of the achievement of vulnerable groups in the Ofsted inspection framework;
 - leave no central resource to assist schools and the Fair Access Panel with the language and cognitive assessment of new arrivals with little or no English;
 - require Schools' Forum to undertake its own negotiations for the established Year 11 EAL new arrivals provision. It would also need to monitor the provision or arrange for individual secondary schools to organise their own provision independently;
 - result in no Gypsy Roma and Traveller or Asylum Seeker/Refugee support as this service was absorbed into the Achievement of Vulnerable Groups service area in 2009.
- 1.3 If de-delegation for 2015/16 is not agreed there would be a loss of local expertise and schools would have to manage all EMA/EAL requirements independently of LA support; there is no similar expertise available within the Local Authority. The IDEAL team has expertise that is recognised both nationally and internationally for example:
- English as an Additional Language - Steve Cooke, is former Regional Adviser for the National Strategies, national and international Continued Professional Development tutor for the Birmingham University M. Ed Bilingualism in Education course and associate lecturer at Leicester University. He has also recently become a National Centre for Excellence in the Teaching of Mathematics (NCETM) Professional Development Accredited Lead;
 - NALDIC – National Association for the Development of Language in the Curriculum Steve Cooke, co-opted Executive Committee member and author of Collaborative

Learning Activities in the Classroom: Designing Inclusive Materials for Learning and Language Development;

- British Council, EAL Nexus CPD Expert for the East Midlands – Steve Cooke has been identified as an EAL expert and is working with schools across the East Midlands for the EAL Nexus project. The intention of this project is to develop approaches, activities and materials that can be disseminated to a wider audience;
- Global and Anti-Racist Perspectives within the curriculum – GARP (co-author Jane Daffé, provision of resources and training nationally and internationally including the Council of Europe);
- Black Achievement and Dual/Mixed Heritage Achievement initiatives (Jane Daffé, Nottingham City recognised best practice by the National Strategies).

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 high.

1.5 In the academic year 2013-14, the 3 consultants sold services to 43 schools on a range of initiatives – EAL, Black/Mixed Heritage Achievement, Gypsy Roma and Travellers, diversity in the curriculum, Equality Act, racism, international dimensions – in the form of staff CPD, in-class partnership work, teaching resources and strategies. They also enhanced the quality of teaching on the Year 11 new arrivals provision. The Annual Conference was very well attended by schools both in the City and across the East Midlands, demonstrating that there is potential given the reputation and expertise of the IDEAL team.

1.6 The most recent 2012/13 language and ethnicity results for the City pupils demonstrate the effectiveness of support for our schools to meet the needs and ensure progress for EAL and ethnic minority learners, as follows:

These figures are taken from the DfE Statistical First Release 51/2013

KS2 Level 4 Eng/Maths	2012 result	2012 City result	2013 result	2013 City result
Asian	77%	75%	74%	73%
Black	76%		77%	
Mixed	75%		78%	
EAL	74%		72%	

KS2 Level 4 English/Maths 2013

Asian pupils - 74% (1% above City average)

Black pupils - 77% (4% above City average)

Mixed pupils - 78% (5% above City average)

EAL pupils - 72% (1% below City average)

KS4 5 A* - C Including English/Maths	2012 result	2012 City result	2013 result	2013 City result
Asian	53.3%	49.6%	55.8%	50.3%
Black	50%		51.7%	
Mixed	45.5%		43.9%	
EAL	49%		53.3%	

KS4 (5A*-C GCSE English/Maths) 2013

- 1.7 There was significant progress in outcomes for EAL pupils in 2013, with a 4.3% increase to 53.3% of pupils achieving the standard, 3% above the City average. Asian pupils continue to improve with a 2.5% increase on 2012 results. They performed 5.5% above the City average. There is a need for further improvements, however, for the Mixed Heritage cohort who remain well below their peers in the City at 43.9%. All ethnic groups remain below their peers nationally.
- 1.8 The IDEAL team has been responsive to emerging local needs and continues to offer core support to Nottingham City schools at no cost as agreed at Schools' Forum in October 2013 following the agreement to de-delegate, as follows:

Primary and secondary schools have an entitlement to:

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

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

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

- 1.11 It is proposed that representatives of maintained primary and maintained secondary schools separately agree to the de-delegation of £88.61 per EAL pupil (based on the revised 3 year new entrant EAL indicator) for the financial year 2015/16. If de-delegation is approved the offer to maintained schools would be the same for primary and secondary schools and would continue to include:

- a named consultant for bespoke advice;
- access to phase based EAL network meetings to share good practice with other school staff;
- phase based NQT training (additional 2 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 2015/16 will also provide the IDEAL team with sufficient time to develop a traded services offer that can replace de-delegation.

2. BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

- 2.1 The IDEAL team has absorbed the provision made by other services that were removed in previous City Council reorganisations. This includes the Traveller Education Services and Asylum Seeker Support Team. The team has for over 3 years had 3 consultant vacancies that have not been filled which has meant that the team size and capacity to deliver support to schools has been halved, but the cost of de-delegation is equally reduced to cover team costs in the current structure.
- 2.2 Historically, the team has provided:
- an immediate response to requests for information and support for ethnic minority or EAL pupils;
 - training for specialist teachers and other school staff in the areas of ethnic minorities, EAL, Gypsy, Roma and Traveller, Black Achievement, Equality and Diversity;
 - support in the assessment of the attainment levels and support requirements of new arrivals with little or no English;
 - support in the analysis of data of minority ethnic groups;
 - resources to assist with the teaching of pupils new to English, those acquiring higher level English skills and themed approaches for example Black History Month, Global and Anti-Racist Perspectives;
 - training for governors in school responsibilities for vulnerable groups of pupils and Equalities;
 - school network meetings with a focus on EAL, international links and bilingual learning support staff;
 - a termly newsletter for schools with up to date information, guidance and resources.
- 2.3 For many years the LA retained an element of EMAG funding which enabled the EMA central team of consultants to provide a variety of resources and peer training to school staff free of charge. Peer training activities included joint lesson planning and teaching, role modelling, strategic planning and delivery support for EMAG teachers, staff meetings and phase specific network meetings. Whilst schools have been able to use their EMAG allocation for in-school provision there was previously no charge for central support which, in some cases, amounted to several days of consultant time.
- 2.4 Because of the school commitments through ECG (Exceptional Circumstances Grant for EAL new arrivals) and EMAG funding the central team was later than some other LA services in developing its capacity to become a fully traded service. In the financial year 2012/13 income generation was **£26,679.46** and this was increased to **£64,233** in 2013/14. We project the income for 2014/15 to be **£100,000**.
- 2.5 If the service does not generate enough income to sustain itself it is appreciated that staffing will have to be reduced or completely removed from the City Council structure.

3. OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 3.1 If de-delegation is not agreed, all schools (maintained schools and academies) will receive **£88.61** 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 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. FINANCIAL IMPLICATIONS (INCLUDING VALUE FOR MONEY/VAT)

- 5.1 Based on the latest available Department for Education indicator data and known academy conversions, the proposal, if accepted, would result in maintained primary schools de-delegating **£0.194m** and maintained secondary schools **£0.002m**. Therefore an estimated total of **£0.196m** would be available to cover the existing cost of the EMA service, down from the 2013/14 total of **£0.211m**.
- 5.2 The total amount to be delegated is £0.405m. The proposal would result in the continued delegation of an estimated £0.209m to academies.
- 5.3 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.
- 5.4 Primary and secondary maintained mainstream school representatives are required to vote separately on behalf of schools in their phase.
- 5.5 Should the de-delegation proposal be rejected the funding will be allocated directly to all schools for them to choose how to spend it, the service may become unviable and therefore no longer available for maintained schools or academies to purchase.

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

- 6.1 The schools forum's powers here derive from the School and Early Years Finance (England) Regulations 2013 ("SEYFR"), made by the Secretary of State in exercise of powers under the School Standards and Framework Act 1998 and the Education Act 2002. The SEYFR came into force on 1 January 2014.
- 6.2 Chapter 2 of the SEYFR is entitled "Further Deductions and Variations to Limits Authorised by School Forums or the Secretary of State" and it contains regulation 12 of the SEYFR. Under regulation 12 of the SEYFR, on the application of a local authority the schools forum may authorise the redetermination of schools' budget shares by removal of any of the expenditure referred to in Part 5 of Schedule 2 (Items That May Be Removed From Maintained Schools' Budget Shares) [of the SEYFR] from schools' budget shares where it is instead to be treated by the authority as if it

were part of central expenditure, under regulation 11(4) (SEYFR, regulation 12(1)(d)). Part 5 of Schedule 2 of the SEYFR contains paragraph 38, which states:

Expenditure for the purposes of:

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

Therefore, Nottingham City Schools Forum has the power to approve the recommendations in this report by virtue of the above legislation. This power should be exercised lawfully. Provided the amounts sought through use of this power have been correctly and lawfully calculated, the exercise of this power will be lawful.

- 6.3 Presumably, it is a requirement of the funding agreements of the Academies that are a party to Nottingham City Schools Forum that they abide by the decisions of the schools forum.
- 6.4 Since this report does propose policy changes and financial decisions, it is advisable that an Equality Impact Assessment is conducted on the proposals (see below).
- 6.5 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.

7. HR ISSUES

- 7.1 In the event that Schools Forum does not support/agree the continuation of funding arrangements as outlined in this report there would be significant workforce implications that would need to be detailed in separate Chief Officer and Departmental Management Team reports. This would include potential employment / contractual obligations and costs and risks to the authority, taking into account appropriate timelines and management would need to consider potential exit payments of the affected postholders.

8. EQUALITY IMPACT ASSESSMENT

- 8.1 An EIA is not required as no changes to the current service are proposed. However, an EIA will be carried out 28 October 2014 in line with best practice as regular review of services and their contribution to equalities is recommended.

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 3c EMA de-delegation 17 October 2013