

SCHOOLS FORUM - 24 SEPTEMBER 2015

Title of paper:	De-delegation of funding for Ethnic Minority Achievement (EMA)
Director(s)/ Corporate Director(s):	Pat Fielding and Sarah Fielding, Directors of Education Alison Michalska, Corporate Director for Children and Adults
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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 2014 Schools' Forum, a report was submitted by Jane Daffé, Senior Achievement Consultant within the IDEAL (Identity, Diversity and EAL) team, Vulnerable Groups and the proposal to de-delegate the EMA team funding was agreed for the financial year 2015/16 and agreed in principle for the financial year 2016/17. This was to allow time for the new service to move towards becoming fully traded.

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

E.A.L is currently a regional priority; Chris Russell HMI, Ofsted East Midlands Regional Director recently met with Nottingham City colleagues Alison Michalska, the Directors of Education and Malcolm Wilson, Adviser for Vulnerable Groups and focussed on the provision and outcomes for three priority groups of learners, including those with EAL. Nottingham City is cited as one of two authorities in the region that bucks the trend in terms of outcomes for this group and the report of our work was positively received. We continue to experience ever increasing numbers of newly arrived EAL and other ethnic minority pupils into Nottingham City schools, including those of asylum seeking and refugee backgrounds, a political priority. We have seen a steady increase in the proportion of ethnic minority pupils, up from 43% of the school population in 2011 to over 50% in the 2015 school population census. Within that, group, the percentage of EAL pupils has risen from 22% to 28%. Given this increased pressure on schools and the timeframe to enable the IDEAL service to create a secure fully traded position, it requires de-delegation of EMA funding for the financial year 2016/17 to continue to provide support for Nottingham City schools effectively. During this period, the IDEAL service will generate further traded income from a range of sources to allow its services

to schools to remain competitive.	
Recommendation(s):	
1	<p>For maintained mainstream primary schools to approve the de-delegation of funding for EMA at a rate of £44.56 per EAL pupil for 2016/17 to ensure that the IDEAL team has sufficient time to create programmes and products for a fully traded service to be established.</p> <p>Total estimated funding requested to be de-delegated for maintained mainstream primary schools is £0.108m. (based on October 2014 census and to be reviewed at Autumn census 2015)</p>
2	<p>For maintained mainstream secondary schools to approve the de-delegation of funding for EMA at a rate of £44.56 per EAL pupil for 2016/17 to ensure that the IDEAL team has sufficient time to create programmes and products for a fully traded service to be established.</p> <p>Total estimated funding requested to be de-delegated for maintained mainstream secondary schools is £0.001m.(based on October 2014 census and to be reviewed at Autumn census 2015)</p>
3	<p>If recommendations 1 and 2 are not approved, approval is sought from Schools Forum to fund any employment costs associated with any reductions in staffing levels from the Statutory School Reserve (SSR), excluding the severance payments which will be funded from the Corporate Redundancy budget. Details of the costs that may be required to be funded from the SSR are detailed in 5.6. To note that once the value is known, this will be incorporated into the SSR quarterly monitoring report.</p>

1. REASONS FOR RECOMMENDATIONS

1.1 Since the last report was presented to Schools' Forum in October 2014, regarding the de-delegation of funding for EMA services, there has been continued progress towards the service becoming fully traded. The IDEAL team has created additional tailored programmes, resources and products and has continued to create an extended customer base beyond the LA to help ensure that the service is maintained. Option 1 - If the Schools' Forum agrees to de-delegate EMA funding for the year 2016/17 this timeframe will support the service to achieve its target of becoming fully traded.

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

- potentially result in the Achievement of Vulnerable Groups service area no longer existing;
- leave the LA vulnerable with no central provision to support schools to raise the achievement of EAL/ethnic minority pupils which is a growing percentage of the school population and an Ofsted East Midlands regional priority as evidenced by the recent report and foci of the summer term visit to Nottingham to discuss provision for and outcomes of EAL learners, amongst other vulnerable groups;
- leave no central resource to assist schools and the Fair Access Panel with the language and cognitive assessment of new arrivals with little or no English;

- require Schools' Forum to undertake its own negotiations for the established Year 11 EAL new arrivals provision. It would also need to monitor the provision or arrange for individual secondary schools to organise their own provision independently;
- result in no Gypsy Roma and Traveller or Asylum Seeker/Refugee support as this service was absorbed into the Achievement of Vulnerable Groups service area in 2009.

1.3 If de-delegation for 2016/17 is not agreed there would be a loss of local expertise and schools would have to manage all EMA/EAL requirements independently of LA support; there is no similar expertise available within the Local Authority. The IDEAL team has expertise that is recognised both nationally and internationally for example:

- English as an Additional Language - Steve Cooke, is former Regional Adviser for the National Strategies, national and international Continued Professional Development tutor for the Birmingham University M. Ed Bilingualism in Education course and associate lecturer at Leicester University. He is also a National Centre for Excellence in the Teaching of Mathematics (NCETM) Professional Development Accredited Lead;
- NALDIC – National Association for the Development of Language in the Curriculum Steve Cooke, co-opted Executive Committee member and author of Collaborative Learning Activities in the Classroom: Designing Inclusive Materials for Learning and Language Development;
- British Council, EAL Nexus CPD Expert for the East Midlands – Steve Cooke was identified as an EAL expert and has been working with schools across the East Midlands for the EAL Nexus project. The intention of this project was to develop approaches, activities and materials that can be disseminated to a wider audience;
- Global and Anti-Racist Perspectives within the curriculum – GARP (co-author Jane Daffé, provision of resources and training nationally and internationally including the Council of Europe);
- Black Achievement and Dual/Mixed Heritage Achievement initiatives (Jane Daffé, Nottingham City recognised best practice by the National Strategies).
- Equalities legislation – (Jane Daffé, guidance and training for schools to ensure understanding and compliance with national requirements)

1.4 This expertise and local knowledge would be impossible to replace if the service was lost; provision in neighbouring authorities is very limited and the Council's IDEAL team's reputation is very strong.

1.5 In the academic year 2014-15, the 3 consultants sold services to 35 schools on a range of initiatives – EAL, New Arrivals Excellence, Gypsy Roma and Travellers – in the form of staff CPD, in-class partnership work, pupil support, teaching resources and strategies (see Appendix for details). They also managed the development of the Year 11 international new arrivals provision for City schools, as well as contributing significantly to teaching and learning, with very positive outcomes for that vulnerable cohort. The Annual Conference was well attended by schools both in the City (19) and across the Midlands and Yorkshire (7), demonstrating our potential to expand given the reputation and expertise of the IDEAL team; a regional HMI also requested to attend the conference.

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

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

EYFS Profile (GLD)

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

Year 1 phonics screening

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

KS1 attainment (all subjects)

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

KS2 attainment (all subjects)

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

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

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

1.7 The data demonstrates that:

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

1.8 The IDEAL team has been responsive to emerging local needs and continues to offer core support to Nottingham City schools at no cost as agreed at Schools' Forum in October 2014 following the agreement to de-delegate, as follows:

Primary and secondary schools have an entitlement to:

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

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

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

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

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

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

2. BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

2.1 The IDEAL team has absorbed the provision made by other services that were removed in previous City Council reorganisations. This includes the Traveller Education Services and Asylum Seeker Support Team. The team has for over 4 years had 3 consultant vacancies that have not been filled which has meant that the team size and capacity to deliver support to schools has been halved, but the cost of de-delegation is equally reduced to cover team costs in the current structure.

2.2 Historically, the team has provided:

- an immediate response to requests for information and support for ethnic minority or EAL pupils;
- training for specialist teachers and other school staff in the areas of ethnic minorities, EAL, Gypsy, Roma and Traveller, Black Achievement, Equality and Diversity;
- support in the assessment of the attainment levels and support requirements of new arrivals with little or no English;
- support in the analysis of data of minority ethnic groups;
- resources to assist with the teaching of pupils new to English, those acquiring higher level English skills and themed approaches for example Black History Month, Global and Anti-Racist Perspectives;
- training for governors in school responsibilities for vulnerable groups of pupils and Equalities;
- school network meetings with a focus on EAL, international links and bilingual learning support staff;

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

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

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

3. OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

3.1 If de-delegation is not agreed, all schools (maintained schools and academies) will receive £44.56 of additional funding per EAL pupil via the funding formula. However, schools may then have to manage all EMA requirements independently of any LA support as discussed above.

4. OUTCOMES/DELIVERABLES

4.1 The outcomes for vulnerable EM groups are measured annually through end of Key Stage and GCSE records. These are analysed by Analysis and Insight as well as the IDEAL team and trends are identified. Central CPD provision and packages of support are adapted in light of these findings.

4.2 The progress and attainment within individual schools of EM groups are analysed with LA and school staff to identify vulnerable groups, promote best practice and provision and determine support to be offered to the school.

4.3 Ofsted inspections will report on the progress of groups within schools. The team will monitor these reports and identify LA trends which will be addressed in future central CPD

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

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

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

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

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

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

5.5 If only the primary phase approve de-delegation, the team is still viable but a funding shortfall would need to be made up by either increasing traded services income or achieving staffing savings.

5.6 If the proposal outlined in recommendations 1 and 2 are not approved, as outlined in paragraph 7.2, there would be significant workforce implications. If some 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 approximately two weeks in April 2016 (worst case scenario), plus any pay protection costs for a year should the staff find alternative employment via the redeployment register. At present this value cannot be quantified. If approved, these costs would be funded from the Statutory School Reserve (SSR) and the value will be updated on the SSR quarterly monitoring report once it is known.

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

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

Income		
De-delegated funding	-£0.109m	
Traded Income	-£0.120m	
Total Forecast Income		-£0.229m
Less Expenditure		
Projected Pay costs	£0.198m	

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

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

Legal Implications

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

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

[Expenditure for the purposes of—](#)

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

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

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

Jon Ludford-Thomas
Senior Solicitor

7. HR ISSUES

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

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

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

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

Leanne Sharp

Service Redesign Consultant

8. EQUALITY IMPACT ASSESSMENT

Has the equality impact been assessed?

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

No

Yes – Equality Impact Assessment attached

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

Imoegen Denton
Equality and Community Relations

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

9.1 None

10. PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

10.1 Schools Forum Item EMA de-delegation 16 October 2014

10.2 Osted DfE RAISEonline 2014 summary report for Nottingham