

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
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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