

## SCHOOLS FORUM – 3<sup>rd</sup> December, 2019

<b>Title of paper:</b>	Funding for the Behaviour Support Team (BST), 2020-2021.
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### **Summary**

Funding for the Behaviour Support Team has been part of the school formula since April 2013. Schools Forum has the power to de-delegate the funding on behalf of maintained schools to retain this service.

A significantly reduced de-delegation offer and revised traded BST offer is being proposed and detailed within this paper. These proposals align the de-delegation offer for maintained primaries with a simplified and revised traded offer for academies. Maintained primaries will no longer need to buy back BST services in addition to de-delegation. The overall cost to maintained schools will be nearly halved and the guaranteed offer of support will be doubled. Schools no longer have to buy-back on top of de-delegation.

These proposals result in an overall reduction of income from maintained primaries and BST will therefore need to increase the level of buy back from academies in order to be sustainable. In order to provide stability and retention of expertise in the City during this transition, Schools Forum is being asked to approve the funding of the shortfall arising from the reduction in income from maintained primaries from the DSG reserve for a two-year period.

In the event that the Schools Forum decides not to fund the Behaviour Support Team, the likelihood is that the team will cease to exist in its current form after March 2020.

### **Recommendation(s):**

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|----------|--|
| <b>1</b> | For maintained mainstream primary schools representatives to approve the de-delegation of funding for services provided by the BST in 2020/21 at a rate of £5000 per school. |
| <b>2</b> | For Schools Forum to agree to the use of £0.134m from the DSG reserve in 2020/21 to substitute for the funding and income reduction from maintained primaries.               |
| <b>3</b> | For Schools Forum to agree to ring-fence a further £0.134m from the DSG reserve to support any remaining income shortfall in 2021/22.  |

## **1 REASONS FOR RECOMMENDATIONS**

- 1.1 It will ensure the retention of expertise within the City to ensure:
- Continued availability of support to schools around SEMH/behaviour and Physical Intervention
  - R2i is fully embedded across all settings and school staff are confident, knowledgeable and supported
  - The Intensive Support Team (IST) is operational, following the pilot phase, with clear measurable outcomes and evidence of impact
  - Primary exclusions to remain stable/low
- 1.2 A de-delegated offer to schools that will:
- Offer schools what they want/need in today's education climate and provide value for money
  - Support, enhance and build on Primary R2i and the IST
  - Be fair and equitable to maintained schools in relation to academies
  - Represent a move towards an offer than can be traded once de-delegation ceases
  - Not be in tension with the traded offer or the team's ability to trade externally
  - Be straightforward to manage and deliver against
- 1.3 A traded offer that will:
- Not be a financial barrier to schools
  - Be sustainable in the longer term once de-delegation ceases to be an option
  - Incentivise schools to buy a BST package
  - Be straightforward to manage and deliver against plus simple in structure

## **2 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)**

- 2.1 Current team staffing details:
- Total FTE Teachers 6.8 (4.6 BST; 0.2 RPI; 1.0 IST; 1.0 R2i Strategic lead)
  - Total FTE Learning Mentors 5.8 (3.2 BST; 0.6 RPI; 2.0 IST)
  - Admin 0.8
- 2.2 It is proposed that by de-delegating at a rate of £5000 per school, maintained schools will access a 'gold package' guaranteed 12 half-day sessions of support from BST for a pupil with a primary need of SEMH. In addition, schools will be able to access unlimited further additional support for pupils with a SEMH primary need, subject to capacity and so long as the R2i graduated response has been used to unpick the child's needs using the Initial Concerns Checklist and the Generic Core/Specific Domain Assessments.
- 2.3 The overall cost to maintained schools will be nearly halved and the guaranteed offer of support will be doubled. Schools no longer have to buy-back on top of de-delegation.

- 2.4 The 'gold' package will also be available to academies on the same terms and at the same cost. It is proposed that academies will be able to select between the 'gold' package and a 'basic' package (£1675 capped at 6 half-day sessions - with no access to the additional 12 sessions for SEMH pupils at no cost to school). The cost of ad hoc services for schools not purchasing a package will be at a 25% premium.
- 2.5 These proposals were shared at the meeting of NST Head Teachers on 26 September 2019; plus further questions were posed and responded to in a summary report, through the Chair in October 2019. Also additional information was added to the summary report, as requested at Chair's Briefing, and was cascaded to NST Head Teachers on 15<sup>th</sup> November 2019 (see Appendices).

### **3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS**

- 3.1 If this proposal is not approved, the likelihood is that there will be no BST to continue the implementation and development of R2i or the IST. BST plays a crucial role in R2i; and the BST Leader is pivotal in relation to the continued strategic development and direction of R2i including the creation of Secondary R2i (with JH, EPS); plus developing, leading and driving the creation and roll out of the IST.
- 3.2 An option is to delegate funding directly to schools, so that all BST interventions are fully traded to maintained schools. The failure to de-delegate will lead to increased uncertainty for the team and not allow sufficient time to plan for a fully traded model/team. This will lead to a loss of experienced staff and impact upon the direct support available to pupils and schools across Nottingham City. This would have significant consequences including:
- the continued development, roll out and staffing of R2i/IST;
  - support for vulnerable pupils and those whose school place is deemed at risk;
  - loss of Physical Intervention expertise, training and support;
  - loss of strategic advice regarding risk reduction planning and handling plans;
  - possible increase in litigation and claims from staff/pupils regarding injury or inappropriate handling;
  - support for SEN/LA processes i.e. HLN, EHCP, LADO, Fair Access and JCNC.

### **4 OUTCOMES/DELIVERABLES**

- 4.1 The following outcomes will be achieved through continued funding of BST:
- Retention of BST expertise in the City to continue supporting the development and embedding of R2i across schools, LA/SEN processes and other agencies/teams; the completion and roll out of Secondary R2i plus the launch, roll out and evaluation of the IST;
  - The 'gold' package offer is designed to allow maintained schools and those academies buying 'gold' to benefit from the full capacity of the team through additional sessions;
  - Additional available intervention and support which should reduce exclusions, generating a net saving to DSG reserves;

- Improved emotional wellbeing of school staff (who work with children with complex SEMH needs) which should lead to improved retention of teaching staff in Nottingham City (through increased access to BST sessions plus IST intervention);
- Time to evaluate and establish how/if/when the recommendations of the Timpson Report are to be implemented and the impact (as this could increase schools' demand for behaviour support services and expertise);
- Time for BST to promote and demonstrate the VfM of a revised, new offer that could make the team sustainable if there is sufficient demand across both maintained and academy sectors;
- Continued delivery of BILD accredited Physical Intervention and De-escalation Training across the City; plus bespoke support and expertise on-site to reduce risks and manage challenging and violent behaviours.

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

- 5.1 As per “The national funding formula for schools and high needs 2019 to 2020 Policy document – July 2018” for the next two financial years (2019/20 and 2020/21) local authorities will continue to set their local funding formula to distribute their schools block funding, in consultation with schools and their School Forum.

Paragraph 5 & 6

“We are pleased to see the significant progress across the system in moving towards the national funding formula in its first year.

In light of this progress, and in order to continue to support a smooth transition, we are confirming that local authorities will continue to determine local formulae in 2020-21”

Local authorities will continue to be funded based on the new national funding formula. Included within this “soft approach” is the ability for local authorities to be able to still request approval from maintained primary and secondary school representatives on Schools Forum for de-delegated services.

- 5.2 Any decision made to de-delegate for 2020/21 relates to that year only; a new decision will be required for any service to be de-delegated in future years, if this remains possible under the regulations.
- 5.3 De-delegation at past levels has resulted over time in a disproportionate over-reliance on funding from the maintained primary sector, which accounted for 71% of the total income/funding coming into the team (excluding physical intervention training income) in 2018/19. In 2018/19, £0.229m was de-delegated from maintained primary schools and traded income from these schools amounted to £0.049m.
- 5.4 The revised proposals will result in £0.145m in total being de-delegated from maintained primary schools in 2020/21 and these schools will no longer need to buy back packages on top of their de-delegation offer. There will therefore be a reduction of £0.134m funding/income from maintained primary schools in 2020/21 compared to last financial year.

- 5.5 Sustainability for the team will now rely on a more equitable offer and take up across both maintained and academy sectors. However, it will not be immediately achievable for the team to make up the sudden reduction of £0.134m in income/funding from the maintained primary sector with increased income from academies.
- 5.6 The proposal to fund any income shortfall of up to £0.134m per year for two years is intended to provide some certainty and stability for the team while they manage this transition. It will help ensure the retention of BST expertise in the City while R2I becomes fully embedded and whilst awaiting more clarity on how the recommendations of the Timpson Review will be implemented by the government, which may impact on future demand for BST services.
- 5.7 If the proposals are not approved there would be significant workforce implications. Any redundancy costs would be met by the Local Authority.

Due to consultation periods, there may be a risk to a full year saving in 2020/21 and as such a further report would be required to Schools Forum to approve the associated costs.

## **6 LEGAL AND PROCUREMENT COLLEAGUE 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) (No. 2) Regulations 2018 ("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 December 2018.
- 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 6 (Items That May Be Removed From Maintained Schools' Budget Shares – Primary and Secondary Schools) of Schedule 2 [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(5) (SEYFR, regulation 12(1)(d)). Part 6 of Schedule 2 of the SEYFR contains paragraph 40, 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 COLLEAGUE COMMENTS**

- 7.1 As outlined in the body of the report, a decision not to continue funding arrangements is likely to lead to a closure of the service. This would have significant workforce / financial implications relating to potential redundancy situations (that would need to be detailed separately in appropriate reports), including employment / contractual obligations, costs and risks to the authority and costs potentially funded by schools forum budget, and appropriate timelines for both teachers and LG employees.
- 7.2 Potential exit payments, including redundancy and pension strain costs, of any affected post holders would also need to be considered.
- 7.3 Post holders may also have access to Redeployment jobs. Any costs relating to time on the redeployment register such as 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 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.
- 7.3 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.

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05/11/2019

## **8 EQUALITY IMPACT ASSESSMENT**

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

No

Yes

Attached as an Appendix, 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 Routes to Inclusion: SEMH Toolkit for Nottingham City schools and The Timpson Report.