



Classification	Item No.
Open / Closed	

Meeting:	Cabinet
Meeting date:	**
Title of report:	Education Services – Curriculum Language Access Service
Report by:	Executive Director for Children and Young People
Decision Type:	Key Decision
Ward(s) to which report relates	All

Executive Summary:

Bury Curriculum and Language Access Service, which incorporates the Traveller Education Service, works with schools, children and young people and their families, to promote positive educational outcomes and increase the life opportunities for pupils from Minority Ethnic communities, particularly those pupils who are learning English as an additional language, are from Gypsy, Roma and Traveller communities, or are asylum seekers or refugees.

The current cost of CLAS is £1.2m per annum. The cost is met in part by traded activity with High Schools (£0.140m), through a de-delegated (top-slice) contribution to support delivery from Maintained Primary Schools budgets (£0.244m), and with a contribution from the High Needs Block of the Dedicated Schools Grant (DSG) (£0.694m).

Because of changes introduced by the National Funding Formula (NFF) for schools, the current funding arrangements for CLAS are not sustainable. Schools and Schools' Forum have been consulted on the implications of the NFF and are involved in the annual recommendations on funding, including their de-delegated contribution to CLAS.

This report looks at options for the future of the Service.

Recommendation(s)

That:

Option one – Cease to maintain Service

Option two – Review Service to deliver at lower cost

Option three – To develop the Service, to exploit opportunities to generate external income

That Cabinet support option two, and look to review the service in order to deliver at lower cost, to be able to function effectively within the funding available from those schools that access the Service.

Key considerations

1.0 BACKGROUND

- 1.1 The services that the Council provides in relation to schools and families are continually responding to the changing educational landscape, demand for services, and the need to ensure financial viability and sustainability.
- 1.2 This report looks at one of the high value services, for the provision of services to children whose first language is not English. The service is delivered through the Curriculum Language Access Service. This report sets out options for the future delivery of the service.
- 1.3 The Service is funded in part by traded activity with High Schools; through a de-delegated contribution from the Dedicated Schools Grant to support delivery to Primary Schools; and with a contribution from the High Needs Block of the Dedicated Schools Grant.
- 1.4 The review considers specifically the contribution made from the High Needs Block which is facing significant deficit and which is subject to a deficit recovery plan that is open to scrutiny from the Department for Education (DfE) and where all contributions to services, such as CLAS, need to be reduced or removed in order to sustain the High Needs Block within its' annual allocation plus recover the accumulated deficit as a priority.
- 1.5 Because of changes introduced by the National Funding Formula (NFF) for schools, the current funding arrangements for CLAS are not sustainable.
- 1.6 Schools' Forum is responsible for making the annual recommendations in respect to the schools and academies funding formula. They have been consulted annually in respect to the de-delegated contribution to CLAS and the cessation of de-delegation as part of the phased introduction of the NFF. As Primary schools opted for a 3 year phase into the NFF from 2019/20, they are aware that 2021/22 represents the full application of the NFF and cessation of de-delegation to CLAS.

2.0 The Proposals

- 2.1 Bury Curriculum and Language Access Service, which incorporates the Traveller Education Service, works with schools, children and young people and their families to promote positive educational outcomes and increase the life opportunities for pupils from Minority Ethnic communities, particularly those pupils who are learning English as an additional language, are from Gypsy, Roma and Traveller communities, or are asylum seekers or refugees. This includes:
- teaching pupils in schools;
 - strategic and project work with schools;
 - liaising with families before children are placed in school;
 - liaising between schools and other agencies and families;
 - professional development for education and other staff working with Minority Ethnic and EAL learners; and
 - interpreting and translating for schools.
- 2.2 Many local authorities have ceased to offer this service to schools, and schools must make their own arrangements. In addition, not all schools require the services offered, dependent upon the needs of their cohort. This presents a challenge in the future because all Primary schools currently contribute to the cost of the service through the de-delegation of funding, although not all primary schools access the service. For secondary schools, only those schools requiring the service buy into it.
- 2.3 De-delegation of funding is a mechanism whereby each school receives a financial allocation in its budget, but this is then ring-fenced, from Maintained schools only, to support a specific activity. In the case of CLAS, whilst all Maintained Primary schools contribute, not all schools utilize the service. The de-delegation methodology currently protects the level of funding contribution available to support the Service. With the introduction of the National Funding Formula for schools it will no longer be possible to apply de-delegation and those schools not accessing the service will no longer make an automatic financial contribution to the service.
- 2.4 In addition to working with Bury schools through de-delegated and traded offers, CLAS generates income through traded work with schools in other areas, with partner organisations and through the sale of educational resources. The capacity for traded work outside of Bury is currently limited due to commitments within Bury and the inability to increase staffing levels.
- 2.5 Additionally, and in line with other services to schools provided by the Council, CLAS is under pressure to deliver financial efficiencies, and potentially scale back its activity to deliver on this.
- 2.6 This presents a need and opportunity to review the way in which the service is delivered in future. There are three potential options:
- Cease to maintain the service

- Scale back the service in line with likely demand from schools based on a fully traded model
- Enable the service to be developed to exploit the lack of similar service provision in other local authority areas, and to generate external income

2.7 Each option brings with it varying levels of risk. The current model and funding arrangements creates financial uncertainty for the service, making it difficult to plan for the medium and long term and to retain and recruit staff. Changes to the National Funding Formula for schools means that a 'do nothing' option is not possible.

2.8 Option one – Cease to maintain Service

2.8.1 The option to cease to maintain the service clearly removes this uncertainty, and mitigates any risk to the local authority in maintaining a service when the demand for the service, and the financial basis that underpins it, is uncertain. That said, the option would see the withdrawal of a service that many schools value and which schools would then have to source from elsewhere.

2.8.2 This option would have a significant impact on the Service and the schools it serves. Schools would be required to make their own arrangements, through the direct employment of staff, or commissioning the service from a third party.

2.8.3 This could impact directly on the support received by families, dependent upon the arrangements put in place by individual schools.

2.8.4 This option could secure a saving from the High Needs Block of £0.694m.

2.9 Option two – Review Service and deliver at lower cost

2.9.1 In reviewing the service, and reducing activity in line with the resources available through school buy-back, the local authority would be mitigating some of the risk associated with the uncertainty about future demand, whilst still maintaining a service that schools could access. There would be an inevitable impact on the breadth of service that could be offered, as it is scaled back in line with the value of traded income and this may undermine the attractiveness of the service to schools, and impact on the level of buy-back.

2.9.2 That said, there is an opportunity to work with schools to develop a revised Service offer that matches schools' needs and expectations, and is affordable.

2.9.3 This could impact directly on the support received by families as the breadth of the Service is reduced in line with available funding.

2.9.4 This option could secure a saving from the High Needs Block of £0.694m.

2.10 Option three – fully traded Service

- 2.10.1 In recognizing that the service offered is value by schools, is not widely offered by other local authorities, and there is demonstrable interest from schools in other areas buying into the service, there is a further option to enable the service to develop as a fully traded model, but with the intention to work beyond the local authority boundaries, exploiting opportunities to generate external income underpinning the financial business model.
- 2.10.2 To enable this, a structure is needed which would allow CLAS to maintain the breadth of specialist provision available to Bury schools, that could then be marketed to schools outside the LA.
- 2.10.3 To do so effectively, the service needs be able to respond flexibly to the changing market place for their service, unconstrained by some of the more restrictive aspects of being a Council service, but also mitigating the risk to the Council of continuing to deliver a service that is operating in a challenging financial environment.
- 2.10.4 A proposition has been developed whereby the Service can be developed as a stand-alone business model, potentially operating at arms-length to the Council, or as community interest company.
- 2.10.5 This presents an opportunity for the Service to be developed, to continue to serve local schools, and potentially to ensure financial sustainability in the face of the significant challenges ahead. That said, there remain risks to the Council in the time and cost of establishing such arrangements, and there can be no guarantee of success of such an arrangement
- 2.10.6 This option could secure a saving from the High Needs Block of £0.694m.

3.0 CONCLUSION

- 3.1 Cabinet is asked to consider the options available in respect of the future of the Curriculum Language Access Service.

Recommended option:

- 3.2 That Cabinet support option two, and look to review the Service, to deliver an offer that is affordable within the funding available from those schools that access the Service.
- 3.3 For consultation to take place with schools and staff over the autumn term with the intention of implementing changes with effect from 1st April 2021.
- 3.4 Working with this affordable funding model, the Service can then explore further options to secure additional funding through an emerging trading model.

Community impact / Contribution to the Bury 2030 Strategy

Equality Impact and considerations:

24. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*
25. *The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.*

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation
Schools, through decisions of their Governing Bodies are responsible for determining the use of the schools delegated budget. It is possible for a school to choose to make alternative arrangements for the provision of the services offered by CLAS.	
In the event that schools determine not to buy back the level of services currently offered by CLAS, the Council, as employer would need to address the resultant staffing implications.	

In maintaining the status quo, the Council will be committing to ongoing expenditure against the DSG High Needs Block.	
Without measures to contain the demand for services, the cost of provision will continue to exceed available resources, placing unreasonable demands on the DSG High Needs Block	The proposals set out in this report seek to reduce demand for the service in line with available resources, as determined by those schools choosing to buy back the

Consultation:

Legal Implications:

To be completed by the Council's Monitoring Officer

Financial Implications:

To be completed by the Council's Section 151 Officer

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Background papers:

None

Please include a glossary of terms, abbreviations and acronyms used in this report.

Term	Meaning