

Agenda for a meeting of the Children's Services Overview and Scrutiny Committee to be held on Wednesday, 12 October 2016 at 4.30 pm in Committee Room 1 - City Hall, Bradford

Members of the Committee – Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT	INDEPENDENT
D Smith M Pollard	Engel Mullaney Peart Shaheen Tait	Ward	Sajawal

Alternates:

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Carmody Rickard	Akhtar Bacon Abid Hussain Thirkill	J Sunderland

VOTING CO-OPTED MEMBERS:

Sidiq Ali
Claire Parr
Joyce Simpson
Gull Hussain

Parent Governor Representative
Church Representative (RC)
Church Representative (CE)
Parent Governor Representative

NON VOTING CO-OPTED MEMBERS

Kerr Kennedy
Stephen Pickles
Tom Bright
Tina Wildy

Voluntary Sector Representative
Teachers Primary Schools Representative
Teachers Secondary School Representative
Health Representative

Notes:

- This agenda can be made available in Braille, large print or tape format on request by contacting the Agenda contact shown below.
- The taking of photographs, filming and sound recording of the meeting is allowed except if Councillors vote to exclude the public to discuss confidential matters covered by Schedule 12A of the Local Government Act 1972. Recording activity should be respectful to the conduct of the meeting and behaviour that disrupts the meeting (such as oral commentary) will not be permitted. Anyone attending the meeting who wishes to record or film the meeting's proceedings is advised to liaise with the Agenda Contact who will provide guidance and ensure that any necessary arrangements are in place. Those present who are invited to make spoken contributions to the meeting should be aware that they may be filmed or sound recorded.
- If any further information is required about any item on this agenda, please contact the officer named at the foot of that agenda item.

From:

Parveen Akhtar
City Solicitor
Agenda Contact: Fatima Butt / Jill Bell
Phone: 01274 432227/434580
E-Mail: fatima.butt@bradford.gov.uk / jill.bell@bradford.gov.uk

To:



A. PROCEDURAL ITEMS

1. ALTERNATE MEMBERS (Standing Order 34)

The City Solicitor will report the names of alternate Members who are attending the meeting in place of appointed Members.

2. DISCLOSURES OF INTEREST

(Members Code of Conduct - Part 4A of the Constitution)

To receive disclosures of interests from members and co-opted members on matters to be considered at the meeting. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

Notes:

- (1) Members may remain in the meeting and take part fully in discussion and voting unless the interest is a disclosable pecuniary interest or an interest which the Member feels would call into question their compliance with the wider principles set out in the Code of Conduct. Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.*
- (2) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations, and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.*
- (3) Members are also welcome to disclose interests which are not disclosable pecuniary interests but which they consider should be made in the interest of clarity.*
- (4) Officers must disclose interests in accordance with Council Standing Order 44.*

3. MINUTES

Recommended –

That the minutes of the meeting held on 26 July 2016 be signed as a correct record (previously circulated).

(Jill Bell – 01274 434580)



4. INSPECTION OF REPORTS AND BACKGROUND PAPERS

(Access to Information Procedure Rules – Part 3B of the Constitution)

Reports and background papers for agenda items may be inspected by contacting the person shown after each agenda item. Certain reports and background papers may be restricted.

Any request to remove the restriction on a report or background paper should be made to the relevant Strategic Director or Assistant Director whose name is shown on the front page of the report.

If that request is refused, there is a right of appeal to this meeting.

Please contact the officer shown below in advance of the meeting if you wish to appeal.

(Jill Bell - 01274 434580)

5. REFERRALS TO THE OVERVIEW AND SCRUTINY COMMITTEE

The following referrals have been made to this Committee up to and including the date of publication of this agenda.

The Committee is asked to note the referrals listed above and decide how it wishes to proceed, for example by incorporating the item into the work programme, requesting that it be subject to more detailed examination, or refer it to an appropriate Working Group/Committee.

B. OVERVIEW AND SCRUTINY ACTIVITIES

6. SCHOOLS FORUM UPDATE

1 - 22

Children's Services Overview and Scrutiny Committee has asked for a regular update on the work of the Schools Forum. The last update was presented to the Committee on 26 July 2016. The Schools Forum has met once since on 21 September. The decisions list from this meeting is attached at Appendix 1 of the report of the Director of Children's Services (**Document "N"**).

Recommendation -

Committee Members are asked to consider and to note the information provided in Document "N".

(Andrew Redding – 0174 432678)



7. EDUCATION STANDARDS 2016 - EARLY YEARS TO KEY STAGE 5

23 - 54

The Strategic Director of Children's Services will present an initial report on the performance of Bradford's Children and Young People in Key Stage tests and exams for 2016 (**Document "O"**).

Recommended -

- (1) That Overview and Scrutiny Committee receive this initial report on the performance of Bradford's Children and Young People in Key Stage tests and exams for 2016 (Document "O").**
- (2) Further reports be provided as the Local Authority receives further published data from the DfE.**

(Judith Kirk – 01274 431078)

8. ELECTIVE HOME EDUCATION

55 - 80

The report of the Deputy director of Children's Services (**Document "P"**) provides Members with details of the legislative framework surrounding Elective Home Education and the Authority's role and responsibilities.

Recommended -

- (1) That the limited powers of the Authority to intervene in cases whereby parents elect to home educate their child(ren) is noted.**
- (2) That it be noted that the establishment of the Education Safeguarding Hub is a key vehicle in ensuring and promoting the wellbeing of children who are not attending any registered provision.**

(Judith Kirk – 01274 431078)

9. UNREGISTERED SCHOOLS

81 - 92

The report of the Deputy Director of Children's Services (**Document "Q"**) provides Members with details of the legislative framework surrounding Elective Home Education and the Authority's role and responsibilities.

Recommended -

That the Local authority works with partner organisations to effectively respond to and support (where necessary) any education organisation that may be operating illegally, either knowingly or unknowingly.

(Judith Kirk – 01274 431078)



**10. CHILDREN'S SERVICES OVERVIEW AND SCRUTINY COMMITTEE 93 - 100
WORK PROGRAMME**

The report of the Chair of the Children's Services Overview and Scrutiny Committee (**Document "R"**) presents the Committee's Work Programme 2016-17.

Recommended –

That the Work Programme 2016-17 continues to be regularly reviewed during the year.

(Licia Woodhead – 01274

432119)

THIS AGENDA AND ACCOMPANYING DOCUMENTS HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER



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Report of the Director of Children's Services to the meeting of the Children's Services Overview & Scrutiny Committee to be held on 12 October 2016.

N

Subject:

Schools Forum Update

Summary statement:

Children's Services Overview and Scrutiny Committee has asked for a regular update on the work of the Schools Forum.

Michael Jameson
Strategic Director, Children's Services

Portfolio:

Education, Employment and Skills

Report Contact: Andrew Redding,
Business Advisor (Schools)
Phone: (01274) 432678
E-mail: andrew.redding@bradford.gov.uk

Overview & Scrutiny Area:

Children's Services

1. SUMMARY

- 1.1 The Committee has asked for regular updates to be provided on the work of the Schools Forum.
- 1.2 The last update was presented to the Committee on 26 July 2016. The Schools Forum has met once since on 21 September. The decisions list from this meeting is attached at Appendix 1.
- 1.3 The Schools Forum has two further meeting scheduled for the autumn term, 19 October and 7 December. The key meeting at which the Schools Forum will make final recommendations on the allocation of the 2017/18 Dedicated Schools Grant (DSG) will take place on 11 January 2017.
- 1.4 The principal items that were considered by the Schools Forum on 21 September and those that will feature prominently in forthcoming meetings are:
 - Schools and High Needs Block National Funding Formula proposals and consultations
 - Early Years National Funding Formula proposals and consultation
 - Formula funding arrangements in Bradford for the 2017/18 financial year
 - The financial implications of the conversion of maintained schools to academy status
 - SEND places sufficiency and Dedicated Schools Grant High Needs Block financial pressures
 - The future position of DSG centrally managed and de-delegated funds

This report focuses on these key items and more information on each is provided in section 3 of this report.

2. BACKGROUND

- 2.1 Under national Regulations, every local authority is required to operate a Schools Forum. The primary function of a Schools Forum is to recommend to the Council's Executive how the funding, which the Government provides for schools and individual pupils (known as the Dedicated Schools Grant), is managed. The Forum also has some specific technical decision making powers. The DfE has stressed that it is essential that Forum membership arrangements keep pace with the changing landscape, in particular the conversion of maintained schools to academy status. The Forum must consider annually how best to provide for responsive arrangements, to ensure the Forum remains representative and to avoid any unintended bias towards any one phase. There are currently 7 academy members on Bradford's Schools Forum, alongside 20 representatives of maintained schools.

- 2.2 The Schools Forum meets every half term with an additional meeting in the autumn.
- 2.3 The Schools Forum's work plan for the 2016/17 academic year is attached for information at Appendix 2.

3. OTHER CONSIDERATIONS

3.1 Schools and High Needs Block National Funding Formula proposals

- As reported verbally to the Committee on 26 July, The start of the implementation of the National Funding Formula (NFF) at April 2017 is postponed. The Secretary of State's statement in July suggested that this is postponed until 2018/19. The initial proposal was for the hard NFF for Primary and Secondary schools and academies to be implemented from April 2019, and for transition to this, as well as changes to move to a formularised High Needs Block, to begin from April 2017.
- The Government's response to the 1st stage of consultation will be published in the autumn and we also await a 2nd stage consultation, which will still expect will provide more detailed modelling to enable an assessment of impact. The July announcement indicated that the Government aims to take final decisions on a NFF early in 2017. Depending on what is published and when, we may be required to set our 2017/18 DSG allocation without full final sight of the impact of NFF.
- 2017/18 then is largely maintaining the structural status quo, but with 2 quite significant technical changes:
 - The DSG Block baselines (the 3 blocks being the Schools Block, the High Needs Block and the Early Years Block) have been revised, following the exercise completed in March, so that the 2017/18 DSG allocation will be based on our stated spending in each of the 3 blocks in 2016/17.
 - The Education Services Grant (ESG) – Centrally Retained Duties allocation will be transferred into the DSG Schools Block (a sum of £1.43m will be transferred into our 2016/17 baseline). At this time, the Authority anticipates retaining an ESG sum centrally within the Schools Block in 2017/18 on an amount per pupil 'passporting' basis i.e. the Authority would expect to have access to ESG funding at the value the DfE funds within the DSG, without topslice, with this value increasing (or decreasing) in line with year on year changes in pupil numbers.
- The proposal that would have prevented the Schools Block contributing any further to the High Needs Block, in order to release budget to meet the cost of additional places, will now not be implemented for 2017/18. This means that we continue to have this flexibility next year. The on-going status of this proposal, and its implementation in 2018/19, however, are currently unclear.
- Additional High Needs Block funding will be allocated to local authorities in DSG in 2017/18. We received an additional £1.09m in 2016/17.

- The Minimum Funding Guarantee for Primary & Secondary schools and academies will be retained at minus 1.5% for 2017/18.

3.2 Early Years National Funding Formula proposals and consultation

- We have briefed previously on our expectation that, because we currently fund our early years provision within the DSG at a rate that is significantly higher in total than national and statistical neighbour averages (in excess of £1.00 more per hour in total), we are likely to lose from national funding formula arrangements in the Early Years Block. We have invested to raise the quality of staffing and outcomes for children. Outcomes in Early Years have sustained a rising trend over three years. In 2016, the percentage of pupils achieving a good level of development (GLD) has risen by 4% points in Bradford to 66% securing an 11% increase over the last three years. Provisionally, the national average improved by 3% points in 2016 to 69%.

The consultation on a national formula for the funding (NFF) of the early years free entitlements was published by the DfE on 11 August 2016. The deadline for responses to this consultation was 22 September 2016 and our response was considered by, and areas of consensus agreed with, the Schools Forum on 21 September, prior to submission. Our response is attached for reference at Appendix 3.

The proposed timeline for the full implementation of new NFF arrangements aligns with that expected for the primary and secondary NFF; full implementation at April 2019, with transition over the next 2 financial years. In summary, the proposals mean:

- A quite substantial (7%) increase in Bradford's funding for the 2 year old offer from April 2017 (£0.6m gain to Bradford on January 2016 numbers) with our rate of funding per hour possibly increasing from £4.85 to £5.20.
- However, a substantial (10%) reduction in Bradford's funding for the 3 and 4 year old offer (of £3.01m in the DSG on January 2016 numbers) meaning funding rates for 3 and 4 year old free entitlement provision will need to reduce, especially for nursery schools and PVI providers, starting from April 2017.
- Nationally, 112 authorities are gaining from NFF proposals; 38 are losing (a number of London authorities are particularly negatively affected; our position is the worst of Yorkshire regional authorities because of our historic higher spend).
- A significant alteration in the distribution of funding between types of providers in Bradford. A flattening of this distribution as a result of the proposal for a universal base rate (a single basic rate of funding for all).
- From this, very significant implications for the levels of DSG funding to nursery schools. The DfE indicates that there will be further consultation on this, with transitional protection in place "for at least" 2 years.
- An apparent weakening of the proportion of general funding allocated to deprivation producing a further flattening of the distribution on top of that caused by the universal base rate.

- Transitional protections to be in place 2017-19 meaning the full value of loss is not felt immediately, but substantial losses will still need to be managed in these transitional years (especially in 2018/19).
- Uncertainty at this stage whether some proposed restrictions come into place at April 2017 or April 2019 (nursery school funding supplements and the 10% cap on deprivation spending).
- A new grant stream within the DSG, which will allocate funding on an annual basis for children in receipt of Disability Living Allowance (DLA).
- The Early Years Pupil Premium will continue.

3.3 Formula Funding Arrangements for the 2017/18 Financial Year

Previously, in the face of National Funding Formula uncertainty, the Forum has sought to provide stability by generally maintaining the status quo in formula funding arrangements, based on our assessment that the structures of our formulae continue to be fit for purpose. These structures however, must work within the overall DSG funding envelope and must respond to changes in Regulations where directed.

The Schools Forum is currently engaged in 3 work strands from which the Forum will pull together its recommendations for Bradford's 2017/18 funding formulae:

- Schools Block: The Schools Forum agreed on 21 September to the publication of our consultation on the 2017/18 primary and secondary funding formulae and central fund arrangements. We propose to maintain the existing formulae structure (the formulae factors and how these are used). The Forum will consider the outcomes of this consultation on 19 October and will make final recommendations after this. Further discussion is taking place on the values of formulae factors and the value of additional contribution from the Schools Block to High Needs Block pressures. Discussion is also taking place on the position of centrally managed and de-delegated funds.
- Early Years Block: The Schools Forum, is continuing to consider the options available for our funding approach for 2017/18 based on what we currently know about NFF proposals and what we estimate the funding envelope to be. Our consultation document on 2017/18 arrangements will be presented to the Forum at the next meeting on 19 October and, if agreed, will be published for providers immediately.
- High Needs Block: A consultation on 2017/18 formulae arrangements will be presented to the Schools Forum on 19 October and, if agreed, will be published immediately. This consultation and the Forum's discussions are dominated by the overall spending pressure within the High Needs Block resulting from the required increase in funded places.

3.4 Conversions of Maintained Schools to Academy Status - Update

The potential financial implications of the conversions of maintained schools in Bradford to academy status was considered by the Committee on 26 July. The report to the Committee indicated that the Authority currently 'knows about' 65 possible conversions

that may take place between now and the end of this financial year.

This is a matter that continues to be discussed with the Schools Forum.

5 schools converted on 1 September; 3 secondary and 2 primary schools. The number of conversions at 1 October will be reported verbally to the Committee. All the 1 September converting schools are expected to hold surplus balances once their accounts have been finalised.

3.5 SEND Places Sufficiency and Cost Pressures within the High Needs Block

The dominant theme of 2017/18 DSG allocation discussions will be High Needs Block cost pressures resulting from the necessary increase in funded places to meet the growth in demand.

The Schools Forum received a presentation on 18 May, which explained that a further 360 places are needed by September 2018 (roughly 120 per year in each of the next 3 years) simply to meet forecasted demographic growth.

At its meeting on 21 September, the Forum agreed the funding of the first 120 places from January 2017. The on-going financial implications will continue to be considered by the Forum during the autumn term.

Simply, our High Needs Block allocation from DfE currently is not sufficient to meet the cost of an additional 360 places and other pressures e.g. in the cost of out of authority placements. We are looking for the National Funding Formula to resolve this. If the proposals do not do so, this will be a key area of challenge in our response to the DfE's 2nd stage consultation.

Currently, these pressures can only be met by taking sizeable contributions from the Schools and Early Years Blocks, effectively by reducing the rates of formulae funding for primary and secondary schools and academies and early years providers. What a 1.5% reduction on formula funding looks like for primary and secondary schools and academies in 2017/18 is shown in the published consultation paper.

3.6 DSG Schools and Early Years Block Centrally Managed and De-Delegated Funds

The following funds were held in this current financial year from the Schools and Early Years Blocks.

- Funds that are specifically permitted by the Regulations or where existing historic commitments from the DSG remain in place. The cost of these funds is 'topslliced' from both schools and academies; it is then a requirement that schools and academies can access services on the same basis. The 3 funds are:
 - Schools Forum Costs £10,000
 - School Admissions £577,600
 - DSG matched contribution to school improvement £1,318,600

Members are reminded that the Forum has already recommended, and Executive has

agreed, that the DSG's matched contribution to school improvement ceases at 1 September 2017. On this basis, the value of this fund reduces from £1,318,600 in 2016/17 to £482,426 in 2017/18 and then £0 in 2018/19.

The Authority anticipates that the Schools Forum will agree to continue in 2017/18 the small budget for Schools Forum costs and the DSG's funding of admissions on the same basis and value as in 2016/17. Admissions funding from April 2018 will be affected by proposals for the national funding formula (a move to a formula basis, rather than historic actual spending).

- Funds, where the funding is originally delegated to all schools and academies through formula funding, but where maintained schools can decide to 'de-delegate' amounts back to the centre for specific named purposes. Only maintained schools contribute to these funds and only maintained schools can access these within further contributions from their delegated budgets. The 8 funds are:

○ ESBD School Support Team	£426,360
○ Minority Ethnic School Support Team	£94,350
○ FSM Eligibility Assessment	£119,100
○ Fischer Family Trust Licences	£33,560
○ School Maternity / Paternity 'insurance' fund	£1,565,400
○ Trade Union Facilities Time	£306,000
○ Trade Union Health & Safety Representative Time	£46,765
○ School Staff Public Duties and Suspensions Fund	£62,920

Members are reminded that the de-delegated fund for Minority Ethnic School Support ceased on 1 May 2016 and no de-delegation will apply in 2017/18.

Members are also reminded that the Schools Forum has previously established the principle that the values of contributions per pupil to de-delegated funds will not exceed the value in the previous year to compensate for the loss in budget brought by further conversions of maintained schools to academy status i.e. all things being the same, as schools convert to academies, the cash value of de-delegated funds will reduce, with any gap in funding as a result of this reduction being recovered through trading services.

Under proposals for the National Funding Formula (NFF), which were published in the 1st stage consultation in March, de-delegation will be required to cease at 1 April 2019. In considering this, we have previously highlighted to the Schools Forum that the rate of conversion of maintained schools in Bradford to academy status may be such that consideration may need to be given, earlier than for 1 April 2019, to whether de-delegation remains effective.. Final decisions on funds for 2017/18 will be taken by the Schools Forum in January 2017.

4. FINANCIAL & RESOURCE APPRAISAL

Not applicable – this is an update for information.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

Not applicable – this is an update for information.

6. LEGAL APPRAISAL

Not applicable – this is an update for information.

7. OTHER IMPLICATIONS

7.1 EQUALITY & DIVERSITY

Not applicable – this is an update for information.

7.2 SUSTAINABILITY IMPLICATIONS

Not applicable – this is an update for information.

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

Not applicable – this is an update for information.

7.4 COMMUNITY SAFETY IMPLICATIONS

Not applicable – this is an update for information.

7.5 HUMAN RIGHTS ACT

Not applicable – this is an update for information.

7.6 TRADE UNION

Not applicable – this is an update for information.

7.7 WARD IMPLICATIONS

Not applicable – this is an update for information.

7.8 AREA COMMITTEE ACTION PLAN IMPLICATIONS

Not applicable – this is an update for information.

8. NOT FOR PUBLICATION DOCUMENTS

None

9. OPTIONS

Not applicable – this is an update for information.

10. RECOMMENDATIONS

10.1 Committee Members are asked to consider and to note the information provided in this update.

11. APPENDICES

Appendix 1 – Schools Forum meeting 21 September Decisions List

Appendix 2 – Schools Forum Work Plan 2016/17 Academic Year

Appendix 3 – the Local Authority's Response to the Early Years Funding Reform Consultation

12. BACKGROUND DOCUMENTS

None

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DECISIONS OF THE SCHOOLS FORUM HELD ON WEDNESDAY 21 SEPTEMBER 2016

These decisions are published for information in advance of the publication of Minutes

DECISIONS:

APPENDIX 1

1. MATTERS RAISED BY SCHOOLS

No resolution was passed on this item (please see AOB).

2. STANDING ITEM – DSG GROWTH FUND ALLOCATIONS

No resolution was passed on this item.

3. STANDING ITEM – BRADFORD EDUCATION IMPROVEMENT COMMISSIONING BOARD

No resolution was passed on this item.

4. SCHOOLS FORUM MEMBERS – ELECTION OF A CHAIR

Resolved – That the established approach be followed for the collection of nominations and the election of the Chair of the Schools Forum for 2016/17.

Action: Business Advisor (Schools)

5. SCHOOLS FORUM ADMINISTRATION 2016/17 ACADEMIC YEAR

Resolved –

(1) The Forum's Conduct of Meetings & Procedural Matters document be agreed.

(2) The interim Schools Forum membership arrangements for the period September 2016 to the end of March 2017, as set out in Document GF, also be agreed.

Action: Business Advisor (Schools)



6. EARLY PROJECTION OF THE 2017/18 DSG POSITION AND COST PRESSURES

Resolved –

- (1) That the information in Document GG be noted.**
- (2) That information is provided to the next Schools Forum meeting on the number of assessments / referrals for Education Health and Care Plans / SEN Statements by phase.**
- (3) That further information is provided, which will enable Forum Members and schools to understand the cumulative impact on delegated budgets of possible reductions in funding as well as increases in costs (such as salary costs for pay awards).**

7. NATIONAL FUNDING FORMULA SCHOOLS AND HIGH NEEDS BLOCKS

Resolved – That the information in Document GH be noted.

8. REPORT ON EARLY YEARS BLOCK FUNDING MATTERS & DFE CONSULTATION

Resolved –

- 1) That the information in Document GH be noted.**
- 2) The Schools Forum agrees with the Authority's proposed response to the DfE's consultation (shown at Appendix 1) and for this response to be submitted.**

Action: Business Advisor (Schools)

9. HIGH NEEDS BLOCK – FUNDING ADDITIONAL SEND PROVISION

Resolved – The Schools Forum agrees for the first tranche of additional SEND places to be funded from the High Needs Block from January 2017 and on an on-going basis as set out in Document GI.

Action: Business Advisor (Schools)

10. CONSULTATION ON THE PRIMARY AND SECONDARY SCHOOL FORMULAE 2017/18

Resolved – That the consultation document, as set out in Document GK, but incorporating the amendments agreed by Members that are recorded in the minutes of the meeting, be published.

Action: Principal Finance Officer (Schools)

11. WORK PROGRAMME AND SCHEDULE OF MEETINGS 2016/17 ACADEMIC YEAR

Resolved – That the work programme be noted.

Action: *Business Advisor (Schools)*

12. SCHOOLS FORUM STANDING ITEMS

No resolution was passed on this item.

13. AOB / FUTURE AGENDA ITEMS

Resolved - That information be provided to the Schools Forum on the charging of payroll costs in response to the matter raised by a Forum Member at the start of the meeting.

14. DATE OF NEXT MEETING

The next meeting of the Schools Forum is Wednesday 19 October 2016.

FROM: *Parveen Akhtar (City Solicitor)*
City of Bradford Metropolitan District Council

Contact: Asad Shah: 01274 432280
Committee Secretariat

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Schools Forum Meetings Schedule & Work Programme for the 2016/17 Academic Year

Schedule of Meetings

- Wednesday 21 September 2016, 8am
- Wednesday 19 October 2016, 8am
- Wednesday 7 December 2016, 8am
- Wednesday 11 January 2017, 8am
- *Wednesday 18 January 2017, 8am PROVISIONAL MEETING*
- Wednesday 15 March 2017, 8am
- Wednesday 17 May 2017, 8am
- Wednesday 5 July 2017, 8am

Proposed Work Programme

Autumn Term 2016

Key Dates

- Expected 2nd stage consultation on National Funding Formula (date as yet unknown)
- 6 October – Schools' October Census
- Mid December – EFA publication of pupil numbers & other data from October Census on which 2017/18 allocations will be calculated
- Mid December – DfE to confirm Authority 2017/18 DSG allocation, including additional HNB funding
- Announcement of Pupil Premium and other grants for the 2017/18 financial year

Planned Business

- Election of the Chair of the Schools Forum.
- Consideration of, and formal response to, the expected 2nd stage consultation on the move to the National Funding Formula. Work streams from this. *
- Bradford District's Primary, Secondary, Early Years and High Needs funding consultations & consideration of responses. The Schools Forum to agree the funding formulae for the 2017/18 financial year, with discussions separating the 'structure' from the 'values' of formulae factors.
- Consideration of Early Years places provision and funding matters, including the implementation of the 30 hours free entitlement from September 2017 (and Bradford as an 'early innovator'). *
- Consideration of Growth Funding in the Secondary sector.
- Consideration of planned commissioning of places and top up arrangements relating to High Needs Block provisions 2017/18. *
- Further detailed work on the High Needs Block funding and provision matters (strategic planning of places and new schools to meet growing need, affordability and sector-led delivery). *
- The outcomes and further work from the District's Post 16 review and further national Post-16 funding announcements.
- Further information, discussion and consideration of the financial impact of the conversion of maintained schools to academy status. *
- Further consideration of the implementation of the Government's Apprenticeship Levy in 2017/18.
- Initial discussion on how the DSG is to be allocated from April 2017, including Government directed revisions e.g. the transfer of the ESG into the DSG.
- The review of items to be delegated / centrally managed from April 2017
- Consideration of wider DSG cost pressures in 2017/18, implications and strategies for supporting these. *
- Consideration of the Council's wider budget position 2017/18. *
- Consideration of Forum membership. Response to any further Schools Forum Regulations changes.
- Update on 2016/17 DSG contingencies and central funds spending (view on one off monies available).
- Update on the delivery of the Education Improvement Strategy and attainment results Summer 2016 (impact assessment). *
- Update on pupil planning (expansion of provision) and the impact of Academies & Free Schools *
- Further consideration, including impact assessment, of the work of the Bradford Education Improvement Commissioning Board and the allocation of the Joint Improvement Investment Fund.

* identifying key discussion items that will be present across all meetings in the 2016/17 academic year.

Spring Term 2017

Key Dates

- 19 January – Schools' January Census & Early Years Census
- 20 January – deadline for the submission of the final formula funding pro-forma to EFA, with values of the formula factors fixed
- March publication of final Post 16 allocations for 2017/18
- 28 February – deadline for publication of 2017/18 budgets for maintained schools (not including Early years Funding)
- 31 March – deadline for publication of 2017/18 EYSFF allocations
- 31 March – completion of S251 Budget Statement to DfE
- Expected final announcements on National Funding Formula 'early in the new year'

Planned Business

- Final recommendations on all aspects of DSG funding for 2017/18, including school & early years budgets, high needs, contingencies and centrally managed items; Forum exercise of statutory powers.
- Further consideration of the expected final announcement of the National Funding Formula.
- Evaluation of the impact / anticipated impact of 2017/18 DSG recommendations.
- Discussion on the 3 year review of the West Yorkshire Pension Fund financial position and charging costs to schools from April 2017.
- Further consideration, including impact assessment, of the work of the Bradford Education Improvement Commissioning Board and the allocation of the Joint Improvement Investment Fund.
- Continued consideration of the implementation of the 30 hours early years free entitlement from September 2017.
- Continued detailed work on the High Needs Block funding and provision matters (strategic planning to meet growing need, affordability and sector-led delivery).
- Review of Scheme for Financing Schools for 2017/18 (and directed revisions).
- Review of Schools Forum membership (review of interim arrangements).
- Further information, discussion and consideration of the financial impact of the conversion of maintained schools to academy status.
- Further consideration of the financial position of schools and academies (responding to tighter financial times).
- Update on pupil planning (expansion of provision) and the impact of Academies & Free Schools.

Summer Term 2017

Key Dates

- 1 April – closedown of school accounts for the 2016/17 financial year (carry forward balances)
- 15 May – deadline for submission of Governor Approved Budgets for 2017/18 to the Local Authority
- 18 May – Schools' May Census
- Early Years DSG Block updated for January 2017 pupil numbers

Planned Business

- Consideration of Forum membership & election of the Vice Chair of the Schools Forum.
- Discussion on review of key Authority protocols relating to the financial management of schools e.g. the Financial Classification.
- Continued consideration of the final announcement of the National Funding Formula.
- Start of our consultation on Early Years Formula Funding Arrangements for 2018/19
- Continued consideration of the implementation of the 30 hours early years free entitlement from September 2017.
- Continued detailed work on the High Needs Block funding and provision matters (strategic planning to meet growing need, affordability and sector-led delivery).
- Report on the impact of the Looked After Children Pupil Premium funding.
- Update on compliance of maintained schools with the Schools Financial Value Standard.
- Further information, discussion and consideration of the financial impact of the conversion of maintained schools to academy status.
- Review of school balances held at 31 March 2017 and Surplus Balances Protocol.
- Further consideration, including impact assessment, of the work of the Bradford Education Improvement Commissioning Board and the allocation of the Joint Improvement Investment Fund.
- Update on pupil planning (expansion of provision) and the impact of Academies & Free Schools.

Response ID ANON-8PBM-MY29-8

Submitted to **Early years funding: changes to funding for 3 and 4 year olds**
Submitted on **2016-09-21 12:39:37**

Introduction

1 Welcome - would you like to provide your email address?

Email:

andrew.redding@bradford.gov.uk

2 Would you like to tell us the name of your organisation?

Organisation:

City of Bradford MDC

About you

3 We'd like to know which area of the early years sector your answers represent. Which of these categories best describes your role in the sector?

This is a drop down menu of different categories of respondent - from nursery to local authority:

Local Authority

If you have answered 'other' please provide more details::

4 In which region do you work?

A drop-down menu of the 9 regions of England:

Yorkshire and the Humber

5 If you are not responding as a local authority, which local authority you work in?

A list of all the local authorities in England:

Bradford

6 If you are a childcare provider, do you consider yourself to work in a:

7 If you are a childcare provider, how many children can your individual setting offer places to?

Not Answered

8 If you are a childcare provider, do you offer the free entitlement to:

Page 2 - Early Years National Funding Formula

9 Should there be an early years national funding formula (to distribute money from Government to each local authority)?

Yes

10 Considering a universal base rate of funding which does not vary by local area...

Base rate (EYNFF) - Should a universal base rate be included in the early years national funding formula?:

Yes

Base rate (EYNFF) - Is 89.5% of overall funding the right amount to channel through this factor?:

No

11 Considering an additional needs factor...

Add needs - metrics - Should an additional needs factor be included in the early years national funding formula?:

Yes

Add needs - metrics - Do we propose the correct set of metrics?:

No

Add needs - metrics - Do we propose the correct weightings for each metric?:

No

12 Considering an area cost adjustment...

ACA - Should the early years national funding formula include an area cost adjustment?:

Yes

ACA - Should that adjustment be based on staff costs (based on the General Labour Market measure) and on nursery premises costs (based on rateable values)?:

Yes

13 If you have any comments or recommendations for alternative metrics or weightings to be used in the early years national funding formula, please explain here:

This box allows you to write an answer freely:

Supporting the needs of vulnerable learners must be placed at the heart of the new funding system.

We agree that an Early Years NFF, which allocates consistent amounts of funding to local authorities for children with the same levels of need is fair. However, also critical to fairness is that the correct weighting (uplift) is applied to the funding of children with additional educational needs, recognising in particular the clear correlations between levels of deprivation, lower pupil outcomes and higher costs. We argue very strongly against these NFF proposals, which appear to inadequately weight additional educational needs, both as funding is passed to local authorities in the DSG and as funding is then allocated to individual providers through local formulae. It appears that these proposals are focused on flattening the distribution of funding in support of childcare policies. We in Bradford have taken decisions previously to spend more of our DSG in our Early Years Block in order to support early intervention especially for vulnerable groups. As a result, our funding rates in our Early Years formulae have been higher than national averages. It now appears that we will be penalised for these decisions. The NFF proposals, at April 2019, will take £3m out of our Early Years Block (10%) and we conclude that one of causes of this is a flattening of the distribution of funding that comes from the inadequate emphasis on deprivation.

Such a reduction in funding will have a significant negative impact on the ability of our providers, especially in the PVI sector, to continue to raise quality. We can provide evidence of the substantial increase in quality that has come from our additional investment in early years funding rates. It appears that we are now being penalised for this investment as our additional spending is removed from the Bradford District.

We would also like to make the point that nursery schools are not permitted to become academies currently and, as such, should continue to be seen in funding terms as schools rather than as businesses. Although the consultation suggests further consultation about nursery school funding, the intent of the proposals is very clear.

Firstly, the weighting applied to AEN in the DSG formula should be greater than 10%. We currently allocate 13.2% of our Early Years Single Funding Formula for additional educational needs and we would suggest that the DSG NFF weighting should be at least at this level.

Secondly, a cap on the value of supplements in each authority's formula, set at 10%, is far too low if this is to incorporate deprivation alongside all other supplements. As we currently allocate 13.2% of our formula resource to deprivation, to comply with new requirements, we would need to reduce our deprivation spending to at least 10%, and reduce this by more if we wished to fund additional supplements in support of Government policies. A reduction from 13.2% to 10% means that we would be allocating £1.1m less to our providers in targeted AEN resources on current rates. Further resource will be lost as we respond to the £3m reduction.

Thirdly, there is clear evidence that Universal Infant Free School Meals has affected the robustness of the FSM measure in the primary phase. This is a point that we made in our response to the Schools Block NFF consultation. Despite our work to counter this, Bradford's October 2015 Census has recorded a reduction in FSM numbers in primary schools and academies (to the extent that we would have spent £530,000 less out of a budget of £18.9m on this formula factor). For this reason, unless other national action is taken e.g. automatic FSM enrolment, we strongly argue that an area based measure, preferably the Index of Multiple Deprivation, is used in the Early Years NFF, not FSM.

Fourthly, we ask the DfE to clarify whether the data that will be used to calculate the NFF at DSG level will be based on snapshot annual figures or rather on e.g. EAL 3 as is the case in the Primary formula. We would support the use of EAL 3, rather than an annual snapshot, so that the value of Early Years Block is protected on a sliding scale basis from the impact of significant year on year data changes.

14 To what extent do you agree with the proposed funding floor limit, so that no local authority would face a reduction in its hourly funding rate of greater than 10%?

Strongly disagree

Page 3 - Two technical questions

15 To implement the increased hourly rate for the two-year old free entitlement...

2YO - Should we retain the current two-year-old funding formula?:

No

2YO - Should we use the additional funding secured at the spending review to uplift local authorities' allocations based upon this?:

Yes

16 Considering the Dedicated Schools Grant, should the free entitlement be capped at 30 hours for children of eligible working parents and 15 hours for all other children?

Yes

Page 4 - A high pass-through of local authority funding to providers

17 Should Government set the proportion of early years funding that must be passed on to providers?

Yes

18 Do you think that 95% is the correct minimum proportion of the money that should be passed from local authorities to providers?

Yes, I agree

19 If you would like to explain a response you've submitted on this page in more detail, please do so here:

This box allows you to write an answer freely:

The consultation modelling indicates that the 10% floor would give Bradford £0.02 per hour at April 2019. As such, it is providing little protection against our reduction in funding on our 2016/17 baseline.

We understand, as the 5% protection mechanism will be applied in 2018/19 to the reduced 2017/18 DSG rates of funding, that we will see the majority (all but £0.02) of our reduction from April 2018. This gives us only 1 financial year of transition.

The consultation is also somewhat unclear about the future position of the nursery school supplement, indicating that this will be in place for "at least" 2 years and further consultation will take place.

In the face of this sharp profile of reduction, and uncertainty, we would argue that the 10% floor needs to be set higher e.g. at 5% over the 2017/18 and 2018/19 periods. First and foremost however, one of the key causes of reduction - the inadequate emphasis on deprivation – must be reviewed.

We would support the continuation on an on-going basis of a floor on the total value of reductions year on year, which is what we understand the floor will be (though explicit clarification of this would be helpful). However, if this floor is to guard against on-going year on year fluctuations that may come from data changes, then it needs to reference the position in the preceding year, rather than going back to reference the 2016/17 baseline.

Page 5 - How money is distributed from local authorities to childcare providers

20 Should local authorities be required to give the same universal hourly base rate to all childcare providers in their area?

No

21 Considering funding supplements that local authorities could choose to use (above the universal base rate)...

Supplements - Should local authorities be able to use funding supplements?:

Yes

Supplements - Should there be a cap on the proportion of funding that is channeled through supplements?:

Yes

22 If you agree that there should be cap on the proportion of funding that is channeled through supplements, should the cap be set at 10%?

No, the cap should be higher than 10%

23 Should the following supplements be permitted?

Basket of supplements - Deprivation:

Yes

Basket of supplements - Sparsity / rural areas:

Yes

Basket of supplements - Flexibility:

Yes

Basket of supplements - Efficiency:

Yes

Basket of supplements - Additional 15 hours of childcare:

Yes

24 When using funding supplements, should local authorities have discretion over the metrics they use and the amount of money channeled through each one?

Metrics & amount - supplements - Deprivation:

Yes - over the metric they use, Yes - over the amount of money

Metrics & amount - supplements - Sparsity / rural areas:

Yes - over the metric they use, Yes - over the amount of money

Metrics & amount - supplements - Flexibility:

Yes - over the metric they use, Yes - over the amount of money

Metrics & amount - supplements - Efficiency:

Yes - over the metric they use, Yes - over the amount of money

Metrics & amount - supplements - Additional 15 hours of childcare:

Yes - over the metric they use, Yes - over the amount of money

25 If you agree that efficiency (efficient business practices that provide excellent value for money) should be included in the set of supplements, do you have a suggestion of how should it be designed?

This box allows you to write an answer freely:

No response.

26 If you agree the delivery of the additional 15 hours of free childcare should be included in the set of supplements, do you have a suggestion of how should it be designed?

This box allows you to write an answer freely:

No response.

27 If you think that any additional supplements should be permitted which are not mentioned here, please set out what they are and why you believe they should be included:

This box allows you to write an answer freely:

No response.

28 Finally, for this page, if you want to explain a response you've submitted on this page in more detail, please do so here:

This box allows you to write an answer freely:

The gist of our responses to this set of questions is to assert the strengths of local determination of formula arrangements.

We strongly argue that authorities should be given scope to take decisions locally on the values, and methodologies for the allocation, of Early Years Block supplements, under clearer restrictions aimed at increasing consistency and transparency.

Regarding a single universal base rate, in our development of our Early Years Single Funding Formula, we looked closely at the possibility of a universal rate but concluded that the cost structures of different settings (schools, classes and PVI) were too divergent for a single rate to work effectively. The aims of formulae simplicity and consistency must be balanced against the necessity for formulae to put the right amount of money in the right places. The result is that we have 3 different, but simple, setting base rates. We assert that decisions on base rates, including whether to adopt a universal base rate, and whether to continue to fund nursery schools, should be made at local level and should not be imposed by a NFF.

Regarding a cap on the value of supplements in each authority's formula, 10% is far too low, if this is to incorporate deprivation alongside all other supplements. As we currently allocate 13.2% of our formula resource to deprivation, to comply with new requirements, we would need to reduce our deprivation spending to at least 10%, and reduce this by more if we wished to fund additional supplements in support of Government policies. A reduction from 13.2% to 10% means that we would be allocating £1.1m less to our providers in targeted AEN resources on current rates. Further resource will be lost as we respond to the £3m reduction.

We would ask that the DfE clarifies whether it is proposed for a cap to take effect from April 2017. This is not clear from our reading of the consultation document. It is also not clear whether sustainability supplements (for nursery schools, in particular) can continue at April 2017. It is crucial that we have clarity on both these matters. We would suggest that it is not practical to introduce these proposed restrictions on supplements before April 2019 and would ask that the DfE continues to allow authorities to use their current set of supplements (including nursery school sustainability) during the transition period.

We would like to take the opportunity in this response to note that the DfE's proposals for the NFF across the DSG, as they currently stand, mean that in 2 out of the 3 existing DSG Blocks – the Early Years and the High Needs Blocks – local authorities will continue to manage formulae arrangements. Firstly, we would question whether it can still be asserted that funding into local authorities relating to statutory duties can be removed because authorities will not have formula funding responsibilities in the future. Secondly, it has obviously been identified by the DfE in its Early Years and High Needs Block NFF proposals that an effective funding system needs to continue to be managed locally with local flexibility. We again question why this principle is ignored for the proposals for the Schools Block NFF. We argue that consistency can be achieved in ways other than the total removal of all local-decision making on Schools Block formula funding e.g. in further tightening of Regulations, which is what is being proposed here.

Page 6 - Funding for disabled children

29 Should there be a Disability Access Fund to support disabled children to access their free entitlement?

Yes

30 Should eligibility for the Disability Access Fund be children aged 3 or 4 which are a) taking up their free entitlement and b) in receipt of Disability Living Allowance?

Yes

31 When it comes to delivering the funding for the Disability Access Fund, is the most appropriate way the existing framework of the Early Years Pupil Premium?

Yes

32 If you want to explain a response you've submitted on this page in more detail, please do so here:

This box allows you to write your answer freely:

No additional response.

Page 7 - Funding for children with special educational needs

33 To what extent do you agree that a lack of clarity on how parents / childcare providers can access financial support results in children with special educational needs not receiving appropriate support? (We mean children who do not already have an Education, Health and Care Plan)

Disagree

34 When it comes to establishing an inclusion fund...

SEN - inclusion fund - Should local authorities be required to establish an inclusion fund?:

Disagree

SEN - inclusion fund - Would an inclusion fund help improve the supply of appropriate support children receive when in an early years setting?:

Strongly agree

35 If you envisage any barriers, arising from existing practice or future proposals, to introducing a new requirement on local authorities to establish an inclusion fund, please tell us what they are and how they might be overcome:

This box allows you to write an answer freely:

A key barrier will be identifying and sustaining a sufficient value of resource for inclusion as the significant reductions in the Early Years Block hit and when we continue to be under funded against need in our High Needs Block. Another key barrier will be the capacity of local authorities to manage assessment processes that will be required to effectively manage the allocation of a fund. The solution is to address the under funding within the High Needs Block at the same time as re-shaping formula arrangements in the other 2 DSG Blocks.

36 When it comes to the SEN inclusion fund, should local authorities be responsible for deciding...

SEN - local authority role - The children for which the inclusion fund is used?:

Yes

SEN - local authority role - The value of the fund?:

Yes

SEN - local authority role - The process of allocating the funding?:

Yes

37 Where specialist SEN or SEND services are delivered free at the point of use, should they be considered as funding passed directly to providers for the purposes of the 95% high pass-through?

Agree

38 If you want to explain a response you've submitted on this page in more detail, please do so here:

This box allows you to write an answer freely:

The gist of our responses to this set of questions is to assert the strengths of local determination of formula arrangements.

Inclusion funding (as we have now in Bradford) is 100% delegated to early years settings but it is held as a centrally managed fund at the start of the year. It should not count towards the 5% that can be retained.

Page 8 - Transitions to a new funding system

39 To what extent do you agree with the transition approach proposed for the Early Years National Funding Formula (money distributed from Government to local authorities)?

Strongly disagree

40 To what extent do you agree with the transition approach proposed for the high pass-through of early years funding from local authorities to providers?

Agree

41 To what extent do you agree that our proposals on the high pass-through of funding from local authorities to childcare providers makes the existing Minimum Funding Guarantee for the early years unnecessary?

Strongly agree

42 To what extent do you agree with the transition approach proposed for introducing the universal base rate for all providers in a local authority area?

Strongly disagree

43 If you want to explain a response you've submitted on this page in more detail, please do so here:

This box allows you to write an answer freely:

We understand, as the 5% protection mechanism will be applied in 2018/19 to the reduced 2017/18 DSG rates of funding, that we will see the majority of our reduction from April 2018. This gives us only 1 financial year of transition. We argue that the 5% in 2018/19 should still be calculated against the 2016/17 baseline rather than the 2017/18 reduced rates, so that authorities that are losing have at least further year of protection.

We do not agree with the imposition under NFF of a universal base rate at provider level. However, if this is to be required, we would agree that authorities must be given until at least April 2019 to develop and implement this.

It is critical that the DfE gives clearer information on the life of the funding of the nursery school supplement, and expectations on the continuation of nursery schools, in order for authorities to develop their options around a universal base rate and supplements. If further consultation is to take place (as suggested in the consultation document), then this needs to take place quickly so that authorities and schools can move ahead with greater certainty.

Page 9 - Equality Assessment

44 Please provide any representations and/or evidence on the impact of our proposals for the purposes of the Public Sector Equality Duty (Equality Act 2010). The protected characteristics are: age; disability; gender reassignment; pregnancy and maternity; race (including ethnicity); religion or belief; sex and sexual orientation.

This box allows you to write your answer freely:

Report of the Strategic Director of Children's Services to the meeting of the Children's Services Overview & Scrutiny Committee to be held on 12th October 2016.

O

Subject: Educational Standards 2016 – Early Years to Key Stage 5

Summary statement:

- Outcomes in Early Years have improved over recent years and at a faster rate than national.
- The percentage of Year 1 pupils achieving the required standard in phonics continues to improve in 2016, further narrowing the gap with national.
- In 2016, based on provisional data Bradford's Key Stage 1 (KS1) pupils have performed slightly below national in reading, writing and mathematics on the new expected standard performance measures.
- At the end of Key Stage 2 (KS2) in Bradford, pupils' results are below the national averages on the new expected standard for reading, writing and mathematics (RWM) combined and separately.
- The Department for Education's (DfE) published KS2 results show that Bradford's ranks 134th of 150 local authorities on the main RWM expected standard measure. In 2015, Bradford ranked 142nd of 152 LAs.
- The number of primary schools below the Floor Standard is seven, based on provisional data. There were 15 schools below the Floor Standard in 2015 and 23 in 2014.
- In 2016, pupils at the end of Key Stage 4 in Bradford have achieved a positive Progress 8 score. The percentage of pupils achieving five GCSEs at grade A* - C has improved slightly compared with 2015.
- Outcomes at Key Stage 5 in Bradford schools have been maintained in line with last year.

Michael Jameson
Strategic Director

Portfolio:
Children's Services

Report Contact: Judith Kirk, Deputy
Director
Education, Employment & Skills
Phone: (01274) 431078
E-mail: judith.kirk@bradford.gov.uk

Overview & Scrutiny Area:
Children's Services

1. SUMMARY

- 1.1 Outcomes in Early Years have improved over recent years and at a faster rate than national.
- 1.2 The percentage of Year 1 pupils achieving the required standard in Phonics continues to improve in 2016, further narrowing the gap with national.
- 1.3 In 2016, based on provisional data Bradford's Key Stage 1 (KS1) pupils have performed slightly below national in reading, writing and mathematics on the new expected standard performance measures.
- 1.4 At the end of Key Stage 2 (KS2) in Bradford, pupils' results are below the national averages on the new expected standard for reading, writing and mathematics (RWM) combined and separately.
- 1.5 The Department for Education's (DfE) published KS2 results show that Bradford's ranks 134th of 150 local authorities on the main RWM expected standard measure. In 2015, Bradford ranked 142nd of 152 LAs.
- 1.6 The number of primary schools below the Floor Standard is seven, based on provisional data. There were 15 schools below the Floor Standard in 2015 and 23 in 2014.
- 1.7 In 2016, pupils at the end of Key Stage 4 in Bradford have achieved a positive Progress 8 score. The percentage of pupils achieving five GCSEs at grade A* - C has improved slightly compared with 2015.
- 1.8 Outcomes at Key Stage 5 in Bradford schools have been maintained in line with last year.

2. BACKGROUND

- 2.1 In July and August 2016, the Local Authority received early unvalidated information on the performance of children and young people in each of the Key Stages. This report provides a summary of that early information for:
 - Early Years Foundation Stage – 5 year olds
 - Key Stage 1 – 7 year olds
 - Key Stage 2 – 11 year olds
 - Key Stage 4 – 16 year olds
 - Key Stage 5 – 18 year olds
- 2.2 Unvalidated data at this stage has not undergone a range of checks, these checks include school scrutiny of students exam papers and the discounting of certain pupils that are new to the country.
- 2.3 So far national data has only been published for Key Stage 2.

- 2.4 Once all the checks have been completed by schools and the DfE, final validated results will be published to the following schedule:
- Early Years Foundation Stage – late October
 - Key Stage 1 – 29th September
 - Key Stage 2 – Mid-December
 - Key Stage 4 – Mid-January 2016
- 2.5 This year the DfE has made considerable changes to the performance and accountability frameworks for Primary (Key Stage 1 and Key Stage 2), Secondary (Key Stage 4) and Post 16 (Key Stage 5). These changes are summarised in Appendix 1.
- 2.6 Where possible, the outcomes for pupils attending LA maintained schools v. non-LA maintained schools in Bradford have been compared with national results. Regional Schools Commissioners (RSCs) are now responsible to the DfE for outcomes in academies, free schools and university technical colleges. Appendix 2 outlines the responsibilities of RSCs.

3. **OTHER CONSIDERATIONS: REPORT ISSUES**

Early Years Foundation Stage (EYFS) Outcomes 2016

The rising trend in the percentage of pupils achieving a Good Level of Development (GLD) has been maintained since the introduction of the new assessment framework for the EYFS in 2013. There has been a 4% increase in Bradford figures in 2016, an 11% increase over the last three years and 17% since 2013. The gap with national has closed by 1% in the last two years, standing at -3% in 2016.

Summary:

Performance has improved in all Early Learning Goals (ELGs), including the Prime Goals (Communication and Language; Physical Development and Personal, Social and Emotional Development) and the Specific Goals (literacy, mathematics, understanding the world and expressive arts and design); however, Bradford needs to improve performance in a number of aspects to close the gaps with national figures.

EYFS	% GLD Bradford	% GLD National	Gap
2014	55	60	-5
2015	62	66	-4
2016	66 (provisional)	69 (provisional)	-3

Girls continue to achieve better than boys at the EYFS. The performance of boys has improved over the last three years with a 12% increase in the GLD, a slightly higher rate of improvement over the same period than for girls at 10%. Even though the gap between girls and boys performance has reduced to 15% from 17% in 2014, and 18% in 2015 there continues to be a noticeable difference between the performance of boys and girls by the end of the EYFS with the girls achieving a

GLD of 74% and boys 59%.

Boys perform least well in the specific aspects of reading; writing; number; and shape, space and measures. The gaps between the performance of boys and girls are greatest in writing (boys v girls: -14.7%); reading (-12.5%); managing feelings and behaviour (-9.8%); people and communities (-9.7%); listening and attention (-9.3%); number (-9.2%); and shape, space and measures (-9.1%)

Children eligible for Free School Meals (FSM) do not yet achieve as well as those who are not eligible but there has been a 21% improvement in GLD since 2013 and the gap between the performance of these two groups has narrowed for the first time since 2013. The gap has reduced by 5% to 11%, previously it had been static at 16% in the three years from 2013 to 2015. It is boys eligible for FSM who continue to underperform; in 2016 only 46.2% of this group achieved a GLD compared to 68.2% of non-FSM boys in Bradford with 67.6% of girls eligible for FSM achieving a GLD and 75.2% of girls not eligible for FSM.

LA Maintained and non-Maintained schools¹ 2014 to 2016

% GLD	2014	2015	2016
LA Maintained (Bfd)	56 (139)	63 (136)	67 (133)
Non-LA Maintained (Bfd)	56 (21)	60 (24)	64 (27)
Gap: LA v Non-LA (Bfd)	0	+3	+3

Number of schools of each type in each year in brackets

Caution should be exercised when comparing results for LA maintained and non-maintained over time, as one reason for a school converting to an academy could be because they were deemed inadequate by Ofsted.

The DfE also report a supporting measure which is the mean average point score; this is calculated across all 17 ELGs and takes account of all children's results, not just those who have achieved the GLD. Bradford children scored 33.7 mean average points an improvement of 0.7 points on 2015 and 2.7 points improvement over three years.

Next Steps

- Continue to reduce the gap between the performance of boys and girls and those that are disadvantaged; particularly boys that are eligible for FSM.
- Work with partners to commission programmes that target the areas of learning where achievement is still too low, i.e. reading; writing; number; and shape, space and measures.

Year 1 Phonics outcomes 2016

Context:

This report is based on provisional Year 1 phonics data returned by primary schools

¹ LA Maintained schools are all schools under LA responsibility in each of the years; Non-LA Maintained schools are academies and free schools which converted or opened in the previous academic year.

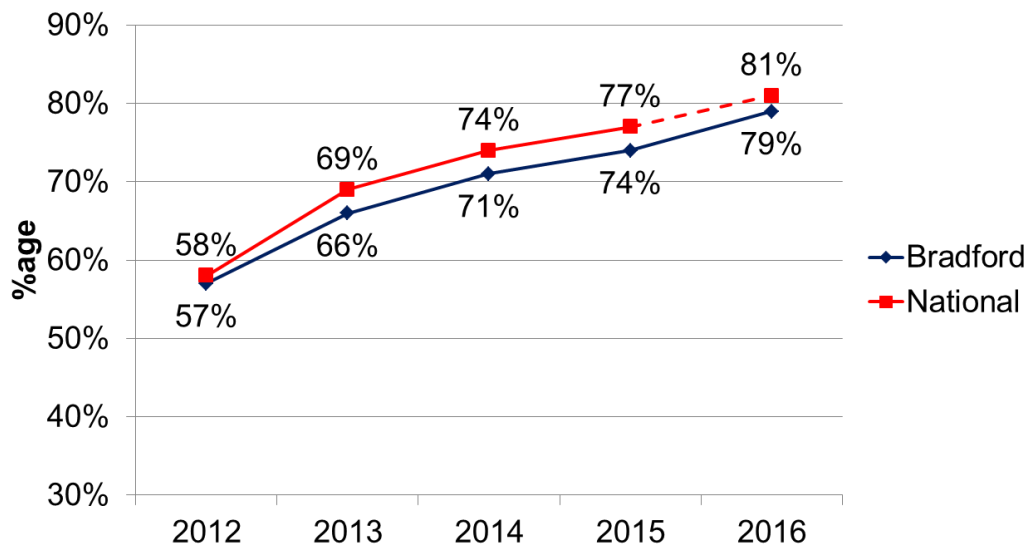
at the end of July 2016. Figures may change when the revised phonics data are published by DfE on 29th September 2016.

Summary:

More Year 1 pupils achieved the required standard in Phonics in 2016, with a 5% increase in Bradford figures in 2016 on 2015, accounting for most of the 8% increase over the last three years. The gap with national has narrowed: -2% in 2016 compared to -3% in previous years.

This is partially due to the LA identifying, challenging and monitoring the 29 LA maintained schools with Phonics score of 67% or less in 2015, i.e. 10% or more below the national average of 77%. Of these 26 schools (90%) showed an improvement in 2016.

Chart: % of Year 1 pupils achieving Phonics standard



Phonics		2014	2015	2016
Achieving Phonics Standard by the end of Year 1	Bradford	71	74	79
	National*	74	77	81
Achieving Phonics Standard by the end of Year 2	Bradford	86	87	90
	National*	88	90	NYA ²
Phonics Standard Score (set by DfE)		32	32	32

*National data is provisional

LA Maintained and non-Maintained schools 2014 to 2016

% Year 1 Phonics	2014	2015	2016
LA Maintained (Bfd)	72 (139)	75 (136)	80 (133)
Non-LA Maintained (Bfd)	67 (21)	72 (24)	77 (27)
Gap: LA v Non-LA (Bfd)	+5	+3	+3

² NYA means the data indicated is Not Yet Available, i.e. DfE has not yet published the relevant 2016 data.

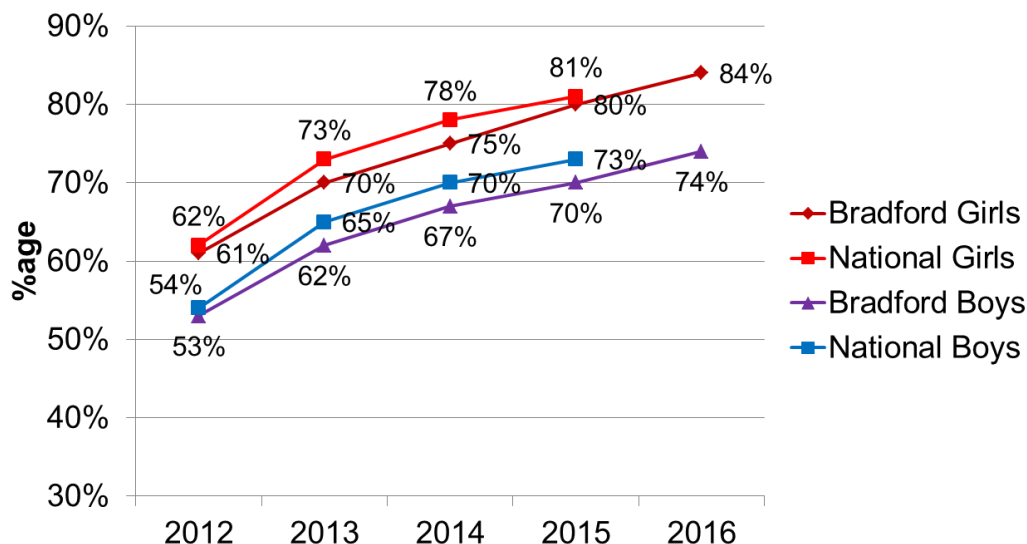
LA Maintained (Nat)	75	77	NYA
Non-LA Maintained (Nat)	75	77	NYA
Gap: LA v Non-LA (Nat)	0	0	-

*Includes mainstream schools only, both Bradford and national; Number of schools of each type in each year in brackets

Caution should be exercised when comparing results for LA maintained and non-maintained over time, as one reason for a school converting to an academy could be because they were deemed inadequate by Ofsted.

Gender differences

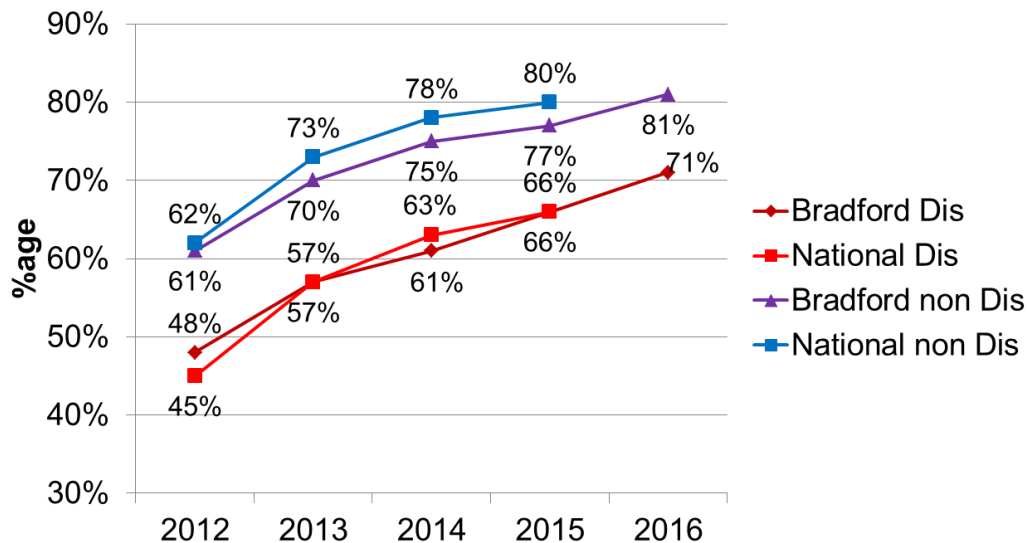
Chart: % of Year 1 girls and boys achieving Phonics standard



Girls continue to achieve better than boys on the Phonics Standard, the gender gap is 10% in 2016: this has not changed on 2015. The proportion of boys achieving the required standard at the end of Y1 has improved over the last three years, from 67% to 74% (+7%), the performance of girls has improved at a slightly faster rate over the same period, from 75% to 84% (+9%). Clearly the performance of boys needs to improve in order to close the gap at this stage.

Disadvantaged pupils

Chart: % of Year 1 Disadvantaged and non-Disadvantaged pupils achieving Phonics standard



The performance of Disadvantaged³ pupils on the Phonics Standard improved by 5% in 2016 to 71%, this accounts for half of the 10% improvement in performance since 2014. This is likely to be in line with national in 2016. However, the expectation is that Disadvantaged pupils perform as well as their non-Disadvantaged peers: the gap in Bradford has narrowed to 10% in 2016 but needs to close.

Key Stage 1 outcomes 2016

Context:

This report is based on provisional KS1 data returned by primary schools at the end of July 2016. Figures may change when the revised KS1 data is published by DfE on 29th September 2016.

Summary:

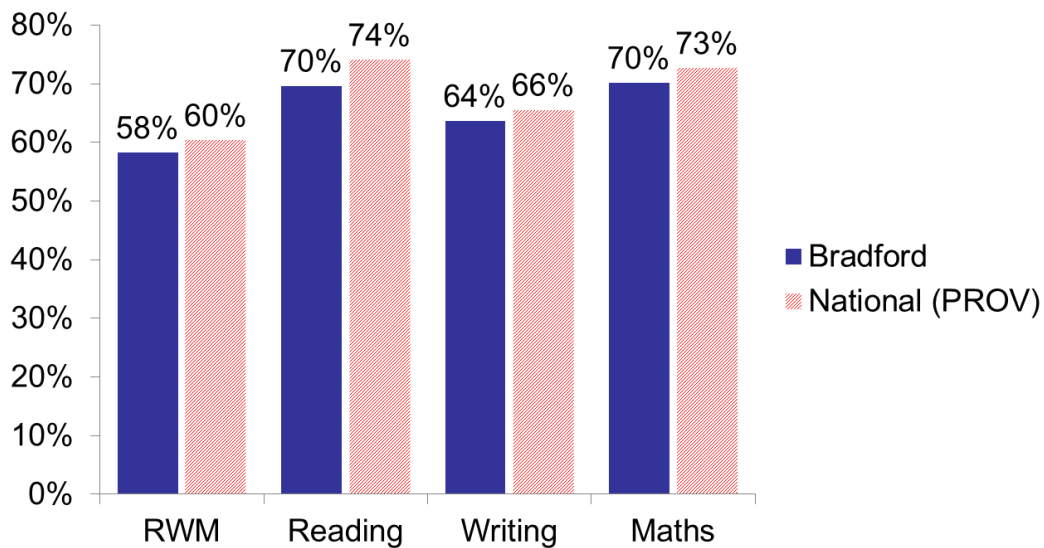
- As outlined in Appendix 1, there are new performance measures at Key Stage 1: Teacher Assessments (TA) of pupils' achievement now focuses on the proportion of pupils meeting the expected standard across each of the main subjects: reading, writing, mathematics and reading, writing and mathematics combined (RWM). No time series data is available because 2016 results are not directly comparable with previous years.
- The chart below shows the achievement of Bradford pupils compared with provisional national figures. The percentage of pupils achieving the expected standard compared with national is slightly lower on all the

³ Disadvantaged includes pupils eligible for Pupil Premium funding, i.e. those who have been eligible for FSM at any point in the previous six years, Looked After Children and Children Recently Adopted from Care.

measures: the gap is smallest in RWM and writing (-2%), slightly larger for mathematics (-3%) and largest in reading (-4%).

- The table below shows the performance gaps for Bradford with national in reading, writing and mathematics in 2016, compared with the performance gaps with national in 2014 and 2015 on the old Level 2B+ required standard. Although the assessments cannot be directly compared, the performance gaps with national have significantly narrowed compared with previous years.
- The Key Stage 1 data published on 29th September will allow us to rank the performance of Bradford pupils with those in other local authorities and with the national averages.

Chart: % of KS1 pupils achieving the Expected Standard in all subjects



Narrowing the gaps with national

	2014 (L2B+)	2015 (L2B+)	2016 (EXS)
Reading Gap Bfd v Nat	-7	-5	-4
Writing Gap Bfd v Nat	-7	-4	-2
Maths Gap Bfd v Nat	-7	-5	-3

Bradford LA Maintained and non-Maintained schools⁴

% Expected Standard	RWM	Reading	Writing	Maths
LA Maintained (132 schools)	59	71	64	71
Non-LA Maintained (28)	57	67	64	69
Gap: LA v Non-LA (Bfd)	+2	+4	0	+2

Caution should be exercised when comparing results for LA maintained and non-maintained, as one reason for a school converting to an academy could be because they were deemed inadequate by Ofsted.

Pupil Characteristics

KS1 Reading	2014 (% L2B+)	2015 (% L2B+)	2016 (% EXS)
Gender Gap % Bfd	-8	-7	-9
Gender Gap % Nat	-8	-8	NYA
Disadvantaged Gap % Bfd	-15	-15	-10
Disadvantaged Gap % Nat	-16	-14	NYA
EAL Gap % Bfd	-11	-9	-9
EAL Gap % Nat	-6	-5	NYA

KS1 Writing	2014 (% L2B+)	2015 (% L2B+)	2016 (% EXS)
Gender Gap % Bfd	-16	-14	-14
Gender Gap % Nat	-15	-15	NYA
Disadvantaged Gap % Bfd	-18	-17	-11
Disadvantaged Gap % Nat	-20	-18	NYA
EAL Gap % Bfd	-8	-7	-5
EAL Gap % Nat	-5	-4	NYA

KS1 Mathematics	2014 (% L2B+)	2015 (% L2B+)	2016 (% EXS)
Gender Gap % Bfd	-3	-3	-6
Gender Gap % Nat	-4	-3	NYA
Disadvantaged Gap % Bfd	-14	-13	-12
Disadvantaged Gap % Nat	-16	-14	NYA
EAL Gap % Bfd	-12	-9	-6
EAL Gap % Nat	-5	-4	NYA

Bradford is most concerned about improving the performance of boys, Disadvantaged pupils and those for whom English is an Additional Language (EAL). The tables above show that, whilst the outcomes of Teacher Assessments cannot be directly compared, the gaps, e.g. gender gap, can be compared year-on-year. National benchmarking data for groups of pupils will be available later in the year.

The gender gap, i.e. boys performance compared to girls, appears to be wider in Bradford on the new expected standard measure in 2016 than it was in 2015 (Level 2B+) for reading and mathematics. The gap for writing is similar to 2015.

⁴ LA Maintained schools are all schools under LA responsibility at 31st August 2016; Non-LA Maintained schools are academies and free schools which converted or opened on or before 31st August 2016.

The Disadvantaged gap appears to be narrower in Bradford on the new expected standard measure in 2016 than it was in 2015 (Level 2B+) for all three subjects.

The EAL gap appears to be narrower in Bradford on the new expected standard measure in 2016 than it was in 2015 (Level 2B+) for writing and mathematics; the EAL gap appears to be the same for reading.

Key Stage 2 outcomes 2016

Context:

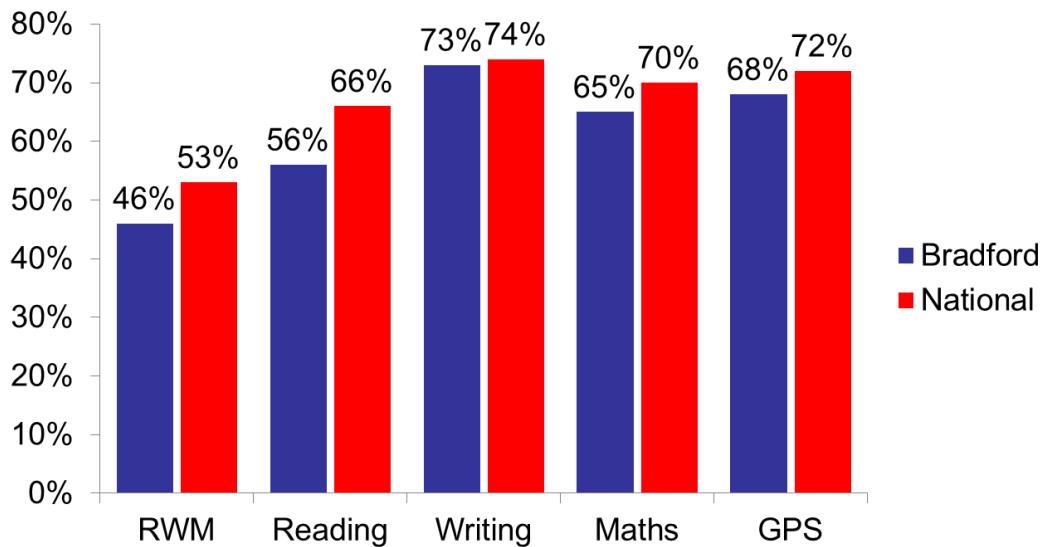
This report is based on provisional Key Stage 2 data produced by DfE on 1st September. The data are subject to change as further information becomes available: final, validated results will be published in mid-December 2016.

Summary:

- As outlined in Appendix 1, there are new performance measures at Key Stage 2. The tests and Teacher Assessments (TA) of pupils' achievement now focus on the proportion of pupils meeting the expected standard across each of these subjects: reading, writing and mathematics (combined and separately) and Grammar, Punctuation and Spelling (GPS). Reading, writing and GPS are assessed by external test evaluation ("SATs") and writing is assessed in schools by TA. No time series data is available because 2016 results are not directly comparable with previous years.
- On the main performance measure, the percentage of pupils meeting the expected standard in reading, writing and mathematics, Bradford pupils achieved 46%, compared with the national average of 53% - a gap of 7%. The table below shows that there was a similar gap with national on the old RWM Level 4B+ measure.
- The largest performance gap (-10%) between Bradford and national is on the percentage of pupils meeting the expected standard on the reading test: 56% of Bradford pupils compared with 66%. Performance on the other tests – mathematics and GPS – by Bradford pupils was below national but by a smaller margin: -5% in mathematics and -4% in GPS.
- However, the percentage of pupils meeting the expected standard in the writing Teacher Assessment was only one per cent below the national, at 73% compared to 74%.
- The Department for Education's (DfE) published KS2 results show that Bradford's ranks 134th of 150 local authorities on the main RWM expected standard measure. In 2015, Bradford ranked 142nd of 152 LAs.
- Bradford's performance is ranked 77th of 150 LAs on the writing TA in 2016, a far higher position than Bradford's ranking in 2015 of 140th of 152 LAs. The ranking of Bradford's performance is also higher in mathematics, 128th

of 150, but is the same for reading: 147th in 2016.

Chart: % of KS2 pupils achieving the Expected Standard in all subjects



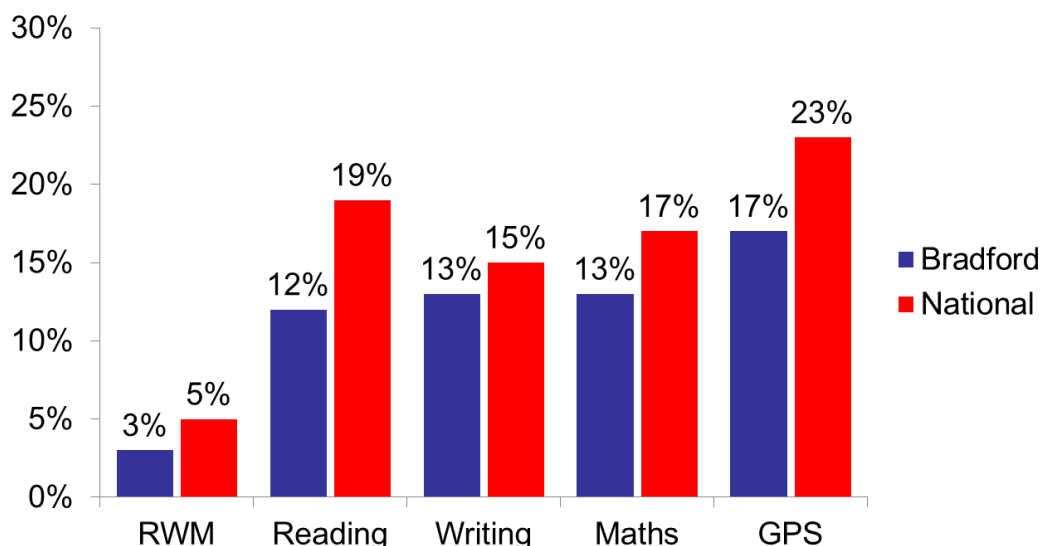
Narrowing the gaps with national

% RWM	2014 (L4B+)	2015 (L4B+)	2016 (EXS)
Gap Bfd v Nat	-8	-7	-7

Pupils attaining the Higher Standard

The chart below shows the percentage of pupils achieving the higher standard in each of the subjects in 2016. A pupil has achieved a high standard in reading, mathematics or GPS if they attain a scaled score (see below) of 110 or more. For the writing TA, pupils assessed as working at greater depth are high attaining. Pupils who are high attaining in RWM need to have a scaled score of 110 in reading and maths and be working at greater depth in writing.

The chart below shows the performance of Bradford pupils compared with national in terms of higher attainment in each of the main measures. The gaps with national are widest in reading (-7%) and GPS (-6%); the narrowest gaps are in the writing TA and the combined RWM measure (-2%).



Scaled Scores

	Reading	Mathematics	GPS
Bradford	101	102	103
National	103	103	104
Gap Bfd v Nat	-2	-1	-1

Pupils performance on the new reading, mathematics and GPS tests are converted to scaled scores: a scaled score of 100 equates to the expected standard. A score of 100 will always represent the expected standard but the actual 'pass marks' on the tests are likely to change each year. For example, the mark that equated to a score of 100 on the 2016 reading test was 21/50. This is low in comparison to the other subjects: 100 in maths equated to 60/120 and 43/70 in GPS. This gives an indication of the relative difficulty of the tests.

The average scaled score is not 100 because the distribution of scaled scores is not symmetric, e.g. more pupils attained a mark of 21 or more on the reading test than attained 20 or below. Consequently, once the marks have been converted to scaled scores the average is over 100. The scaled scores for Bradford pupils were slightly below national in each of the subjects.

Bradford LA Maintained and non-Maintained schools⁵

% Expected Standard	RWM	Reading	Writing	Maths
LA Maintained (132 schools) (Bfd)	47	58	75	67
Non-LA Maintained (25) (Bfd)	39	48	70	60
Gap: LA v Non-LA (Bfd)	+8	+10	+5	+7
LA Maintained* (Nat)	54	67	75	71
Non-LA Maintained (Nat)	53	65	75	70
Gap: LA v Non-LA (Nat)	+1	+2	0	+1

*Includes mainstream schools only, both Bradford and national

Caution should be exercised when comparing results for LA maintained and non-maintained, as one reason for a school converting to an academy could be because they were deemed inadequate by

⁵ LA Maintained schools are all schools under LA responsibility at 31st August 2016; Non-LA Maintained schools are academies and free schools which converted or opened on or before 31st August 2016.

Pupil Characteristics

RWM	2014 (% L4B+)	2015 (% L4B+)	2016 (% EXS)
Gender Gap % Bfd	-2	-3	-6
Gender Gap % Nat	-4	-3	NYA
Disadvantaged Gap % Bfd	-19	-21	-18
Disadvantaged Gap % Nat	-20	-19	NYA
EAL Gap % Bfd	-11	-10	-7
EAL Gap % Nat	-5	-5	-7

Bradford is most concerned about improving the performance of boys, Disadvantaged pupils and those for whom English is an Additional Language (EAL). The tables above show that, whilst the measures cannot be directly compared, the gaps, e.g. gender gap, can be compared year-on-year. National benchmarking data will be available in December.

The KS2 data shows a similar pattern to KS1 in terms of the size of gender, Disadvantaged and EAL gaps in 2016 compared with those in previous years on the old Level 4B+ measure for RWM combined. The gap appears to be wider when comparing boys' performance with that of girls, but the gaps are narrower for both Disadvantaged and EAL pupils.

However, Bradford's overall performance on most measures lags far behind national for each of these groups: improving the performance of boys, particularly those from Disadvantaged backgrounds, would produce a very positive result in the future.

Value Added Progress

	Reading	Writing	Mathematics
Bradford	-0.8	+0.9	+0.2
National Average	0	0	0
National Floor Standard Threshold	-5	-7	-5

The new Valued Added (VA) progress measures show the progress of pupils from Key Stage 1 to Key Stage 2: each pupil has their actual performance compared with their predicted performance, based on their KS1 results. This provides a positive (above average), zero (equal) or negative (below average) VA score: the figures above show the average VA scores for all pupils in the LA for each progress measure. It also shows the new Floor Standard thresholds (see section below).

The table shows that Bradford pupils made better than average progress in writing and mathematics in 2016, with VA scores of +0.9 and +0.2, respectively. The VA score of -0.8 for reading shows that Bradford pupils' progress is below average.

Key Stage 2 Floor Standards

Based on the provisional data the number of schools below the Floor Standard in Bradford has fallen from 15 in 2015 to seven in 2016: five LA maintained schools

and two non-LA maintained. However, it is important to note that DfE has changed the basis for categorising schools below Floor Standard in 2016, as outlined below.

A school is now considered to be below the Floor Standard if less than 65% of pupils achieve the expected standard on the reading, writing and mathematics combined measure and falls below the Value Added progress threshold in **one or more** of the subjects. The threshold for reading is -5, writing is -7 and maths is -5. This is more challenging than in previous years, where schools had to be below the median national average for Expected (2 Levels) Progress in **all three subjects** to be below the Floor Standard (rather than in one or more).

Primary Floor Standards

	2014	2015	2016 (provisional)
Bradford number of schools	20	15	7
Bradford % of schools	13	10	5
National % of schools	6	5	NYA

Primary schools' Ofsted outcomes 2015/16

The percentage of primary schools judged as Good or Outstanding by Ofsted improved in the academic year September 2015 to July 2016, from 64% to 73%. This narrowed the gap with national from -20% to -16%. For LA maintained schools 80% of schools were judged as Good or Outstanding in July, an increase of 14% within the year. The proportion of Non-LA Maintained schools judged as Good or Outstanding by Ofsted decreased from 54% as at September 2015 to 45% by the end of July 2016 because the majority of those that converted were deemed Requires Improvement or Inadequate by Ofsted. Further details are in Appendix 3.

Primary Issues

- Analysis of the provisional Year 1 Phonics results has identified 28 schools (19 LA maintained and nine non-LA maintained schools) with results more than 10% below the provisional national average of 81%. Of the 19 schools, five are in the highest priority category (P4) for the LA, eight are in the next highest category (P3), five are in P2 and one is in the lowest priority category (P1). The LA schools will be closely monitored and challenged by the LA as outlined below. The concern is, however, that nine schools also scored 10% or more below national in 2015, despite most of them improving year on year.
- Despite the changes to the Key Stage 1 curriculum and assessments in 2016, the overall results indicate narrower gaps with national in all three subject areas. However, performance at Key Stage 1 indicates the need to continue to target boys' and disadvantaged pupils' achievement in reading and writing because these gaps persist in the new performance measures.
- In depth analysis of the Key Stage 1 provisional results has identified 21 schools (14 LA maintained and seven non-LA maintained) that have results 10% or more below the national average for expected standards in all three subject areas. These schools have scored 64% or below, i.e. 10% or more

below the national figure of 74%, in reading, 56% or below in writing and below 63% in mathematics.

- The table below shows the larger group of schools which have scored 10% or more below the national averages in reading, writing or mathematics in one or more of these subject areas.

	Reading	Writing	Maths	R&W	R&M	W&M	RWM
All	40	34	32	25	26	25	21
LA	27	24	25	16	19	18	14
Non LA	13	10	7	9	7	7	7

- In depth analysis of the Key Stage 2 provisional results has identified 14 schools (seven LA maintained and five non-LA maintained) that have results 10% or more below the national average for expected standards in all three subject areas. These schools have scored 56% or below, i.e. 10% below the national figure of 66%, in reading, 64% or below in writing and 60% or below in mathematics.
- The table below shows the larger group of schools which have scored 10% or more below the national averages in reading, writing or mathematics in one or more of these subject areas.

	Reading	Writing	Maths	R&W	R&M	W&M	RWM
All	76	23	49	17	42	13	12
LA	59	17	39	11	32	8	7
Non LA	17	6	10	6	10	5	5

- The provisional DfE data indicates there are seven schools in Bradford below the new, more rigorous Floor Standard in 2016, of which five are LA maintained and two are non-LA maintained. The majority (six of the seven) did not meet the threshold progress score of -5 in reading: all seven are high priority schools for the LA and will receive an intervention package from the LA alongside partner schools and Multi Academy Trusts (MATs).

Next Steps

- The 13 LA maintained schools from the two highest priority categories (P4&P3) with low Phonics scores will be monitored and challenged by a named Lead Achievement Officer. The six LA maintained schools in lower priority categories with low Phonics scores, 10% or more below the national average, will be monitored and challenged by an Area Headteacher. All schools will be signposted to the schools that made significant improvements in their Phonics scores in 2016 to draw on their best practice and embed effective strategies across the district's schools.
- The LA will work closely with the Primary Partnerships, MATs and the dioceses (where appropriate) to target the schools that have scored 10% or

more below national at Key Stage 1. The priority will be supporting the 21 schools with the lowest scores across all three subject areas by signposting them to other schools with similar challenges, e.g. pupil characteristics, but which have performed in line with, or better than national.

- The LA will work closely with the Primary Partnerships, MATs and the dioceses (where appropriate) to target the schools that have scored 10% or more below national. The priority for Key Stage 2 will be the 12 schools with the lowest scores in reading, writing and maths (as identified above).
- The five LA maintained schools which are below the Floor Standard are all high-priority schools for the LA and will receive support through their named Achievement Officer. Schools which performed well on the reading and mathematics tests, in particular, will share best practice with other schools: schools below the Floor Standard will take precedence.

Key Stage 4 Outcomes 2016

Summary:

- This year sees the implementation of a new secondary school accountability system at Key Stage 4 (KS4). The 5A*-C including English and Maths 'floor standard' component measure is being replaced by Progress 8. Other headline measures include: Attainment 8, the percentage of pupils achieving A*-C in English and maths: the "Basics", the percentage of pupils entering the English Baccalaureate and the percentage of pupils achieving the English Baccalaureate.

Please note that all the performance data provided below is based on very provisional KS4 data provided by Bradford schools on 25th August 2016.

- Bradford's performance on the new measures is as follows: Attainment 8 (average grade attained by students) score is 4.5. Bradford's Progress 8 is positive at 0.05.
- Bradford's percentage of students achieving A*-C in English and maths (Basics) is 50.8%. This represents an improvement of 3 percentage points on Bradford's 2015 validated result of 47.8%.
- Bradford's percentage of students achieving the English Baccalaureate is 16.9%. This represents a decrease of 0.4 of a percentage point on Bradford's 2015 validated result of 17.3%.
- Bradford's percentage of students achieving 5 A*-C GCSEs including English and maths is 48.0%. This represents an improvement of 2.5 percentage points on Bradford's 2015 validated result of 45.5%.

Attainment 8

Attainment 8 measures a student's average grade across eight subjects, these fit into three groups:

1. English and Maths. These are "double-weighted", i.e. they count twice in the calculation;
2. EBacc. These are the highest scores from GCSEs in the sciences, computer science, geography, history and languages;
3. Open group. Any remaining GCSEs and other approved academic, arts or vocational qualifications.

This new measure is designed to encourage schools to offer pupils the chance to succeed in subjects based on a broad, well-balanced curriculum.

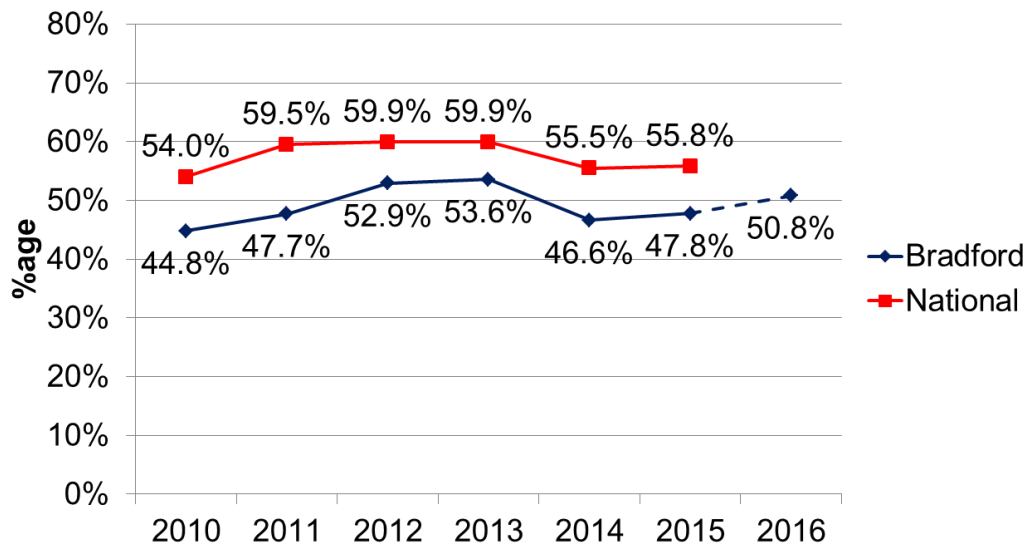
Bradford's Attainment 8 (average grade attained by students) score is 4.5. For bench marking purposes, an Attainment 8 score of 5 broadly equates to an old grade C and the scores range from 1 (low) to 8 (high).

Progress 8

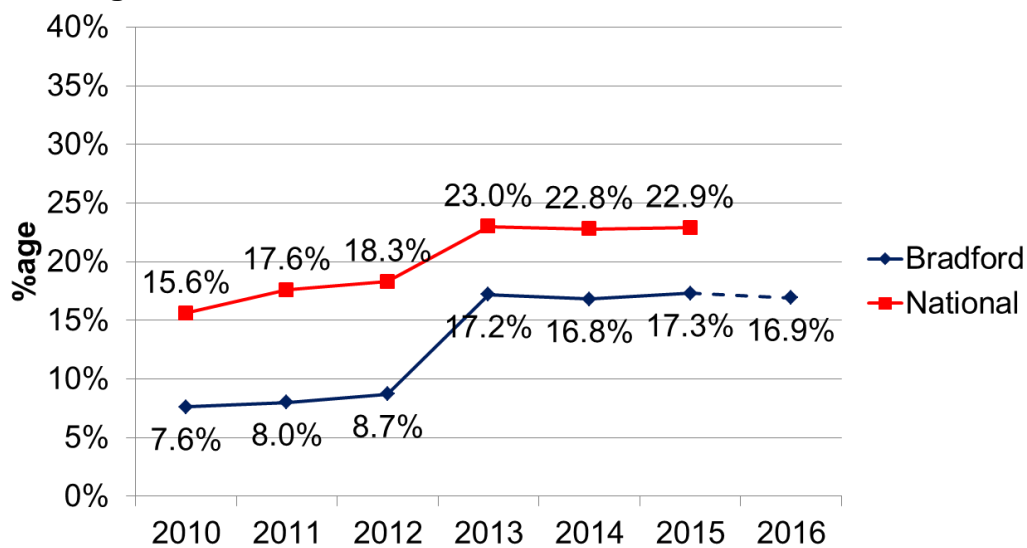
Progress 8 measures a student's progress between Key Stage 2 and Key Stage 4 across eight key subjects (the same ones as in the Attainment 8 calculation). It shows whether students have performed to expectation, based on a value-added measure using Key Stage 2 English and Maths as a baseline.

Bradford's Progress 8 is 0.05. For pupils nationally, the average Progress 8 score will be zero. The Progress 8 score can range between 1 and -1: a score below zero

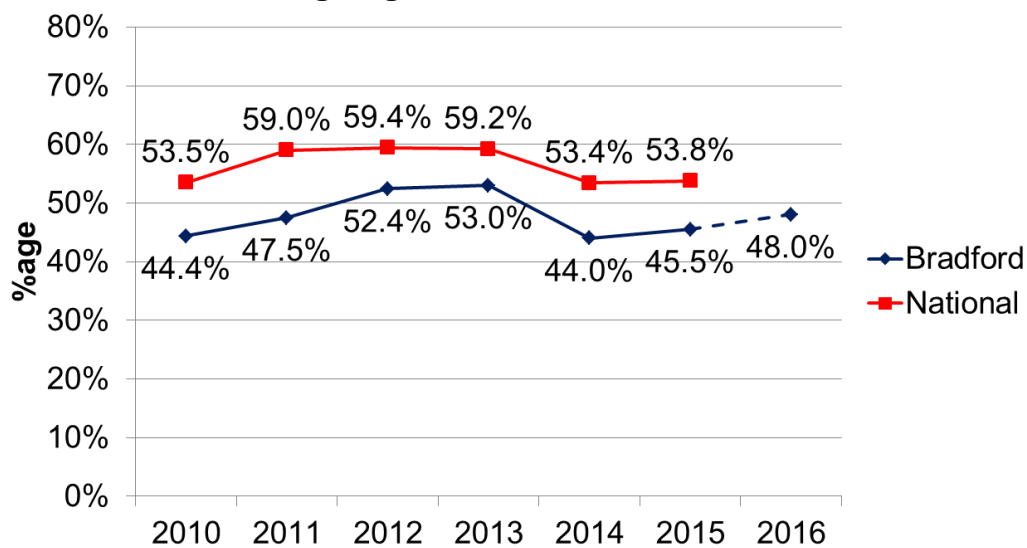
KS4: The “Basics” (% attaining A*-C in English and mathematics)



KS4: English Baccalaureate



KS4: 5+ A*-C including English and mathematics



Bradford LA Maintained and non-Maintained schools

	Attainment 8	Progress 8	Basics	EBacc	5ACEM
LA Maintained (12)	4.5	-0.1	50	16	47
Non-LA Maintained (18)	4.7	0.1	52	18	50
Gap: LA v Non-LA	-0.2	-0.2	-2	-2	-3

Caution should be exercised when comparing results for LA maintained and non-maintained, as one reason for a school converting to an academy could be because they were deemed inadequate by Ofsted.

Key Stage 4 Floor Standards

We are unable to provide data KS4 Floor Standards at this point: the DfE's provisional KS4 Statistical First Release is scheduled for mid-October.

From 2016 onwards, a school will be below the KS4 Floor Standard if its Progress 8 score is below -0.5, unless the confidence interval suggests that the school's underlying performance may not be below average, i.e. if the confidence interval includes zero. The confidence interval is a function of the size of a school's cohort: smaller cohort sizes are likely to produce less reliable predictions, statistically speaking.

A Progress 8 score of -0.5 indicates that the average achievement of a school's pupils is half a grade worse per subject than other pupils with the same prior attainment, on average nationally.

Secondary schools' Ofsted outcomes 2015/16

The percentage of secondary schools in Bradford judged as Good or Outstanding by Ofsted did not change between September 2015 and July 2016, remaining at 41%. The percentage of LA maintained schools did improve but this is because three schools judged as Inadequate or Requires Improvement converted to Academy status within the year, this also meant that the percentage of non-LA maintained secondary schools judged as Good or better decreased within the year. Further details are in Appendix 3.

Secondary Issues

- Vulnerability of schools with sustained downward trend against key indicators over three years or more.
- Vulnerability of schools that have been in a category of concern in the past and that have not been supported adequately in order to sustain and/or build leadership and teaching capacity over time.
- Quality of teaching and curriculum provision, especially in English and mathematics.
- Attendance is a significant barrier to progress for students.

Next Steps

- The Bradford Partnership of all mainstream secondary providers will take the lead on school improvement, through a school-to-school improvement model, across the district. The LA has commissioned consultancy support to

- LA maintained secondary schools, focused on individual school's needs.
- The LA needs to use the relevant data and information it holds to ensure intelligence on the secondary phase is held centrally and is available for interrogation as and when needed. This would inform discussion and enable challenge where needed, inform Strategic Planning and target effective deployment of resources.
- The LA needs to review LA school support and continue its conversations with MATs and other partners regarding support provided in the future.

Key Stage 5 Outcomes 2016

Summary:

- In 2016 the existing Key Stage 5 (KS5) performance tables measures will be replaced by a set of five new headline measures: progress, attainment, progress in English and maths (for students without a good GCSE pass in these subjects), retention and destinations. Results will be published relating to four cohorts of students in each school or provider (where applicable): A level, academic, applied general and tech level.
- As a result of the changes to performance table measures and methodology, 2016 data is not directly comparable with previous years.

Please note that all the performance data provided below is based on very provisional KS5 data provided by Bradford schools on 18th August 2016.

- The average grade per academic⁶ entry for Bradford is C- in 2016; the average grade is the same for A Levels as the majority of Academic qualifications taken by Bradford students are A or AS Levels. Although A Level reporting uses a new scoring system in 2016, e.g. A* = 60 points, A = 50, etc., Bradford students also attained a grade C- on average in 2015.
- These very provisional data suggest that grades per entry for the two vocational cohorts indicate a good spread of results; early indications show an average grade of a Distinction for the new Applied General qualifications, one of the highest grades achievable.

⁶ Academic qualifications include A Levels, AS Levels plus a small number of DfE-defined academic qualifications, e.g. International Baccalaureate, Extended Project, etc.

Bradford LA Maintained and non-Maintained schools

	A Levels	Academic	Applied General
LA Maintained (12)	C-	C-	Distinction-
Non-LA Maintained (17)	C-	C-	Distinction+

Caution should be exercised when comparing results for LA maintained and non-maintained, as one reason for a school converting to an academy could be because they were deemed inadequate by Ofsted.

Issues

- The results at the end of KS5 for Bradford schools (colleges have not yet shared their data with the LA) show, whilst stabilising recently, little evidence of improvement. Outcomes need to rapidly improve for all young people in all Post 16 settings.
- Despite some recent improvements, our young people's academic results are below average and they also achieve fewer qualifications than the national average. In 2015, a smaller proportion of Bradford's A Level students achieve three A Levels than is the case nationally.
- There is too much variation in terms of Post 16 outcomes. This is not just in the levels of outcomes achieved by young people but also in the quality of learning that young people experience.

Next Steps

- The Review of Post 16 Education in Bradford, due to be presented to Overview and Scrutiny on 15th November 2016 outlines the strategies that the LA has proposed in terms of improving outcomes for all pupils, not limited to those in schools 6th forms in the district.
- The proposals include:
 - Delivering sustainable, high quality Post 16 provision through: rationalising 6th forms; collaboration based on geographical factors; collaborations within MATs; development of new 6th form colleges and post 16 free schools.
 - Championing and supporting better leadership.
 - Promoting networks and partnerships that can raise standards
 - Continue to focus on 16-19 outcomes at all levels.

4. FINANCIAL & RESOURCE APPRAISAL

- 4.1 As a result of developing a school-led system a reduction in the local authority teams associated with school improvement will be seen.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

- 5.1 None.

6. LEGAL APPRAISAL

- 6.1 The Local Authority has statutory duties to ensure that efficient education is available to meet the needs of the population of the area; ensure that its education functions are exercised with a view to promoting high standards ensuring fair access to opportunity for education and learning, and promote the fulfilment of learning potential; and secure that the provision of sufficient schools for providing primary and secondary education are available for its area.
- 6.2 Where a school is failing to provide adequate education it can be eligible for intervention by the Local Authority or the Secretary of State under the Education and Inspections Act 2006. A "coasting school" will be eligible for intervention when the new section 60B of the Education and Inspections Act 2006 comes into force. The term "coasting school" will be defined in future regulations. Local Authorities must have regard to the Schools Causing Concern statutory guidance. The guidance details the role of Local Authorities in delivering school improvement for maintained schools and academies. It also includes guidance on "coasting schools". If a school satisfies the definition of being a coasting school, the Regional Schools Commissioners will consider what interventions or actions are necessary to bring about sufficient improvement in those schools.

7. OTHER IMPLICATIONS

7.1 EQUALITY & DIVERSITY

Not applicable.

7.2 SUSTAINABILITY IMPLICATIONS

Not applicable.

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

Not applicable.

7.4 COMMUNITY SAFETY IMPLICATIONS

Not applicable.

7.5 HUMAN RIGHTS ACT

Not applicable.

7.6 TRADE UNION

Not applicable.

7.7 WARD IMPLICATIONS

Not applicable.

8. NOT FOR PUBLICATION DOCUMENTS

8.1 None

9. OPTIONS

Not applicable.

10. RECOMMENDATIONS

10.1 That Overview and Scrutiny Committee receive this initial report on the performance of Bradford's Children and Young People in Key Stage tests and exams for 2016.

10.2 Further reports will be provided as the Local Authority receives further published data from the DfE.

11. APPENDICES

11.1 Appendix 1 Summary of changes at Key Stages 1, Key Stage 2, Key Stage 4 and Key Stage 5 in 2016

11.2 Appendix 2 Regional Schools Commissioners

11.3 Appendix 3 Summary of Ofsted outcomes in Bradford by phase

12. BACKGROUND DOCUMENTS

12.1 [Post-16 education and training in Bradford and the need for change](#)

12.2 [A joint approach to post-16 education improvement in Bradford and the need for change](#)

12.3 [Review of Post 16 Education in Bradford](#)

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What are the changes to Key Stage 1?

Appendix 1

The new national curriculum came into force for all maintained schools from September 2014. Those pupils at the end of Key Stage 1 (KS1) in May 2016 were the first to be assessed by a new set of tests against this curriculum.

Pupils across England took the new tests in reading, mathematics and Grammar, Punctuation and Spelling (GPS) in May 2016. The results of these tests were shared by DfE with schools only.

Schools then based their Teacher Assessments (TAs) of each pupil's achievement in each of reading; writing; mathematics; reading, writing & mathematics (RWM combined) and science. The TAs were then submitted by schools to the DfE.

Broadly, pupils can be assessed as: working towards the expected standard, working at the expected standard, or working at greater depth within the expected standard.

KS1 results for local authorities and England averages are published by the DfE alongside the Year 1 and Year 2 Phonics at the end of September 2016. These results will not be included in the Primary Performance Tables, due to be published December 2016.

What are the changes to Key Stage 2?

In December 2016 the Department for Education (DfE) will publish new measures of Key Stage 2 (KS2) performance for all state-funded primary schools with a KS2 cohort, reflecting previously announced policy reforms to assessment and accountability.

The new national curriculum came into force for all maintained schools from September 2014. Those pupils at the end of KS2 in May 2016 were the first to be assessed by a new set of tests against this curriculum. Outcomes will be reported using Scaled scores, rather than the levels used in previous years. New headline attainment and progress performance measures, and a new KS2 Floor Standard have been introduced in 2016.

Pupils across England took the new tests in reading, mathematics and Grammar, Punctuation and Spelling (GPS) in May 2016. Teacher Assessments (TAs) were also submitted by schools to the DfE about each pupil's achievement in each of writing, science, reading and mathematics.

Broadly, pupils can be assessed as: working towards the expected standard, working at the expected standard on any given subject (assessed by a test or TA), or be 'higher attaining' (higher standard or working at greater depth, depending on the subject and assessment type).

Primary Performance Tables

The headline measures, which will appear in the performance tables in December 2016, will include attainment and progress measures. The published measure will be:

- The percentage of pupils achieving the 'expected standard' in reading, writing and mathematics (RWM) combined at the end of KS2.
- The pupils' average scaled score in each of these subjects: reading, GPS and mathematics at the end of key stage 2.
- The percentage of pupils who achieve at a higher standard in English reading, English writing and mathematics.
- The pupils' average progress in each of:
 - reading;
 - writing; and
 - mathematics.

The percentage of pupils achieving the expected standard is a combined measure across the three subjects. To be counted towards the measure, a pupil must have a scaled score of 100 or more in reading and a scaled score of 100 or more in mathematics; and have been teacher assessed in writing as 'working at the expected standard' or 'working at a greater depth in the expected standard'.

The percentage of pupils achieving at a higher standard is also a combined measure across the three subjects. To be counted towards the measure, a pupil must have a 'high scaled score' of 110 or more in reading and mathematics; and have been teacher assessed in writing as 'working at a greater depth within the expected standard'.

Progress measures

New progress measures have been introduced for each of reading, writing and mathematics. These compare the KS2 achievements of each pupil to that of all others who had similar results to them at the end of Key Stage 1 (KS1). Although there won't be a progress 'target' for individual children, a school's scores will show whether, on average, their pupils have made more or less progress between KS1 and KS2 than other pupils nationally with similar starting points.

What are the changes to Key Stage 4?

The Department for Education has made changes to the 2016 performance tables to reflect the reforms to the secondary schools accountability system. The previous headline measure of 5 A*-C including English and maths has been replaced with two new headline measures; Attainment 8 and Progress 8. The floor standard, used to identify schools that are failing to meet minimum performance expectations, will use the Progress 8 measure.

The published headline measures will be:

1. Progress 8
2. Attainment 8
3. The percentage of pupils achieving A*-C in English and Maths (Basics)
4. The percentage of pupils achieving the English Baccalaureate (EBacc)
5. The percentage of pupils entering the English Baccalaureate
6. The percentage of students staying in education or employment after key stage 4 (destinations)

Attainment 8 measures the achievement of a pupil across 8 qualifications, including English and mathematics (both double weighted), three qualifications that count in the EBacc measure and three further GCSE or approved non-GCSE qualifications. Attainment 8 can also be used to provide an average grade per pupil.

Progress 8 captures the progress a pupil makes from the end of primary school to the end of secondary school. It is a type of value added measure which means that pupils' results are compared to the results of other pupils with the same prior attainment. The greater the Progress 8 score, the progress made by the pupil compared to the average of pupils with similar prior attainment. Progress 8 is a score between 1 and -1. A score below zero indicates less than average progress been made.

To achieve the English Baccalaureate (EBacc), pupils should achieve good passes in the EBacc subjects of English, mathematics, science, history or geography, and a language.

Alongside the changes to the accountability system, the government has reformed GCSEs. New GCSEs in English and maths have been taught since September 2015 with the first examinations taking place in Summer 2017. New GCSEs in other subjects will be phased in over the next three years. The reforms sees the introduction of a new grading system replacing the current A* to G with grades 9 to 1. Points will be allocated to the new GCSEs on a 9 to 1 point scale corresponding to the new grades.

In anticipation of the new grades, the 2016 points for unreformed GCSEs have changed to a 1 to 8 scale.

What are the changes to Key Stage 5?

The reforms to the 16-18 school and college accountability system sees the previous headline measures replaced with a set of five new headline measures:

- Progress
- Attainment
- Progress in English and maths (for students without a good GCSE pass in these subjects)
- Retention
- Destinations

Results will be published for four separate cohorts of students: A level, Academic, Applied General and Technical Levels and will now be allocated to institutions on an annual basis to bring the performance tables more in line with 16-19 funding. Following the Wolf Review, technical and applied qualifications will be restricted to a list of approved qualifications that count towards the performance measures.

Progress will become the main focus at KS5. The measure will be a value added progress measure for academic and applied general qualifications and a combined completion and attainment measure for tech level qualifications. The attainment measure will show the average point score per entry also expressed as a grade for each of the cohorts.

For the A level cohort, the tables will continue to report on students achieving grades AAB or higher in at least two facilitating subjects. 2016 will also see the introduction of a new Technical Baccalaureate (TechBacc) measure. It will recognise the achievement of students taking level 3 programmes which include an approved Tech Level, a level 3 maths qualification and extended project qualifications.

Regional schools commissioners (RSCs) act on behalf of the Secretary of State for Education and are accountable to the National Schools Commissioner, the post is currently held by Sir David Carter. The RSC responsible for Bradford is Vicky Beer (Lancashire and West Yorkshire).

RSCs main responsibilities include:

- taking action where academies and free schools are underperforming;
- intervening in academies where governance is inadequate;
- deciding on applications from local-authority-maintained schools to convert to academy status;
- improving underperforming maintained schools by providing them with support from a strong sponsor;
- taking action to improve poorly performing sponsors;
- advising on proposals for new free schools;
- deciding on applications to make significant changes to academies and free schools.

There are eight RSCs that operate across eight regions in England: East of England and North-East London; East Midlands and the Humber; Lancashire and West Yorkshire; North of England; North-West London and South-Central England; South-East England and South London; South-West England; and West Midlands

RSCs work closely with a number of partners, including leaders from the education sector, Ofsted, local authorities and local dioceses.

RSCs do not intervene directly in schools, instead they commission teaching schools, national leaders in education, Multi Academy Trusts and other leaders in education to improve underperforming schools.

What does this mean for Bradford?

The 'educational excellence everywhere' white paper set out the government's plans for a system where every school is an academy by 2022 and local authorities no longer have a role in maintaining schools. However, the white paper is yet to be debated in either house. The change of Prime Minister and Secretary of State for Education over the summer may mean that the government amends its focus in terms of full academisation, as recent debates about grammar schools exemplify. Until the policy landscape and the implications for local authorities is clearer, the RSC will continue to work with Bradford and its partners to intervene in underperforming maintained schools and supporting schools becoming academies.

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Primary Ofsted inspection judgements in Bradford

September 2015	No. Good or Outstanding	% Good or Outstanding	Gap with national
All schools	103/161	64%	-20%
LA Maintained only	90/137	66%	-18%
Non-LA Maintained	13/24	54%	-30%
National (published)	-	84%	-

July 2016	No. Good or Outstanding	% Good or Outstanding	Gap with national
All schools	118/161	73%	-16%
LA Maintained only*	104/130	80%	-9%
Non-LA Maintained	14/31	45%	-55%
National (published)	-	89%	-

*Seven LA Maintained schools became academies during the academic year

The proportion of primary schools in Bradford judged as Good or Outstanding by Ofsted increased from 64% as at September 2015 to 73% by the end of July 2016, an increase of +9%.

The proportion of LA Maintained schools judged as Good or Outstanding by Ofsted increased from 66% as at September 2015 to 80% by the end of July 2016, an increase of +14%.

The proportion of Non-LA Maintained schools judged as Good or Outstanding by Ofsted decreased from 54% as at September 2015 to 45% by the end of July 2016 because the majority of those that converted were deemed Requires Improvement or Inadequate by Ofsted.

This means the gap with national closed for Bradford schools; in addition, the rate of improvement for Bradford schools was faster than that seen nationally (+5% over the same period).

Secondary Ofsted inspection judgements in Bradford

September 2015	No. Good or Outstanding	% Good or Outstanding	Gap with national
All schools	12/29	41%	-32%
LA Maintained only	3/13	23%	-50%

Non-LA Maintained	9/16	56%	-17%
National (published)	-	73%	-

July 2016	No. Good or Outstanding	% Good or Outstanding	Gap with national
All schools	12/29	41%	-36%
LA Maintained only*	3/9	33%	-44%
Non-LA Maintained	9/20	45%	-33%
National (published)	-	77%	-

*Three LA Maintained schools became academies during the academic year

The proportion of secondary or through schools in Bradford judged as Good or Outstanding by Ofsted remained the same in July 2016 at 41%, compared with September 2015.

The proportion of LA Maintained schools judged as Good or Outstanding by Ofsted increased from 23% as at September 2015 to 33% by the end of July 2016. This is because three schools judged Inadequate or Requires Improvement converted to Academy status.

The proportion of Non-LA Maintained schools judged as Good or Outstanding by Ofsted decreased from 56% as at September 2015 to 45% by the end of July 2016, again because those that converted were not deemed to be Good or better by Ofsted.

Report of the Deputy Director to the meeting of the Children's Services Overview and Scrutiny Committee to be held on 12 October 2016.

Subject: Elective Home Education

P

Summary statement:

This report provides Members with details of the legislative framework surrounding Elective Home Education and the Authority's role and responsibilities.

Michael Jameson
Strategic Director Children's Services

Portfolio:
Education, Employment and Skills

Report Contact: Judith Kirk
Phone: (01274) 431078
E-mail: judith.kirk@bradford.gov.uk

Overview & Scrutiny Area:
Children's Services

1. SUMMARY

- 1.1 Elective Home Education (EHE) is the term used to describe parents' decision to provide education for their child (ren) at home instead of sending them to school. This is different to home tuition provided by a Local Authority (LA) or education provided by a LA other than at school. Children whose parents elect to educate them at home are not registered at any school. The costs associated with Elective Home Education are the parents' alone.

2. BACKGROUND

- 2.1 Statutory responsibility for children who are home educated is found under Section 7 of the 1996 Education Act, where it states that: *"The parent/carer of every child of compulsory school age shall cause him to receive efficient full time education suitable to his age, ability and aptitude, and to any special educational needs he may have, either by regular attendance at school or otherwise."*
- 2.2 Section 9 of the Education Act 1996 states that: *"In exercising or performing all their respective powers and duties under the Education Acts, the Secretary of State and Local Authorities shall have regard to the general principle that pupils are educated in accordance with the wishes of their parents, so far as that is compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure."*
- 2.3 The parent/carer is not required to inform the Local Authority of their decision to home educate. This does mean that some children may be home educated who are not known to the Local Authority.
- 2.4 When the child is on the roll of a school and the parents decide to home educate, the school must inform the Local Authority of the parents' decision to home educate. The school must delete the child's name from their school roll on receipt of written notification from the parents that the pupil is being electively home educated.
- 2.5 Local Authorities have no statutory duties in relation to monitoring the quality of home education on a routine basis nor do their officers have an automatic right of access to the parent/carer(s) home. However, the LA has a duty under Section 437(i) of the Education Act 1996, to intervene if it appears that parents are not providing suitable education for their child(ren).
- 2.6 The statutory guidance tells us "Parents are required to provide an efficient, full-time education suitable to the age, ability and aptitude of the child". There is currently no legal definition of "full-time" and home educating parents are not required to:
- teach the National Curriculum
 - provide a broad and balanced education
 - have a timetable
 - have premises equipped to any particular standard
 - set hours during which education will take place
 - have any specific qualifications make detailed plans in advance
 - observe school hours, days or terms
 - give formal lessons
 - mark work done by their child
 - formally assess progress or set development objectives
 - reproduce school type peer group socialisation
 - match school-based, age-specific standards.

3. Process followed by Bradford LA when a parent notifies of intention to home educate

- 3.1 The flow chart (Appendix 1) depicts the process followed in relation to EHE notifications. This relates to the notification process and the monitoring of provision only; safeguarding issues are covered in addition to this.
- 3.2 Where a parent/carer decides to home educate their child after they have begun formal schooling, contact is made with the LA either directly or through notification to their child's school. Upon receipt of such notification the child is removed from school roll (if applicable) and their name added to the LA's list of electively home educated children. Where parents have made the decision to home educate before registering at a school, the Authority has no knowledge of the child(ren) unless the parents make contact.
- 3.3 A Home Education pack, containing guidance notes for parents/carers (Appendix 2) together with a questionnaire (Appendix 3), is sent out from the Department of Children's Services for completion.
- 3.4 Shortly after notification of intention to home educate and usually on receipt of the completed questionnaire an initial visit is made by the Education Social Worker (ESW), the purpose of which is to ascertain the welfare of the child (ren) and to provide a further opportunity for the family to seek advice.
- 3.5 After a settling in period, of a minimum of three months, the inspector will assess the provision to determine whether or not it is 'suitable'. This three month period is considered a reasonable period for parents to develop their provision.
- 3.6 In the event that the provision is deemed to be unsuitable, advice will be given to the parent/carer and a revisit will take place within three months. If provision remains unsuitable, a school place for the child will be sought in consultation with the parent/carer. This also applies if parents do not agree to an inspection but the LA has reason to believe there is no suitable provision in place and parents are unwilling to work with us. A Statutory Notice requiring parents to demonstrate the suitability of their child's education or a School Attendance Order (SAO) may be issued to the parent/carer as a last resort if informal steps to address the issue are unsuccessful.
- 3.7 If a child has a Statement of SEN/Education, Health and Care Plan (EHCP) and has been placed by the Authority in a special school, and the parent/carer wishes to deregister them and to home educate, the Local Authority's SEN department must agree to this and, if agreed, must amend the Statement/EHCP accordingly. An exit review will be held with the parent/carer and the school wherever possible. Arrangements will be made, as far as is practicable, to hold the annual review in the opposite six months to the EHE assessment of provision so that the child has bi-annual input rather than yearly. Some stated, home educated children receive LA funded tuition, in which case there is no inspection visit as the tutor provides the SEN department with reports on the pupil's progress.

4. Data sets

- 4.1 As of January 2016, 333 children were known to be home educated in Bradford. This is roughly 0.38% of compulsory-aged pupils in maintained schools (Local Authority, Academy or Free schools). The Yorkshire and Humberside regional authorities have agreed to collect information at the national census dates and refer to the most recent when requested for EHE information, thereby ensuring consistency across the region.
- 4.2 Appendix 4 provides an overview of the numbers of known EHE pupils by Council Ward.
- 4.3 The following is a breakdown of the numbers of known EHE pupils in national curriculum

year groups and indicates how many within each have a Statement of SEN /EHCP; please see appendix 5.

NCY	Total	Statement
R	6	
1	16	1
2	23	
3	16	1
4	19	
5	29	
6	22	1
7	27	1
8	35	
9	32	
10	35	2
11	73	

Totals 333 6

5. Safeguarding

- 5.1 Whilst there is no implication that EHE is a safeguarding concern in itself, cases of concern relate to those children who have not been seen by a professional (e.g. Health, Sports and Leisure) from whom confirmation of their welfare can be ascertained, or those where there are known welfare concerns.
- 5.2 Intelligence is sought from all agencies but in the event that none can confirm the welfare of the child(ren), referral to the most appropriate agency will be made for a welfare check to take place.
- 5.3 Given that it is not a legal requirement to register EHE children with the LA, there may be children who are being home educated that are unknown to the Authority. The Education Safeguarding Team will work to identify children who are electively home educated but not known to the Authority and whose safety cannot be assured.
- 5.4 We are in the process of agreeing a protocol implementing a 20 day cooling off period which schools implement before it takes a child off school role and an application is submitted for EHE. This will give schools opportunity and the LA where appropriate the chance to have the relevant conversations with parents and carers about the responsibility of educating their children. This will be a locally agreed policy but it not currently a national protocol but other Local Authorities adopt this process.
- 5.4 We do not have a data sharing agreed with DWP but it has now been agreed with HMRC that we can be involved in their second phases, which began in Sheffield. This means they will share details of families who are in recived of child benefit, allowing us to cross reference that data with the information we hold on CYP in the district. The pilot will run from Jan – June 2017 and is likely our intelligence will increase during that pilot.

6. OTHER CONSIDERATIONS

None at this time.

7. FINANCIAL & RESOURCE APPRAISAL

No issues at this time.

8. RISK MANAGEMENT AND GOVERNANCE ISSUES

No issues at this time.

9. LEGAL APPRAISAL

No issues at this time.

10. RECOMMENDATIONS

- 10.1 That the limited powers of the Authority to intervene in cases whereby parents elect to home educate their child(ren) is noted.
- 10.2 That it be noted that the establishment of the Education Safeguarding Hub is a key vehicle in ensuring and promoting the wellbeing of children who are not attending any registered provision.

11. APPENDICES

Appendix 1: Elective Home Education Procedures. This is a flow chart diagram depicting Bradford's process from notification, registration and monitoring visits.

Appendix 2: A registration pack, containing guidance notes for parents/carers

Appendix 3: Questionnaire for completion at time of notification of intention to home educate.

Appendix 4: Overview of the numbers of known EHE pupils by Council Ward.

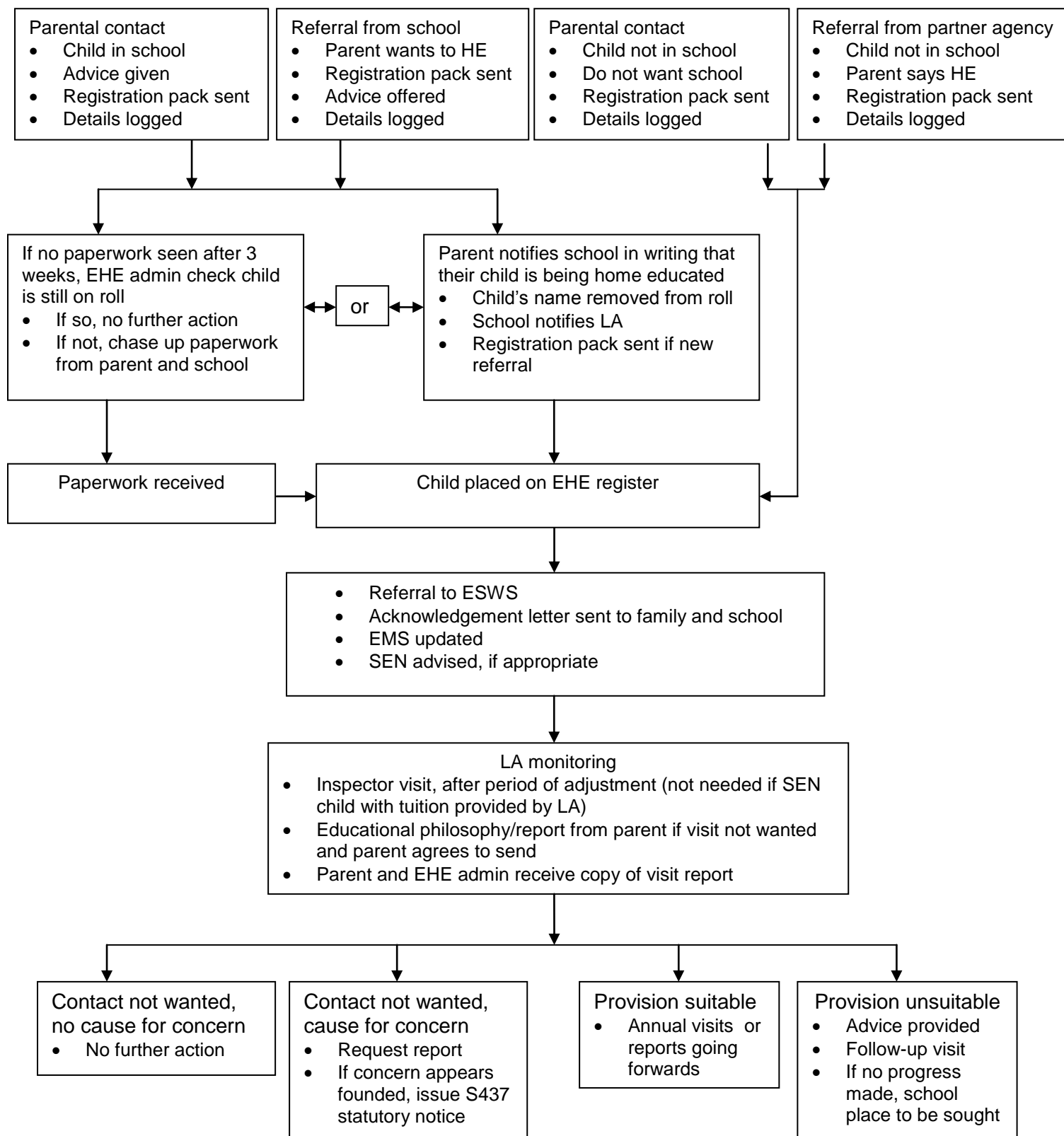
Appendix 5: EHE referrals

12. BACKGROUND DOCUMENTS

None

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ELECTIVE HOME EDUCATION PROCEDURE



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Appendix 2

GUIDANCE NOTES FOR PARENTS

ELECTIVE HOME EDUCATION

These notes of guidance have been compiled to be helpful to those parents/carers who are considering the possibility of educating their child or children at home.

The information contained in these notes provides an overview of the legislation that affects the education of children at home and ways of working in situations like this.

If you have any queries, please do not hesitate to contact:

Behaviour Support Service
City of Bradford MDC
Children's Services
Fifth Floor
Margaret McMillan Tower
Princes Way
Bradford
BD1 1NN

Tel: 01274 439653

Guidance for Parents on Elective Home Education

Your legal duty as a parent is defined by the Education Act 1996 (Section 7) as follows:

The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable (a) to his age, ability and aptitude, and (b) to any special educational needs he may have, either by regular attendance at school or otherwise.

This means you have a legal responsibility to ensure that your child is educated but this does not have to be in school.

Some First Thoughts for You

- Think long and hard. You alone will be responsible for ensuring that your child receives a broad and balanced education “suitable to his age, ability and aptitude”.
- Plan how you intend to educate your child and think about whether you have access to all the necessary resources and support before making a decision.
- Look at the possible costs involved, as there is no financial support from the LA.
- Remember that your child may miss the social side of school, joint activities, group work, friendship as well as access to specialist facilities and equipment.
- Think carefully if your child is approaching GCSEs. Find out what the implications of home educating will be in terms of examinations before removing your child from the school roll.

DON'T decide to educate your child at home for the wrong reasons:

- Because of a disagreement with a Head Teacher or other staff if your child is currently on roll at a school. Try to talk with the people involved and seek a resolution.
- If you have not been sending your child to school on time or regularly.
- Because your child is getting into trouble at school or is refusing to go and is putting pressure on you to home educate. Speak to school staff who can advise and support you.
- As a final ‘once and for all’ decision. You may decide as your child grows that you cannot make arrangements for all curriculum areas and examinations. You may seek a school place at any time if your circumstances change.
- In order to secure a place at a preferred school. Registering your child as electively home educated does not speed up the admissions process.

Questions and Answers:

I. Does my child have to go to school?

The Education Act 1996 imposes a duty on parents/carers to ‘**cause [their child] to receive efficient full-time education suitable (a) to his age, ability and aptitude, and (b) to any special educational needs he may have, either by regular attendance at school or otherwise.**’ For most children this means they will go to school. For various reasons a small number of parents decide to undertake the responsibility of educating their children outside the school system. This is known as ‘Elective Home Education’.

II. Do I need anyone’s permission?

If your child has a Statement of Special Education Needs or an Education, Health and Care Plan and has been placed in a Special School by the Local Authority (LA), or is subject to a School Attendance Order, you do need the permission of the LA to home educate.

Other than in those specific circumstances you do not need permission.

III. What will happen if I don’t notify the school or LA?

If your child is on a school register and not attending, their non-attendance will be followed up by school and an Education Welfare Officer. The school cannot remove your child from its roll unless you notify them in writing that you intend to home educate.

IV. What are the LA’s responsibilities?

The LA has a duty to intervene if it appears that parents are not providing a suitable education. We also have a safeguarding duty towards all children in the district.

V. Does this mean I have to follow the National Curriculum?

No, although you may find it useful to know what it is and follow it particularly if your child may attend school in the future. It will provide you with a useful framework for levels of achievement across the subjects.

Currently, the subjects included in the National Curriculum are English, Mathematics, Science, Design and Technology, History, Geography, Art, Music, Physical Education, Modern Foreign Languages, Computing, and Citizenship. Guidance is available at <https://www.gov.uk/government/collections/national-curriculum> and many of the commercially produced workbooks available from bookshops now relate their content to the National Curriculum.

VI. Do I have to work school hours?

No. Full time does not mean necessarily working school hours or working for 25 hours a week but you should make sure that sufficient time is being spent in study each week.

VII. How should I organise the teaching and learning?

There is no one approach or style than suits all families, but it should be as active and practical as possible. Great importance should be placed on reading and mathematics and a programme of educational visits should also be planned. You can make use of educational broadcasts but need to prepare well in advance and ensure that you plan follow-up work after the broadcast. Vary the style and content of the education as it will be more enjoyable for you and your child.

You will need to ensure that there is a special place set aside for quiet work and independent study.

VIII. Do I have to provide all the education?

Your role is to ensure that an efficient programme of work is provided to your child. This can be delivered by parents, suitable friends or relatives or specialist teachers. It is your responsibility to ensure that any tutors/teachers are suitably qualified and experienced and that your child is safe when being taught by others. Remember your child's needs may change at different ages and the type of education you provide should not restrict their future opportunities.

IX. Will the LA give me any support?

In choosing to home educate you have withdrawn your child from LA provision and the responsibility, both practical and financial, rests with you. However, we ask parents to meet with us to discuss their provision. This is because we have a duty to take action if it appears that a child is not being adequately educated. If the provision you are making appears not to meet your child's needs we will offer suggestions on how to improve it or help to get your child into school. The LA also offers careers advice at Key Stage 4.

X. Can I home educate my child part-time?

If you choose 'Elective Home Education' your child will be removed from the school register and will be your responsibility full-time. Occasionally schools may make special arrangements with parents known as flexi-schooling but this is at the discretion of the Head Teacher and is rare.

For 14-16 years olds, some colleges of further education will support Elective Home Education by allowing access to full- or part-time courses. The LA or the colleges themselves can advise you about this.

XI. Can I change my mind?

Yes. You can seek a place in a school at any time. If the school of your choice is full in your child's year group, you have the right to appeal. The LA will help with a plan for re-introduction to school if this is needed.

XII. What do I need to check before making a decision?

- You have the time to devote to your child's education on a regular basis
- You are convinced it is the best course of action for you child
- You have the space available for a quiet working area
- There are opportunities for physical exercise and social interaction
- You are prepared to buy the necessary resources or have access to them
- You have the necessary expertise to teach your child effectively
- You have some support available

The next steps:

If you have considered all aspects carefully and decided to go ahead with Elective Home Education please inform your child's school in writing of your intentions (if applicable), and fill in the questionnaire and return it to the LA. An officer will get in touch about coming to see you and in due course an inspector will contact you to discuss the provision you are making for your child.

For more information and sources of help and advice:

General Support

Education Otherwise Association Ltd

Education Otherwise,
PO Box 1309,
Blackpool,
FY1 9HN
Tel: 0845 478 6345
Website: <http://www.educationotherwise.net>

Home Education Advisory Service

P.O. Box 98
Welwyn Garden City
Hertfordshire
AL8 6AN
Tel: 01707 371854
Email: enquiries@heas.org.uk
Website: www.heas.org.uk

Qualifications and exam boards

JCQ (Joint Council for Qualifications)

Ground Floor, 4 Millbank,
London SW1P 3JA
Tel 020 7638 4132
Website www.jcq.org.uk
E-mail info@jqc.org.uk

AQA (North)

Address Devas Street, Manchester M15 6EX
Tel 0161 953 1180
Website www.aqa.org.uk

City & Guilds

Address 1 Giltspur Street, London EC1A 9DD
Tel 020 7294 2800
Website www.cityandguilds.com

Edexcel

Address 190 High Holborn, London WC1V 7BH
Website www.edexcel.com

OCR

Address Syndicate Buildings, 1 Hills Road, Cambridge CB1 2EU
Tel 01223 553 998
Website www.ocr.org.uk

Education Providers

Oxford Home Schooling (KS3, GCSE and A Level courses with telephone tutor support)

4 Kings Meadow
Oxford
OX2 0DP
Tel: 0800 0111024
Website: www.oxfordhomeschooling.co.uk

National Extension College (GCSE and A Level qualifications)

The Michael Young Centre
Purbeck Road
Cambridge
CB2 2HN
Tel: 01223 400381
Email: info@nec.ac.uk
Web: <https://www.nec.ac.uk/>

Rapid Results College (health and safety courses)

Tuition House
27/37 George's Road
Wimbledon
SW19 4DS
Tel: 0208 944 3103

Christian Education Europe (provide training and curriculum)

Maranatha House
Unit 5
Northford Close
Shrivenham
SN6 8HL
Tel: 01793 783783
Website: www.Christian-education.org

NorthStarUK (online courses with tutor support, Christian organisation)

4 Lea Road
Dronfield
S18 1SB
Tel: 01246 410122
Email: info@northstarworldwide.org
Website: www.northstaworldwide.org

Interhigh (online learning)

Sawmill Court
Cathedine, Nr Brecon
Powys, LD3 7HQ
Tel. 44 (0)1874 731118
Email: enquiries@interhigh.co.uk
<http://www.interhigh.co.uk/>

Ed Lounge (online learning)

Aston House
Campbell Way
Sheffield S25 3QD
E: support@edlounge.com
Website : <http://edlounge.com/>

Useful Websites and Telephone Numbers

Online Learning Resources

www.abcteach.com	www.home-education.org.uk
www.activityvillage.co.uk	www.literacyplanet.com
www.topmarks.co.uk	www.math-aids.com
www.bbc.co.uk/education	www.muddlepuddle.co.uk
www.first-school.ws	www.under5s.co.uk
www.gridclub.com	www.woodlands-junior.kent-sch.uk/maths
www.channel4learning.com	www.primaryresources.co.uk
www.coolmath4kids.com	www.schoolzone.co.uk
www.craftideas4kids.com	www.sparkisland.com
http://www.writehere.co.uk	www.superteacherworksheets.com
www.educate.org.uk	www.teachingideas.co.uk
www.education.com/worksheets	www.tes.co.uk

Other Useful Websites

National Literacy Trust	www.literacytrust.org.uk
ACE (Advisory Centre for Education)	www.ace-ed.org.uk
Family Lives	http://www.familylives.org.uk/
DfE	www.gov.uk/government/organisations/department-for-education
Dyslexia Action	www.dyslexiaaction.org.uk

Useful Telephone Numbers

ACE (Advisory Centre for Education)	0300 0115142
Connexions (careers guidance)	01274 377800
Barnado's Parent & Young People's Partnership	01274 481183
Drugs & Alcohol Team	01274 385529
School Nurse Team	01274 228114

Useful Books

School is Not Compulsory: Education Otherwise

Learning Without School: Ros Mountney

How Children Learn at Home: Alan Thomas

Alternative Approaches to Education: Fiona Carnie

Teaching Tomorrow: John Adcock

Learning Unlimited: Roland Meighan

The Next Learning System: Roland Meighan

Free Range Education: Terri Dowty

Doing It Their Way: Jan Fortune-Wood

The Unschooling Handbook: Mary Griffin

Home Educating our Autistic Spectrum Children: Terry Dowty and Kitt Cowlshaw

Getting Started in Home Education: Mary Ann Rose and Paul Stanbrook

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Appendix 3

Elective Home Education

This questionnaire provides an opportunity for you to inform the authority of the arrangements you are making for your child's education and to help you consider your aims and the resources you will need. Please complete the questionnaire as fully as possible. Your legal duty is to ensure that your child receives efficient full-time education appropriate to his/her age, ability and aptitude and any special educational needs.

Name of child _____

Date of birth _____

Name of parent/carer _____

Address: _____

Telephone number _____

Most recent school _____

Reason for choosing to educate your child at home _____

Signature.....

Date.....

SPECIAL EDUCATIONAL NEEDS

Does your child have any identified special educational needs?

Yes ☐ No ☐

Details if applicable:.....

Does your child have a Statement of SEN or an EHCP?

Yes ☐ No ☐

CURRICULUM AND PLANNING

- i) Please outline what you would like your child to achieve during the next 12 months. Your aims may relate to social, behavioural and physical development as well as academic progress.

ii) Which of the following subject areas does your child study?

- | | |
|-----------------------------|--------------------------|
| English | <input type="checkbox"/> |
| Mathematics | <input type="checkbox"/> |
| Science | <input type="checkbox"/> |
| Art | <input type="checkbox"/> |
| Modern Foreign Languages | <input type="checkbox"/> |
| Music | <input type="checkbox"/> |
| Physical Education | <input type="checkbox"/> |
| Religious Education | <input type="checkbox"/> |
| History | <input type="checkbox"/> |
| Geography | <input type="checkbox"/> |
| ICT | <input type="checkbox"/> |
| Technology/practical skills | <input type="checkbox"/> |
| Others
(please specify) | <input type="checkbox"/> |

iii) What opportunities does your child have for social interaction with other children and adults?

RESOURCES

- i) For each subject area that your child studies, please indicate the main textbook, published course or other educational resource used.

SUBJECT

PRINCIPAL RESOURCE

ii) Additional Resources

Do you use any of the following to support your child's learning?

Computer	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Local Library	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Practical Equipment	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
TV and Radio	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Museums/Galleries	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Sports facilities	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

TEACHING AND GUIDANCE

i) Please list the people regularly involved in the education of your child and the areas of your planned curriculum they cover.

ii) What other guidance and support will you access to help with the delivery of your child's education?

ORGANISATION OF LEARNING

- i) Do you use a timetable? Yes ☐ No ☐

If yes, please attach a copy or tell us how your week is organised.

Mon

Tue

Wed

Thur

Fri

Sat

Sun

If no, how many hours each week are spent on educational activities?

- ii) Where does your child's education take place?

RECORD KEEPING

- i) Do you date and keep your child's work?

Yes ☐ No ☐

- ii) Do you record and monitor your child's progress?

Yes ☐ No ☐

- iii) Please describe any record-keeping methods you use.

Appendix 4

Number of EHE registered in Bradford Wards as at 10/2/16	Baildon	15	Heaton	15	Shipley	10
	Bingley	6	Great Horton	18	Royds	4
	Bingley Rural	8	Idle & Thackley	17	Thornton & Allerton	7
	Bolton & Undercliffe	35	Ilkley	4	Toller	24
	Bowling & Barkerend	16	Keighley Central	19	Tong	10
	Bradford Moor	16	Keighley East	5	Wibsey	15
	City	16	Keighley West	11	Wharfedale	3
	Clayton & Fairweather Green	4	Little Horton	7	Windhill & Wrose	1
	Craven	2	Manningham	18	Worth Valley	2
	Eccleshill	4	Queensbury	9	Wyke	14

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Total number of new referrals to ESW between May - July 2016

MAY	Ethnicity by Gender		
	Pupils	F	M
AMI	0	0	0
AOP	1	0	1
APK	2	2	0
MWA	0	0	0
MWB	0	0	0
WHA	0	0	0
WHB	6	6	0
WHT	1	0	1
NOT	3	2	1
Total	13		

JUNE	Ethnicity by Gender		
	Pupils	F	M
AMI	1	1	0
AOP	0	0	0
APK	1	0	1
MWA	3	2	1
MWB	1	0	1
WHA	1	0	1
WHB	13	6	7
WHT	0	0	0
NOT	2	1	1
Total	22		

JULY	Ethnicity by Gender		
	Pupils	F	M
AMI	0	0	0
AOP	1	1	0
APK	2	0	2
MWA	0	0	0
MWB	0	0	0
WHA	0	0	0
WHB	2	0	2
WHT	0	0	0
NOT	1	0	1
Total	6		

TOTAL	Ethnicity by Gender		
	Pupils	F	M
AMI	1	1	0
AOP	2	1	1
APK	5	2	3
MWA	3	2	1
MWB	1	0	1
WHA	1	0	1
WHB	21	12	9
WHT	1	0	1
NOT	6	3	3
Total	41		

Code	Description
AAO	Any other Asian background
ABA	Bangladeshi
AIN	Indian
AMI	Mirpuri Pakistani
AOP	Other Pakistani
APK	Pakistani
BLB	Black Caribbean
BLF	Black African
BLG	Any other Black background
CHE	Chinese
MBA	White/Black African
MOT	Any other Mixed background
MWA	White/Asian
MWB	White/Black Caribbean
NOT	Not recorded
OEO	Any other Ethnic Group
REF	Refused
WHA	Any other White background
WHB	White British
WHT	Traveller - Irish Heritage
WRO	Gypsy/Roma

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Report of the Deputy Director to the meeting of the Children's Services Overview and Scrutiny Committee to be held on 12 October 2016.

Subject:

Q

Unregistered Schools

Summary statement:

This report provides members with legislative framework surrounding unregistered schools, and the Local Authority response when dealing with notifications of organisations that maybe operating illegally.

Michael Jameson
Strategic Director Children's Services

Portfolio:

Education, Employment and Skills

Report Contact: Judith Kirk
Phone: (01274) 431078
E-mail: judith.kirk@bradford.gov.uk

Overview & Scrutiny Area:

Children's Services

1. SUMMARY

- 1.1 The Education and Skills Act 2008 ('ESA 2008') requires all independent schools to register as an education provider. The registration procedure is set out in sections 98 and 99 of this Act. It is a criminal offence to operate an independent school which is not registered (section 96 of the ESA 2008).

2. BACKGROUND

- 2.1 The Secretary of State for Education is the regulator of independent schools and maintains a register of these institutions. The registration procedure is set out in sections 98 and 99 of the Education and Skills Act 2008 ('ESA 2008'). Once a school is registered, the Secretary of State has a range of regulatory powers available.
- 2.2 An independent school is a school that provides full-time education for five or more pupils of compulsory school age, or one or more pupils who are looked after or have a statement of SEN/an Education, Health and Care Plan, and is not a maintained or non-maintained school. It is a criminal offence to operate an independent school which is not registered (section 96 of the ESA 2008).

3. OTHER CONSIDERATIONS

3.1 Legal definition of Independent School

- 3.1.1 The legal definition of "independent school" in the Education Act 1996 refers to a school that is providing "full-time" education. Schools that provide less than full-time education do not come under the definition. There is no legislative definition of "full-time education."
- 3.1.2 It is important to understand there is a difference between an unregistered full time education provider and a supplementary school. Supplementary schools are organisations that run in addition to full time education providers and provide input that can relate to religious, cultural, linguist education. These tend to run in an evening or afternoon for 2-3 hours at a time. There are approx. 164 supplementary schools known to the LA who engage and adopt effective safeguarding practices.

3.2 Powers of Authority

- 3.2.1 The Secretary of State takes the decision on whether to consent to a prosecution of an unregistered independent school. Their approach individual cases would depend on the particular circumstances of each case. Consideration includes:
- The level of risk to the welfare of children; the greater the risk the swifter the need to investigate and take action, including prosecution of the proprietor. Welfare considerations include not only the safety and physical wellbeing of children, but also whether they are, or at risk of, being exposed to extremism, including conduct which is aimed at undermining the fundamental British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs
 - The extent to which the proprietor demonstrates an understanding of the regulatory requirements and the need to comply with them, and their engagement with the

- Department for Education;
- Whether the Department for Education has concerns about the suitability of the proprietor to be involved in providing education.

3.3 Notifications

3.3.1 We could be notified about unregistered schools through:

- Reports from the police;
- Complaints from members of the public or other schools;
- Reports from parents
- Media – TV, newspaper articles, leaflets
- Information from Ofsted

3.3.2 The LA is currently developing briefing sessions for police wardens who visit residential properties when a crime is committed. The briefings will highlight to police staff what the signs of CME are and how to report concerns. This will include asking very brief questions i.e. if a child is present during school hours, asking what school the child attends or why they are not in the school. This data will be fed through to the Education Safeguarding Team for the relevant safeguarding checks to be made. These briefings will also include what the signs an unregistered school may be operating, for example, parking issues in a residential areas, early morning or late afternoon, gathering of pupils in particular uniform this may include religious dress, this may indicate no formal educational establishment operating. These briefings will also be rolled out to council ward officers.

3.3.3 We are currently working with other LA's who have a similar demographic to Bradford in trying to learn from their experiences in discovering possible unregistered schools that may be operating. Some of this learning will be around making contact with organisations like tuition centres to establish whether they offer a full time provision to children. This work will also include working our new arrivals to ensure they are aware of the education entitlements available to their children.

3.4 Procedures

3.4.1 Upon notification, the Local Authority will gather information about the organisation, through visiting the premises during operational hours and notify the DfE. For any possible unregistered school, immediate steps will be taken to establish whether the institution is providing full-time education and is operating unlawfully as an independent school.

3.4.2 The LA will also check with Planning and Building Control to ascertain if the relevant building regulations are in place.

3.4.3 If after the initial intelligence gathering there are welfare concerns, a referral to Children's Social Care will be made. If any health and safety concerns are identified, a referral will be made to the Fire Service as well as Planning and Buildings Control. See appendix 3 for the procedural flowchart.

3.4.4 Upon notification, Ofsted may decide to make an unannounced visit to an institution on the basis of information they have received to establish whether the institution is operating as an independent school and the identity of the proprietor. The

Department may write to an institution or may refer information direct to Ofsted to decide whether to make an unannounced visit.

3.4.5 If Ofsted consider in the course of such a visit that an institution is operating unlawfully and should cease to operate as a school, they will inform the proprietor that it is an offence to operate without registration and take any appropriate steps with the LA to ensure the premises are closed and the children provided for. They will inform the Department for Education on the same day for follow-up action.

3.4.7 Where an institution is identified as operating unlawfully, the Department for Education (Independent Education and Boarding Team) will consider taking the following steps:

- Confirm to the institution the legal requirement to register as an independent school, setting out the consequences of failing to do so. The institution may also have received the same information from Ofsted;
- Make clear to the institution that it must not operate as a school in advance of registration being granted and must cease to operate;
- Point the institution to the guidance on the DfE website on how registration applications can be made;
- Ask the institution to confirm by return that it has ceased to operate as a school and to confirm whether or not it intends to submit a registration application;
- If the institution continues or continued to operate as a school without registration, including during the registration process, the Secretary of State may exercise her power to pursue the prosecution of the person(s) who the Department considers is conducting/has conducted the unregistered independent school (section 96 ESA 2008).

4. FINANCIAL & RESOURCE APPRAISAL

No issues at this time.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

No issues at this time.

6. LEGAL APPRAISAL

No issues at this time.

7. OTHER IMPLICATIONS

No issues at this time.

8. NOT FOR PUBLICATION DOCUMENTS

None

9. OPTIONS

N/A

10. RECOMMENDATIONS

- 10.1 That the Local Authority works with partner organisations to effectively respond to, and support (where necessary) any education organisation that maybe operating illegally, either knowingly or unknowingly.

11. APPENDICES

Appendix 1: Department for Education Policy statement: prosecuting unregistered

Appendix 2: Independent schools Education Safeguarding Team
Unregistered School Process Diagram

12. BACKGROUND DOCUMENTS

Education and Skills Act 2008

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Policy statement: prosecuting unregistered independent schools

Introduction

1. The Secretary of State for Education is the regulator of independent schools and maintains a register of these institutions. The registration procedure is set out in sections 98 and 99 of the Education and Skills Act 2008 ('ESA 2008'). Once a school is registered, the Secretary of State has a range of regulatory powers available.
2. An independent school is a school that provides full-time education for five or more pupils of compulsory school age, or one or more pupils who are looked after or have a statement of SEN/an Education, Health and Care Plan, and is not a maintained or non-maintained school¹. It is a criminal offence to operate an independent school which is not registered (section 96 of the ESA 2008).
3. The legal definition of "independent school" in the Education Act 1996 refers to a school that is providing "full-time" education. Schools that provide less than full-time education do not come under the definition. There is no legislative definition of "full-time education", but the independent school registration pack² provides useful information on what factors are considered when reaching a view on what this means in practice.
4. The SoS takes the decision on whether to consent to a prosecution of an unregistered independent school. This policy statement sets out the Secretary of State's approach to taking such decisions, although all are dealt with on a case-by-case basis.

Factors to be considered

5. The Secretary of State's approach to individual cases would depend on the particular circumstances of each case. Consideration includes, but is not limited to:
 - The level of risk to the welfare of children; the greater the risk the swifter the need to investigate and take action, including prosecution of the proprietor. Welfare considerations include not only the safety and physical wellbeing of children, but also whether they are, or at risk of, being exposed to extremism, including conduct which is aimed at undermining the fundamental British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs.

¹ the term "independent school" has the same meaning as in the Education Act 1996. (See sections 168(2) and 92(1) ESA 2008 and sections 2, 4 and 463 of the Education Act 1996.)

² [Guidance on registration of independent schools](#)

- The extent to which the proprietor demonstrates an understanding of the regulatory requirements³ and the need to comply with them, and their engagement with the Department; and
- Whether the Department has concerns about the suitability of the proprietor to be involved in providing education.

Procedures

6. The Department becomes aware of suspected unregistered schools in a number of ways, such as:
 - Reports from the police;
 - Reports from local authorities;
 - Complaints from members of the public or other schools;
 - Media (TV & newspaper articles/leaflets);
 - Information from Ofsted.
7. For any possible unregistered school, immediate steps will be taken to establish whether the institution is providing full-time education and is operating unlawfully as an independent school.
8. Ofsted may decide to make an unannounced visit to an institution on the basis of information they have received to establish whether the institution is operating as an independent school and the identity of the proprietor. The Department may write to an institution or may refer information direct to Ofsted to decide whether to make an unannounced visit.
9. If Ofsted consider in the course of such a visit that an institution is operating unlawfully and should cease to operate as a school, they will inform the proprietor that it is an offence to operate without registration and take any appropriate steps with the LA to ensure the premises are closed and the children provided for. They will inform the department the same day for follow-up action.
10. Where an institution is identified as operating unlawfully, the Department (Independent Education and Boarding Team) will consider taking the following steps:
 - Confirm to the institution the legal requirement to register as an independent school, setting out the consequences of failing to do so. The institution may also have received the same information from Ofsted;
 - Make clear to the institution that it must not operate as a school in advance of registration being granted and must cease to operate;
 - Point the institution to the guidance on the DfE website on how registration applications can be made;

³ Where an independent school is registered with the Department it will have to comply with certain minimum standards set out in the Education (Independent School Standards) (England) Regulations 2014 (SI 2014/3283), made under section 94 of the Education and Skills Act 2008. Before it can be registered a school will be inspected by Ofsted which will report to the Secretary of State on the extent to which the school is likely to meet the standards. The Secretary of State will decide, taking into account the report from Ofsted and any other relevant information, whether the standards are likely to be met and will enter the school on the register if she is so satisfied.

- Ask the institution to confirm by return that it has ceased to operate as a school and to confirm whether or not it intends to submit a registration application;
 - If the institution continues or continued to operate as a school without registration, including during the registration process, the Secretary of State may exercise her power to pursue the prosecution of the person(s) who the Department considers is conducting/has conducted the unregistered independent school (section 96 ESA 2008).
11. The Secretary of State may take immediate steps to exercise her power to pursue a prosecution if it is considered appropriate to do so given the seriousness of particular circumstances.
12. Which actions will be taken will be determined by the level of risk of harm that the children are under and other factors as set out at paragraph 5.
13. Where we believe that prosecution should be the next step, depending on the circumstances, we may ask Ofsted to consider re-visiting the institution.
14. The department will also consider prosecution in situations where a registered school has been subject to regulatory action that has resulted in the school being taken off the register. This would be on the basis that the earlier regulatory action would have been based on serious failings at the institution.

Action that might be taken by other agencies in respect of unregistered schools

15. Although the Secretary of State is the regulatory authority in respect of independent schools and has the power to take action for offences under section 96 ESA 2008, other regulatory agencies may also have a role to play. In some cases it might be possible for other agencies to take action to stop an unregistered school from operating or disrupt its operation and DfE will liaise with other agencies as appropriate. For example where there are child protection concerns the Local Authority (child protection services) may have a role to play in respect of individual pupils and their families, or if there are serious fire or health and safety hazards, the fire service or Health and Safety Executive can be asked to inspect. We may also involve the Charity Commission if the setting is a registered charity. The proprietor might also be referred to the Disclosure and Barring Service to consider whether they should be prevented from working with children in the future. Even if action by other agencies has the effect of shutting down the school, it may still be appropriate to prosecute the proprietor under section 96 of the ESA 2008.

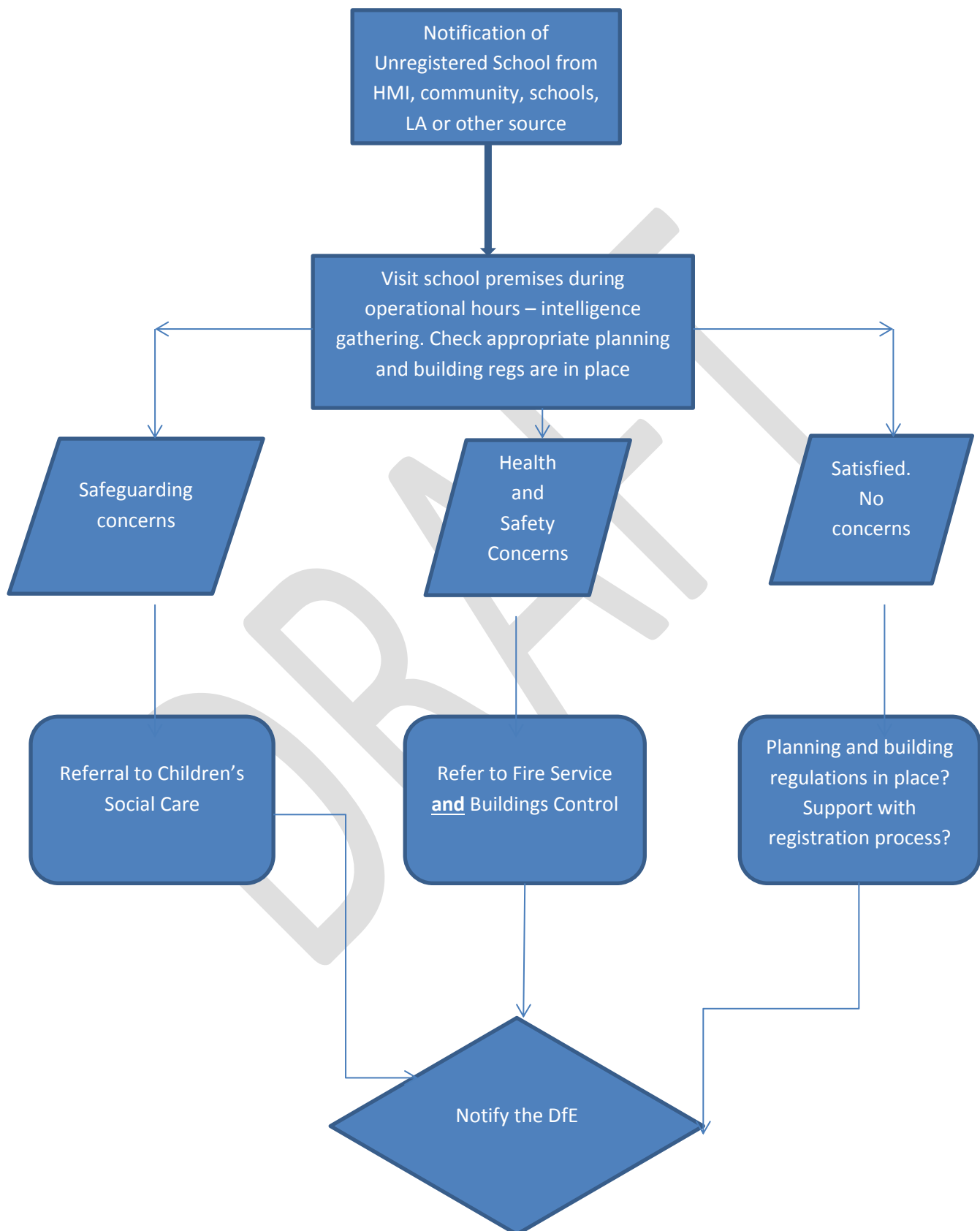
Equality considerations

16. In the exercise of the regulatory powers concerning independent schools the Secretary of State must have due regard to the need to:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it⁴.

⁴ Section 149 of the Equality Act 2010 'the public sector equality duty'.

17. All institutions are treated fairly in the exercise of the regulatory powers. Whether or not a school is operating as an unregistered independent school is an objective assessment. The protected characteristics of pupils at any institution are not relevant when considering whether an institution is operating, or seeking to operate, as an independent school.
18. No child should be subject to potentially unsafe provision, or a potentially lower standard of education than other children in the UK by virtue of their attending an unlawfully operating setting. If decisions on prosecutions were to take into account the protected characteristics of children then this may amount to unlawful discrimination. Conversely, prosecution may advance equality of opportunity for some groups if the result is that pupils access education in regulated settings, which meet the minimum Independent School Standards.
19. Prosecuting unregistered institutions is part of the Secretary of State's function in regulating independent schools. Such action is taken to ensure, that irrespective of individual protected characteristics, pupils and their parents can be confident that as a minimum the Independent School Standards are found in any independent school.

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Unregistered School Process

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Report of the Chair of Children's Services Overview and Scrutiny Committee to the meeting of the Committee to be held on Wednesday 12 October 2016.

R

Subject:

Subject: Children's Services Overview and Scrutiny Committee Work Programme 2016-17

Summary statement:

This report presents the Committee's Work Programme 2016-17

Cllr Dale Smith
Chair – Children's Services O&S Committee

Portfolio:
Education, Employment and Skills
Health & Wellbeing

Report Contact: Licia Woodhead
Overview and Scrutiny Lead
Phone: (01274) 432119
E-mail: licia.woodhead@bradford.gov.uk

1. SUMMARY

- 1.1 This report presents the Committee's Work Programme 2016-17.

2. BACKGROUND

- 2.1 Each Overview and Scrutiny Committee is required by the Constitution of the Council to prepare a work programme (Part 3E – Overview and Scrutiny Procedure Rules, Para 1.1).

3. REPORT ISSUES

- 3.1 **Appendix 1** of this report presents the Work Programme 2016-17.

3.2 Work planning cycle

Best practice published by the Centre for Public Scrutiny suggests that 'work programming should be a continuous process'. It is important to regularly review work programmes so that important or urgent issues that come up during the year are able to be scrutinised. In addition, at a time of limited resources, it should also be possible to remove projects which have become less relevant or timely. For this reason, it is proposed that the Committee's work programme be regularly reviewed by Members throughout the municipal year.

4. FINANCIAL & RESOURCE APPRAISAL

None

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

None

6. LEGAL APPRAISAL

None

7. OTHER IMPLICATIONS

7.1 EQUALITY & DIVERSITY

None

7.2 SUSTAINABILITY IMPLICATIONS

None

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

None

7.4 COMMUNITY SAFETY IMPLICATIONS

None

7.5 HUMAN RIGHTS ACT

None

7.6 TRADE UNION

None

7.7 WARD IMPLICATIONS

None

8. NOT FOR PUBLICATION DOCUMENTS

None

9. RECOMMENDATIONS

- 9.1 That the Work Programme 2016-17 continues to be regularly reviewed during the year.

10. APPENDICES

- 10.1 Appendix 1 – Children’s Services Overview and Scrutiny Committee Work Programme 2016-17

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Democratic Services - Overview and Scrutiny

Appendix 1

Children's Services O&S Committee

Scrutiny Lead: Licia Woodhead tel - 43 2119

Work Programme 2016/17

Description

Report

Agenda

Thursday, 27th October 2016 at City Hall, Bradford.

Chair's briefing 05/10/2016. Secretariat deadline 14/10/2016.

- 1) Children's and Young People's Mental Health Issues and Services
- 2) Transitions between Children's Services and Adult Services

A joint meeting with Health & Social Care O&S to consider young people's mental health issues. Young people will be invited to attend the meeting.

A joint meeting with Health O&S to consider transition between Children's and Adult Services.

Heather Wilson / Jonathan Hayes / Bradford District Care Foundation Trust
Mairead O'Donnell

Tuesday, 1st November 2016 at City Hall, Bradford.

Chair's briefing 17/10/2016. Secretariat deadline 20/10/2016.

- 1) Schools Forum Update
- 2) Annual Safeguarding report
- 3) Children Missing Education
- 4) Children's Services O&S Committee Work Programme

The Committee will receive an update on the work of the Schools Forum.

The Committee will receive the Annual Safeguarding report

The Committee will receive a report on Children Missing Education - children on a school roll but not in school and not receiving education in an approved alternative provision.

The Committee will consider its work programme and make changes as necessary.

Andrew Redding

Jenny Cryer
Judith Kirk

Licia Woodhead

Tuesday, 15th November 2016 at City Hall, Bradford.

Chair's briefing 31/10/2016. Secretariat deadline 03/11/2016.

- 1) Post 16 Review
- 2) Ofsted Inspection report
- 3) School Admissions Annual Report
- 4) Fostering Fees Review
- 5) Children's Services O&S Committee Work Programme

The Committee will receive a report on the Post 16 review

The Committee will receive an update on the developments following on from the Ofsted inspection.

The Committee will receive a report detailing the annual admissions to school process, the current position with admissions and appeals and in year applications.

The Committee will receive an update report on the review of fostering fees.

The Committee will consider its work programme and make changes as necessary.

Judith Kirk
Judith Kirk

Judith Kirk

Jenny Cryer

Licia Woodhead

Childrens Services O&S Committee

Scrutiny Lead: Licia Woodhead tel - 43 2119

Work Programme 2016/17

Description

Report

Agenda

Wednesday, 7th December 2016 at City Hall, Bradford.

Chair's briefing 21/11/2016. Secretariat deadline 24/11/2016.

- 1) The development and publication of Bradford's local offer.
- 2) Workloads of Children's Social Care
- 3) Children Missing from Home and Care
- 4) Children's Services O&S Committee Work Programme

The Committee will receive an update report on the local offer.

Judith Kirk

The Committee will receive a report on the workloads of Children's Social Care Services.

Jim Hopkinson

The Committee will receive a report detailing numbers of children missing from home and care and work being undertaken to address this.

Jim Hopkinson

The Committee will consider its work programme and make changes as necessary.

Licia Woodhead

Tuesday, 24th January 2017 at City Hall, Bradford.

Chair's briefing 09/01/2017. Secretariat deadline 12/01/2017.

- 1) Better Start Bradford
- 2) Recruitment and Retention of Teachers
- 3) Schools Forum Update
- 4) Children's Services Budget considerations
- 5) Children's Services O&S Committee Work Programme

The Committee will receive a progress report on the work of the Better Start Programme.

Michaela Howell / Shirley Brierley

The Committee will receive an update report which includes figures for Special Educational Needs Schools and Pupil Referral Units.

Judith Kirk / Sarah Rawnsley

The Committee will receive an update on the work of the Schools Forum.

Andrew Redding

The Committee will consider details of the Children's Services budget submissions.

Michael Jameson

The Committee will consider its work programme and make changes as necessary.

Licia Woodhead

Tuesday, 14th February 2017 at City Hall, Bradford.

Chair's briefing 30/01/2017. Secretariat deadline 02/02/2017.

- 1) Child Sexual Exploitation
- 2) Children's Centres
- 3) Children's Services O&S Committee Work Programme

The Committee will receive a further report on work being undertaken to combat Child Sexual Exploitation.

Jenny Cryer

The Committee will receive a progress report on the Children's Centres clusters.

Judith Kirk

The Committee will consider its work programme and make changes as necessary.

Licia Woodhead

Childrens Services O&S Committee

Scrutiny Lead: Licia Woodhead tel - 43 2119

Work Programme 2016/17

Description

Report

Agenda

Tuesday, 14th March 2017 at City Hall, Bradford.

Chair's briefing 27/02/2017. Secretariat deadline 02/03/2017.

1) Workloads of Children's Social Care

The Committee will receive a report on the workloads of Children's Social Care Services.

Jim Hopkinson

2) Standards Report

Judith Kirk

Tuesday, 11th April 2017 at City Hall, Bradford.

Chair's briefing 27/03/2017. Secretariat deadline 30/03/2017.

1) Youth Offer

The Committee will receive a progress report on the Youth Offer.

Ian Day / Heather Wilson

2) Capital allocations and school expansion programme 2017-18

The Committee will receive an update report on Capital Allocations and the School Expansion Programme.

Ian Smart

3) Schools Forum Update

The Committee will receive an update on the work of the Schools Forum.

Andrew Redding

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