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DATE: 3 September 2012

EDUCATION PORTFOLIO HOLDER BRIEFING

Meeting to be held on Tuesday 11 September 2012

QUESTIONS ON THE PORTFOLIO HOLDER BRIEFING

The Briefing comprises:

- 1 EDUCATION AND CARE SERVICES CONTRACT ACTIVITY REPORT (Pages 3 - 6)**
- 2 ANNUAL UPDATE REPORT ON BROMLEY YOUTH OFFENDING TEAM PARTNERSHIP 2011/12 (Pages 7 - 12)**
- 3 ACADEMY PROGRAMME IN BROMLEY: UPDATE (Pages 13 - 18)**
- 4 EDUCATION POLICY AND LEGISLATIVE CHANGES: UPDATE (Pages 19 - 22)**
- 5 MINUTES OF THE EDUCATION BUDGET SUB-COMMITTEE HELD ON 31ST JULY 2012 (Pages 23 - 26)**
- 6 OUTCOMES FROM OFSTED THEMATIC INSPECTION OF SAFEGUARDING DISABLED CHILDREN (Pages 27 - 30)**
- 7 LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006 AND THE FREEDOM OF INFORMATION ACT 2000**

The Chairman to move that the Press and public be excluded during consideration of the items of business listed below as it is likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the Press and public were present there would be disclosure to them of exempt information.

Items of Business	Schedule 12A Description
8 EXEMPT MINUTES OF THE EDUCATION PDS COMMITTEE MEETING HELD ON 12TH JUNE 2012 (Pages 31 - 32)	Information relating to the financial or business affairs of any particular person (including the authority holding that information)
9 PART 2 (EXEMPT) MINUTES OF THE EDUCATION BUDGET SUB-COMMITTEE HELD ON 31ST JULY 2012 (Pages 33 - 34)	Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Members and Co-opted Members have been provided with advanced copies of the Part 1 (Public) briefing via email. The Part 1 (Public) briefing is also available on the Council website at the following link: <http://cds.bromley.gov.uk/ieListMeetings.aspx?CIId=559&Year=2012>

Paper copies of this Information Briefing will not be available at the meeting of Education PDS Committee.

Information Items will not be debated at Education PDS Committee unless a member of the Committee requests a discussion be held. 24 hours notice must be given to the Clerk.

London Borough of Bromley

PART 1 - PUBLIC

Briefing for Education Portfolio Holder
11 September 2012

**EDUCATION AND CARE SERVICES CONTRACT REPORTS –
EDUCATION CONTRACTS**

Contact Officer: Laurence Downes, Commissioning Manager, Education and Children's Social Care
Tel: 020 8313 4805 E-mail: laurence.downes@bromley.gov.uk

Chief Officer: Doug Patterson, Chief Executive

1. Summary

- 1.1 The Executive and Resources Policy Development and Scrutiny (PDS) Committee has agreed a template report for London Borough of Bromley Contracts. The report details the current status of all contracts with a whole life value of £250k or more, with all relevant contracts identified from the Contract Register.
- 1.2 Executive and Resources PDS has recommended that the PDS Committee for each portfolio reviews the Contract Register report relevant to their portfolio, providing any comments as appropriate.
- 1.3 The Contract Register report for all contracts relevant to the Education Portfolio is included as Appendix One to this paper. In addition, the paper provides a brief update on planned contract activity over the next six months.

2. **THE BRIEFING**

- 2.1 Appendix 1 details all current contracts relevant to the Education Portfolio with a whole life value of £250k or more.
- 2.2 SEN Transport contracts have a variable annual value as routes are agreed on an annual basis based on the volume of children requiring transport support, their home location and their educational location. The routes are currently being agreed and updated annual values will be available shortly.
- 2.3 The annual value for the Bromley Youth Music Trust provision is significantly reduced as Department for Education funding which used to be transferred via the London Borough of Bromley is now paid directly to the provider. There will be further reductions in the annual contract value from 2013/14 as agreed by Education PDS in June 2012 (ED12009).
- 2.4 All contract awards, extensions or exemptions of any value are reported to the Portfolio Holder at the Portfolio Holder briefing meetings.

2.5 The following contracts with significant values will require action within the next six months. They are:

Provider	Service	End Date	Annual Value	Actions
Principals Catering	Catering at EDC	31/03/2013	£53,426	Subject to confirmation of status of EDC in 2013/14
Penny Smith-Orr	SACRE	31/03/2013	£11,200	Specification update and request for quotes
Various	Bromley Children and Family Centre Provision	31/03/2013	Variable	Bromley Children and Family Centres source all provision from a defined menu of activities and an approved list of providers. They will be conducting min-tenders from the Approved List for 2013/14 provision.
Bromley Mencap	Childminding Network	31/03/2013	£85,000	Service review to be completed
Royal Borough of Kingston	Advice and Guidance	31/03/2013	£143,000	Service review to be completed

2.6 In addition, the following commissioning and contracting activities are currently underway:

- **Supply Teachers:** the Behaviour Service is currently working with Corporate Procurement to formalise arrangements for the purchase of Supply Teachers via Agencies. It is intended to mirror the current Comensura agency workers arrangements by sourcing a neutral vendor for supply teachers via national frameworks.
- **Speech and Language Provision:** a Gateway review is currently being prepared to explore options for Speech and Language provision in schools, in partnership with the Primary Care Trust. The current contract for Speech and Language provision ends in July 2013.
- **Contract Reviews:** the Commissioning Team is reviewing all contracts of all values across Education and Care Services to identify any procurement actions required.

Contracts Register (over £250,00) as at 25 May 2012

Contract No	Department	Contract Name	Suppliers	Duration Years	End Date (inc extension)	Original Contract Total Value £	Original Annual Contract Value £	No of Waivers	Value of Contract Waivers Approved	No of Variations	Variations/Extensions	2012/13 Budget £'000	2012/13 Projected £'000	Cost Difference £'000	Reasons
31121	Education and Care Services	Home to School Transport for children with Special Educational Needs	Ruskin Private Hire Ltd	5.00	31-Aug-15	£2,376,960.00	£420,142.00		0	0	0	£420,142.00	£420,142.00	0	SEN Transport is sourced through a framework contract with multiple providers. The routes for each provider are agreed on an annual basis and will vary significantly from year to year. The annual contract value quoted on the Register is the most recently available academic year actual (2011/12) and is updated each year as routes are confirmed. The whole life value is extrapolated from the actual spend to date and updated each year.
31124	Education and Care Services	Home to School Transport for children with Special Educational Needs	Stratfords Private Hire	5.00	31-Aug-15	£2,162,480.00	£426,850.00		0	0	0	£426,850.00	£426,850.00	0	SEN Transport is sourced through a framework contract with multiple providers. The routes for each provider are agreed on an annual basis and will vary significantly from year to year. The annual contract value quoted on the Register is the most recently available academic year actual (2011/12) and is updated each year as routes are confirmed. The whole life value is extrapolated from the actual spend to date and updated each year.
31114	Education and Care Services	Home to School Transport for children with Special Educational Needs	Kelly Kar Hire	5.00	31-Aug-15	£2,059,350.00	£436,396.00		0	0	0	£436,396.00	£436,396.00	0	SEN Transport is sourced through a framework contract with multiple providers. The routes for each provider are agreed on an annual basis and will vary significantly from year to year. The annual contract value quoted on the Register is the most recently available academic year actual (2011/12) and is updated each year as routes are confirmed. The whole life value is extrapolated from the actual spend to date and updated each year.
31115	Education and Care Services	Home to School Transport for children with Special Educational Needs	Kensway Tours	5.00	31-Aug-15	£1,940,720.00	£400,979.00		0	0	0	£400,979.00	£400,979.00	0	SEN Transport is sourced through a framework contract with multiple providers. The routes for each provider are agreed on an annual basis and will vary significantly from year to year. The annual contract value quoted on the Register is the most recently available academic year actual (2011/12) and is updated each year as routes are confirmed. The whole life value is extrapolated from the actual spend to date and updated each year.
31112	Education and Care Services	Home to School Transport for children with Special Educational Needs	Centaur Overland Travel	5.00	31-Aug-15	£1,685,228.00	£339,108.00		0	0	0	£339,108.00	£339,108.00	0	SEN Transport is sourced through a framework contract with multiple providers. The routes for each provider are agreed on an annual basis and will vary significantly from year to year. The annual contract value quoted on the Register is the most recently available academic year actual (2011/12) and is updated each year as routes are confirmed. The whole life value is extrapolated from the actual spend to date and updated each year.
31100	Education and Care Services	Home to School Transport for children with Special Educational Needs	1st Class Cars	5.00	31-Aug-15	£1,432,150.00	£270,485.00		0	0	0	£270,485.00	£270,485.00	0	SEN Transport is sourced through a framework contract with multiple providers. The routes for each provider are agreed on an annual basis and will vary significantly from year to year. The annual contract value quoted on the Register is the most recently available academic year actual (2011/12) and is updated each year as routes are confirmed. The whole life value is extrapolated from the actual spend to date and updated each year.
31123	Education and Care Services	Home to School Transport for children with Special Educational Needs	Stage Two	5.00	31-Aug-15	£1,216,995.00	£254,333.00		0	0	0	£254,333.00	£254,333.00	0	SEN Transport is sourced through a framework contract with multiple providers. The routes for each provider are agreed on an annual basis and will vary significantly from year to year. The annual contract value quoted on the Register is the most recently available academic year actual (2011/12) and is updated each year as routes are confirmed. The whole life value is extrapolated from the actual spend to date and updated each year.
31105	Education and Care Services	Home to School Transport for children with Special Educational Needs	Cannon Cars	5.00	31-Aug-15	£909,163.00	£160,050.00		0	0	0	£160,050.00	£160,050.00	0	SEN Transport is sourced through a framework contract with multiple providers. The routes for each provider are agreed on an annual basis and will vary significantly from year to year. The annual contract value quoted on the Register is the most recently available academic year actual (2011/12) and is updated each year as routes are confirmed. The whole life value is extrapolated from the actual spend to date and updated each year.
31125	Education and Care Services	Home to School Transport for children with Special Educational Needs	The Keen Group	5.00	31-Aug-15	£620,278.00	£124,892.00		0	0	0	£124,892.00	£124,892.00	0	SEN Transport is sourced through a framework contract with multiple providers. The routes for each provider are agreed on an annual basis and will vary significantly from year to year. The annual contract value quoted on the Register is the most recently available academic year actual (2011/12) and is updated each year as routes are confirmed. The whole life value is extrapolated from the actual spend to date and updated each year.

London Borough of Bromley

PART 1 - PUBLIC

Briefing for Care Services and Education Portfolio Holders
4 and 11 September 2012

**ANNUAL UPDATE REPORT ON BROMLEY YOUTH
OFFENDING TEAM PARTNERSHIP**

Contact Officer: Kay Weiss, Assistant Director, Safeguarding and Social Care
Tel: 020 8313 4602 E-mail: kay.weiss@bromley.gov.uk
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Chief Officer: Assistant Director, Safeguarding and Social Care

1. Summary

- 1.1 This is an annual report to the Care Services and Education Portfolio Holders on the performance of the Bromley Youth Offending Team (YOT) partnership during 2011/12, and on other YOT-related operational and strategic developments.

2. **THE BRIEFING**

2.1 **Governance**

Youth Offending Teams in England and Wales are monitored and supported by the Youth Justice Board (YJB), which is an executive non-developmental public body. YJB Board Members are appointed by the Secretary of State for Justice.

The YJB:

- oversees the youth justice system in England and Wales;
- works to prevent offending and re-offending by children and young people under the age of 18;
- ensures that custody for them is safe, secure, and addresses the causes of their offending behaviour.

In November 2011, Central Government confirmed that that the leadership of youth justice and the specific functions undertaken by the YJB would be retained within the Ministry of Justice (MoJ).

Bromley's YOT is situated in the Education and Care Services Department with direct line management of the YOT Group Manager through the Head of Bromley Youth Support Programme. The YOT's two tier governance arrangements continue to be strategically and operationally managed through an Executive and Operational Board respectively. The Operational Board is chaired by the Assistant Director of Children's Social Care and Safeguarding supported by the Head of Community Safety as Vice Chair ensuring strong strategic links between the two boards and with Community Safety operations. Attendance from the statutory partners and key agencies has been maintained.

2.2 Performance

The YOT produces performance reports for both the Executive and Operational Management Boards, the latter containing a detailed breakdown of offending activity and patterns. The Youth Justice Board monitors performance and requires quarterly data reports against key performance indicators.

NI 111: First Time Entrants to the Youth Justice System (FTEs)

The YOT partnership has a target to reduce first time entrants by 2% each year. This target has been achieved for a fourth consecutive year. In 2008/09, there were 315 FTEs, in 2009/10 there were 203 and in 2010/11 there were 138. This downward trend looks set to continue as in 2011/12, there were only 67 first time entrants.

The introduction of the Triage system which diverts young people who have not previously offended out of the criminal justice system has had a significant impact on the number of first time entrants. 168 young people were referred to the YOT through the Triage system in 2011/12, of which only 28 young people later offended.

NI 19: Rate of Proven Re-offending by Young People who have previously offended

Year	Cohort Group	Size of cohort	Number of re-offences within 12 months of original conviction	Frequency rate per 100
2009/10	Jan -March 2009	150	161	107.3
2010/11	Jan - March 2010	115	98	85.0
2011/12	Jan - March 2011	77	138	179

The rate of proven re-offending by young people who have previously offended is arrived at by measuring the actual number of re-offences committed by a cohort of young people during a one year follow-up period following their original conviction in court or pre-court disposal.

The rate, which is expressed as the number of offences per 100 offenders, is susceptible to variation between years resulting from a combination of (a) changes in the size of the cohort and (b) the offending behaviour of individuals within the cohort. The increase in the rate between 2010/11 and 2011/12 is explicable in terms of the statistical effect of a high number of offences being committed by a few members of a smaller cohort than the previous year.

In the year April 2011 – March 2012, 64 offences were committed by 8 members of the January-March 2011 cohort (10% of a cohort of 77 were responsible for 46% of all offences committed in the year following their original conviction).

Of those 8, 1 offender was responsible for 19 offences. Although counted as part of the Bromley cohort (because of their status as a Looked After Child) this offender was actually resident in another Borough and was subject to the supervision of another YOT during the 12 month period.

NI 43: Young People Receiving a Conviction in Court who are Sentenced to Custody

Year	Total No of Disposals	Sentenced to Custody	%
2011/2012	224	15	7%
2010/2011	263	15	6%
2009/2010	347	22	6%

During 2011/2012, 15 custody sentences were issued. Although all custodial sentences are reviewed by the YOT to see if an alternative sentencing could have been offered and the YOT continues to discuss with the courts sentencing decisions, it was considered that the seriousness of the offences of the young people sentenced rendered community sentencing inappropriate.

NI 45: Engagement by Young People who Offend in Suitable Education, Training and Employment

In 2010/11, 73% of the young people known to the YOT were in education, training or employment at the end of their order. In 2011/12, the proportion in EET had increased to 76%. A higher proportion of the young people who are Not in Education, Employment or Training (NEET) are in the 16+ cohort. The service continues to work with internal and external education and training providers to address this. The establishment of a Not in EET Multiagency Panel has proved effective, as has the introduction of a Mentoring Scheme to provide 1-1 support to young offenders particularly those whose offending behaviour is a barrier to their participation in EET. During 2012/13, additional initiatives to support these young people are being introduced. The Mentoring Scheme and the additional initiatives are the outcome of funding received from the Public Protection and Safety Portfolio and exemplify the strength of cross portfolio working and support within the Bromley YOT Partnership.

2.3 Youth Offending Team Workforce Reorganisation

The YOT workforce was subject to a reorganisation which took effect from April 2012. The reorganisation followed a period of staff consultation which commenced in October 2011 and concluded in December 2011.

The key reasons for the reorganisation are:

- reductions in the Youth Justice Board (YJB) grant funding of £98,049 in 2011/12 (equivalent to a 21.47% reduction on grant funding from the previous year);
- a requirement to make £40,000 efficiency saving in 2011/12 as part of the requirement to meet 25% savings in Council expenditure as required by Government;
- anticipated further reductions in future YJG Grant funding and public spending over the next three years;
- the recommendations of the Government's Green Paper: breaking the Cycle of Offending: Effective Punishment, Rehabilitation and Sentencing of Offenders (Ministry of Justice, Dec 2010);
- the continuing statutory responsibility on local authorities to prevent and reduce youth offending and re-offending.

The new structure improves the capacity of the YOT to meet the requirements of the Crime and Disorder Act 1998, which provides the legislative framework for YOTs and the responsibilities of statutory agencies (health, police, children's services, including Children's Social Care and Education) to reduce and prevent offending and re-offending.

The Ministry of Justice Green Paper, which sets out direction of Criminal Justice Services for Young People has a clear expectation that comprehensive community alternatives in future to custody will be applied (an intention which was reaffirmed in the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO Act 2012), which received Royal Assent in May 2012 (see 2.5)). The new structure allows a greater flexibility to respond to this expectation.

In addition to ensuring that the new structure of the Bromley Youth Offending Team retains sufficient flexibility to maintain current adherence to legislative principles and to respond to the various demands and challenges of the period of financial and policy change, the structure also enhances management oversight of the YOT's casework practice which received recent endorsement and validation in November 2011's HMIP inspection exercise (see 2.4).

From July 2012, with the objectives of supporting integrated working and creating further cost efficiencies, the Management Team of the Bromley Youth Support Programme relocated from their previous base in St Mary Cray to the YOT's premises at Mason's Hill. The outcome will be improved information sharing between the 2 teams and new service developments particularly with respect to the YOT's prevention and intervention remit.

2.4 Her Majesty's Inspectorate of Probation

- 2.4.1 Her Majesty's Inspectorate of Probation has been undertaking a programme of Core Case Inspections of all Youth Offending Teams in England and Wales over a three-year period starting in April 2009.

The primary purpose of the inspection is to assess the quality of practice in relation to three general criterion; assessment and sentence planning, delivery and review of interventions and outcomes. Assessment entails close examination of a selected sample of at least 38 cases. Bromley's Youth Offending Team was the subject of an inspection in November 2011.

The inspection seeks to establish how often each aspect of casework is judged to be done to a sufficiently high standard. Casework is scored on the basis of the level of improvement required to bring them to that standard.

Bromley's YOT was awarded the best possible score of Minimum Improvement required for assessment and planning and interventions and Moderate Improvement (bordering on Minimum) for outcomes. Inspectors made comment that they noted a significant improvement in practice standards and the quality of the service on offer since their 2007 and 2008 inspections (DCYP08038).

Overall, the Inspector judged the findings of the report to be "very creditable". With specific respect to the Safeguarding and public Protection aspects the Inspector judged the Safeguarding aspects of the work were done well enough 81% of the time. With the Public Protection aspects, work to keep to a minimum each individual's *Risk of Harm to others* was done well enough 75% of the time, and the work to make each individual less likely to re-offend was done well enough 82% of the time. These figures are shown in the table below in the context of findings from Wales and English regions inspected to date.

	Performance for YOTs in Wales and the English Regions that have been Inspected to Date			Performance for Bromley YOT
	Lowest	Highest	Average	
'Safeguarding' Work (action to protect the young person)	37%	91%	68%	81%
'Risk of Harm to Others' Work (action to protect the public)	36%	85%	63%	75%
'Likelihood of Re-offending' Work (individual less likely to re-offend)	43%	87%	71%	82%

The outcomes from the Inspection reflect improvements achieved through Bromley's previous Inspection Improvement Plan. This excellent result is attributable to the effectiveness of a cross-portfolio strategy, local partnership arrangements, the leadership of the YOT Manager, and the application of the staff team to the task of ongoing service improvement.

Members are asked to note that the CQC undertook an inspection of the Bromley PCT contribution to the YOT at the same time as that undertaken by HMIP. YOT management are working to support their colleagues within the PCT to implement the recommendations of that Inspection.

A report providing detailed commentary, the Inspector's recommendations for improvement together with draft improvement plans was presented to the PH CYP and PPS in March 2012 (DCYP10152).

2.4.2 Future Inspection Programme

Every YOT in England and Wales has now received an inspection under the CCI inspection programme of youth offending work. Following agreement with Ministers and consultation with YOTs and other interested parties, HMI Probation is currently undertaking development of successor programmes, the first of which is due to roll-out in Summer 2012.

Inspection of youth offending work under the new programme will consist of four elements. A full Joint Inspection programme will be targeted at a small number of YOTs each year where performance gives particular cause for concern, together with some YOTs where published performance is strong and worth sharing. A thematic programme will undertake a focused inspection of specific aspects of work across a range of YOTs. HMI Probation will contribute to the forthcoming Ofsted-led inspection of child protection arrangements. Finally, there will be a short screening programme targeted at about 20% of YOTs each year, focussed on the start of sentences.

The Full Joint Inspection programme will be undertaken at short notice, be led by HMI Probation and will include contributions from our partner inspectorates covering health, children's social care, education and training, and Police. The MoJ has recently consulted with YOTs and others on the criteria for inspection and the inspection methodology. Inspection criteria will be published in due course, along with detailed guidance for inspected bodies on the inspection methodology.

2.5 **Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012 - Key Changes for Youth Justice**

The Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012 received Royal Assent on 1 May 2012, with implementation anticipated in November 2012. The Act reforms the justice system and the administration of legal aid and will create a new youth remand and sentencing structure that will allow courts greater flexibility when deciding on appropriate disposals for young people.

The Act introduces the following changes:

Youth sentences

- Increased discretion on sentencing, which will enable courts to conditionally discharge a young person pleading guilty to their first offence instead of giving a referral order.
- Removal of current restrictions on repeated use of referral orders following a guilty plea.
- Variation to detention and training order recall conditions.

Remands

- A more flexible and simplified process is to be introduced for remanding young people under 18 years of age.
- The Act requires that any child remanded to youth detention accommodation is to be treated as 'Looked After' by the designated local authority (this is to apply from the date of which the Act is implemented).

Out of Court Disposals

- Reprimands and final warnings will be replaced by youth cautions and youth conditional cautions.

Knife Crime

- Offenders aged 16+ will receive a minimum custodial sentence of at least four months.

Rehabilitation of Offenders

- The Act amends the times when different convictions become spent and, in most cases, when rehabilitation periods will be reduced.

The YJB is working closely with the Ministry of Justice and with criminal justice partners to produce detailed guidance on the key changes in the LASPO Act 2012 and is organising a programme of training for YOT staff and partners. Locally, officers are now conducting an exercise to determine the implications of these legislative changes on the operation of the YOT and for Children's Social Care.

3. POLICY IMPLICATIONS

- 3.1 All matters in this Report contribute to the priorities identified in Building a Better Bromley Community Strategy: 2020 Vision, the CYP Portfolio Plan for 2011/2012, and Bromley's Community Safety Strategy.

London Borough of Bromley

PART 1 - PUBLIC

**Briefing for Education Portfolio Holder
11 September 2012**

ACADEMY PROGRAMME IN BROMLEY: UPDATE

Contact Officer: Michael Watts, Senior Partnerships and Planning Officer
Tel: 020 8461 7608 E-mail: michael.watts@bromley.gov.uk

Chief Officer: Tessa Moore, Assistant Director (Education)

1. Summary

1.1 This is the regular report produced since July 2010 to ensure Members are kept up to date on the Academies Programme in Bromley.

1.2 The Government's Academy Programme is underpinned by the Academy Act 2010.

2. THE BRIEFING

2.1 At the start of the 2010/11 Academic Year, there were 95 maintained schools in Bromley which included: 17 secondary, 74 primary phase and 4 special schools. This broad spectrum of schools included Foundation, Trust, Community, Voluntary Aided and Voluntary Controlled. In addition, Bromley maintains a Pupil Referral Service (PRS). The overall pupil population across our school and PRS provision is currently 46,539 pupils (including post-16). Educational standards in Bromley and the outcomes achieved by children and young people across our schools, places the borough in the top quartile of overall performance nationally.

2.2 Below is the position in Bromley regarding academy conversion as at 15 August 2012:

Type	Converted		Conversion in Progress		Potential Conversion		Maintained		Total
Secondary	16	94%	1	6%	0	0%	0	0%	17
Primary	15	20%	0	0%	1	1%	58	79%	74
Special	0	0%	0	0%	0	0%	4	100%	4
Total	31	33%	1	1%	1	1%	62	65%	95

2.3 Appendix 1 provides an overview of individual schools that have converted to academy status, those in the process of conversion and those schools which have withdrawn from conversion.

- 2.4 Since the last report to the Education PDS Committee and the Education Portfolio Holder on 12 June 2012, there have been a number of developments:
- **Crofton Infant School** has converted to academy status on 1 September 2012; and
 - **Hillside Primary School** has converted to academy status under a sponsored conversion route, with The Priory acting as the sponsor partner following formal discussion including the DfE, Local Authority and governors on 1 September 2012.
- 2.5 Bromley has one of the highest numbers of academy conversions in the London region and nationally. The conversions in Bromley reflect a number of factors: the overall high performance of schools in Bromley and the percentage that are graded by Ofsted as 'Outstanding' or 'Good with Outstanding Features' and where there is strong leadership and governance; Bromley has a relatively high proportion of Foundation status schools (formerly Grant Maintained); the number of Head Teachers who are accredited National Leaders in Education (NLE) or Local Leaders in Education (LLE) (a total of 20); and the autonomy and additional funding offered by academy status.

**ACADEMY DEVELOPMENTS IN BROMLEY
(AS AT 15 AUGUST 2012)**

SECTION 1: Overall Summary

Type	Converted		Conversion in Progress		Potential Conversion		Maintained		Total
Secondary	16	94%	1	6%	0	0%	0	0%	17
Primary	15	20%	0	0%	1	1%	58	79%	74
Special	0	0%	0	0%	0	0%	4	100%	4
Total	31	33%	1	1%	1	1%	62	65%	95

SECTION 2: Schools which have Converted to Academy Status

Primary Phase Schools

PRIMARY SCHOOLS		POSITION	TIMESCALE
15	Crofton Infant School	Conversion	1 September 2012
14	Hillside Primary School	Sponsored Conversion	1 September 2012
13	St James' RC Primary School	Conversion	1 April 2012
12	Tubbenden Primary School	Conversion	1 March 2012
11	Crofton Junior School	Conversion	1 December 2011
10	Balgowan Primary School	Conversion	1 August 2011
9	Biggin Hill Primary School	Conversion	1 August 2011
8	Darrick Wood Infant School and Nursery	Conversion	1 August 2011
7	Green Street Green Primary School	Conversion	1 August 2011
6	Pickhurst Infant School	Conversion	1 August 2011
5	Pickhurst Junior School	Conversion	1 August 2011
4	The Pioneer Academy (formerly Stewart Fleming Primary School)	Conversion	1 August 2011
3	Valley Primary School	Conversion	1 August 2011
2	Hayes Primary School	Conversion	1 July 2011
1	Warren Road Primary School	Conversion	1 July 2011

Secondary Phase Schools

SECONDARY SCHOOLS		POSITION	TIMESCALE
16	The Priory School	Conversion	1 May 2012
15	Harris Academy Beckenham (formerly Kelsey Park Sports College)	Sponsored Conversion	1 September 2011
14	Harris Academy Bromley (formerly Cator Park School)	Conversion	1 September 2011
13	Langley Park School for Girls	Conversion	1 August 2011
12	Bullers Wood School	Conversion	1 May 2011
11	Charles Darwin School	Conversion	1 April 2011
10	Hayes School (Bromley) (formerly Hayes School)	Conversion	1 April 2011
9	Langley Park School for Boys	Conversion	1 April 2011
8	Newstead Wood School (formerly Newstead Wood School for Girls)	Conversion	1 April 2011
7	Ravens Wood School	Conversion	1 April 2011
6	The Ravensbourne School	Conversion	1 April 2011
5	Beaverwood School for Girls	Conversion	1 March 2011
4	Bishop Justus CE Secondary School	Conversion	1 March 2011
3	Coopers Technology College	Conversion	1 March 2011
2	Darrick Wood Secondary School	Conversion	1 December 2010
1	Kemnal Technology College	Conversion	1 September 2010

SECTION 3: Schools in the Process of Conversion to Academy Status

Primary Phase Schools

PRIMARY SCHOOLS		POSITION
1	Highfield Junior School	Confirmation of Registering Interest with DfE – 20 May 2011

Secondary Phase Schools

SECONDARY SCHOOLS		POSITION
1	St Olave's Grammar School	Notification to Local Authority (October 2010). Conversion approval 'on hold' pending resolution of governance composition between the Diocese of Rochester, the School and the Department for Education.

SECTION 4: Schools who have withdrawn from the Process of Conversion to Academy Status

PRIMARY SCHOOLS		POSITION
1	Darrick Wood Junior School	Application to DfE – 24 May 2011. Confirmation withdrawal of application – 12 July 2011
2	Parish CE Primary School	Application to DfE – May 2011. Confirmation withdrawal of application – 7 September 2011
3	Keston CE Primary School	Application to DfE – 9 May 2011. Confirmation withdrawal of application – 18 November 2011
4	Raglan Primary School	Application to DfE – 20 May 2011. Confirmation withdrawal of application – 18 January 2012

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London Borough of Bromley

PART 1 - PUBLIC

Briefing for Education Portfolio Holder
11 September 2012

EDUCATION POLICY AND LEGISLATIVE CHANGES: UPDATE

Contact Officer: Michael Watts, Senior Partnerships and Planning Officer
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Chief Officer: Tessa Moore, Assistant Director (Education)

1. INTRODUCTION

- 1.1 This is the thirteenth report produced since July 2010 providing Members with a regular update on the Government's policy and legislative changes for education and wider children's services.

2. THE BRIEFING

2.1 Nutbrown Review of Early Education and Childcare Qualifications

- (i) On 19 June 2012 the Government published the final report from an independent Review of Early Education and Childcare Qualifications by the Professor Cathy Nutbrown.
- (ii) The report, *Foundations for Quality*, sets out a number of recommendations to improve the skills and knowledge of those who work with young children. It also recommends the following:
- Improving qualifications to make them more rigorous and demanding, with a stronger focus on child development.
 - A focus on improving the delivery of qualifications so that tutors have the support to improve their skills and maintain the current experience of the sector.
 - Asking the early years sector to lead on mentoring new staff, to support them as they enter work and make sure students learn from good practice.
 - Build on progress to encourage graduate leadership in the sector, through Early Years Professional Status, as part of the move towards more teachers in the early years.
 - That the Government should not impose a licensing system for the sector at this stage.

- (iii) The Government is currently considering the recommendations and will publish a response later in 2012.
- (iv) Further information is available from www.education.gov.uk/nutbrownreview.

2.2 **Statutory Guidance for Local Authorities on the Delivery of Free Early Education for Three and Four Year Olds and Securing Sufficient Childcare**

- (i) In June 2012 the Government published Statutory Guidance for Local Authorities on the Delivery of Free Early Education for Three and Four Year Olds and Securing Sufficient Childcare.
- (ii) The Statutory Guidance sets out the duties on Local Authorities under Sections 6, 7 and 11 of the Childcare Act 2006 and is effective from 1 September 2012.
- (iii) It seeks to assist local authorities, providers and parents by making it clear:
 - what outcomes different measures are seeking to achieve;
 - what is a legal duty required by legislation; and
 - what local authorities should as a matter of course do to fulfil their statutory responsibilities and ensure effective delivery.
- (iv) The Statutory Guidance sets out an expectation that local authorities must work with providers to plan and manage local provision to meet the needs of families and children in their area.
- (v) Local authorities must have regard to the Statutory Guidance when seeking to discharge their duties under Sections 6, 7 and 11 of the Childcare Act 2006 and should not depart from it unless they have good reason to do so. The phrase 'must have regard', when used in this context, does not mean that the sections of Statutory Guidance have to be followed in every detail, but that they should be followed unless there is a good reason not to in a particular case.
- (vi) Further information is available from www.education.gov.uk/aboutdfe/statutory.

2.3 **Revised Safeguarding Statutory Guidance: Consultation**

- (i) On 12 June 2012 the Government launched a consultation on revisions to three guidance documents as part of the Safeguarding Statutory Guidance. This consultation seeks views on three statutory guidance documents:
 - *Working Together to Safeguard Children*: draft guidance on what is expected of organisations, individually and jointly, to safeguard and promote the welfare of children.
 - *Managing Cases: the Framework for the Assessment of Children in Need and their Families*: draft guidance on undertaking assessments of children in need.
 - *Statutory Guidance on Learning and Improvement*: proposed new arrangements for Serious Case Reviews (SCRs), reviews of child deaths and other learning processes led by Local Safeguarding Children Boards (LSCBs).

- (ii) It is proposed that the three guidance documents will replace over 700 pages of guidance currently issued through:
 - Working Together to Safeguard Children (2010);
 - The Framework for the Assessment of Children in Need and their Families (2000);
 - Assessing Children in Need and their Families: Practice Guidance (2000); and
 - Statutory guidance on making arrangements to safeguard and promote the welfare of children under section 11 of the Children Act 2004 (2007).
- (iii) The consultation on the three guidance documents closed on 4 September 2012.
- (iv) Further information is available from www.education.gov.uk/consultations.

2.4 **Statutory Guidance and Regulations on Exclusion**

- (i) In June 2012 the Government published Statutory Guidance on Exclusions under *The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012*. The new arrangements for school exclusion come into force on 1 September 2012 and will apply to any pupil excluded on or after 1 September from a maintained school, academy school (including a Free School), alternative provision academy, or pupil referral unit in England.
- (ii) Under the new arrangements, the process for challenging a school's decision to permanently exclude a pupil will change. The current system of independent appeal panels will be replaced by independent review panels. Where requested by a parent, an SEN expert will need to be appointed by the local authority or academy trust to advise the independent review panel.
- (iii) The independent review panel will be able to uphold the decision to permanently exclude a pupil; recommend that the governing body reconsider its decision; or direct the governing body to reconsider its decision. A direction to reconsider will be limited to circumstances where a panel decides that the school has acted illegally, irrationally or where there are significant flaws in procedure.
- (iv) Where a governing body decides not to offer to reinstate a pupil following a direction from a panel to reconsider its decision, the panel will be expected to require an adjustment to a schools budget or payment of £4,000 towards the cost of alternative provision.
- (v) Further information is available from www.education.gov.uk/aboutdfe/statutory.

2.5 **Revised Statutory Guidance for Local Authorities on Services for Young People**

- (i) In July 2012 the Government published revised Statutory Guidance for Local Authorities on Services for Young People under Section 507B of the Education Act 2006.
- (ii) The Government has retained the duty on Local Authorities to secure sufficient educational and recreational leisure-time activities for the improvement of the wellbeing of 13-19 year olds. This duty also requires Local Authorities to take into account young people's views and to publicise information about the local offer.
- (iii) Local authorities should use the guidance as they draw up their plans for youth provision.

- (iv) Further information is available from www.education.gov.uk/childrenandyoungpeople/strategy/laupdates/a00211926/507b-revised-guidance.

2.6 **Statutory Guidance on Alternative Provision**

- (i) In July 2012 the Government published new statutory guidance on alternative provision.
- (ii) The guidance covers important changes to regulations on Pupil Referral Units (PRUs) as of September 2012. This includes a requirement that local authorities seek to open an alternative provision academy or Free School before opting to open a new PRU, and new powers for the Secretary of State to establish Interim Executive Boards for PRUs in special measures or which require significant improvement.
- (iii) Other important issues covered are changes to the constitution of management committees, off-site directions to alternative provision and the planning and commissioning of alternative provision. The new guidance replaces all other alternative provision guidance apart from *The education of children and young people with medical needs* (2001).
- (iv) The statutory guidance will come into force on 1 January 2013 but includes guidance on regulations that come into force in September 2012.
- (v) Further information is available from www.education.gov.uk/childrenandyoungpeople/strategy/laupdates/a00212845/new-ap-guidance-3-08-12.

EDUCATION BUDGET SUB-COMMITTEE

Minutes of the meeting held at 7.00 pm on 31 July 2012

Present:

Councillor Neil Reddin FCCA (Chairman)
Councillors Nicholas Bennett J.P., Lydia Buttinger and
David McBride

Also Present:

David Bradshaw, Head of Education and Care Services Finance
Lesley Moore, Deputy Director of Finance

1 APPOINTMENT OF CHAIRMAN AND VICE-CHAIRMAN

RESOLVED that Councillor Neil Reddin be appointed Chairman for the 2012/13 municipal year, and that the appointment of Vice-Chairman be considered at the next meeting of the Education Budget Sub-Committee.

2 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Nicky Dykes. Apologies for absence were also received from Councillor Stephen Wells, Portfolio Holder for Education.

3 DECLARATIONS OF INTEREST

The Chairman noted that the Declarations of Interest made by Members at the meeting of Education PDS Committee on 12th June 2012 were taken as read.

4 QUESTIONS FROM MEMBERS OF THE PUBLIC ATTENDING THE MEETING

No questions had been received from members of the public.

5 TERMS OF REFERENCE FOR THE EDUCATION BUDGET SUB COMMITTEE

Report ED12018

The Education Budget Sub-Committee agreed the draft Terms of Reference of the Sub-Committee subject to the Membership section being amended to read:

“The membership of the Education Budget Sub-Committee shall consist of five Councillors drawn from the membership of the Education Policy Development and Scrutiny Committee.”

RESOLVED that:

- 1) The draft Terms of Reference be agreed, subject to the above amendment; and,**
- 2) The draft Terms of Reference be referred to the next meeting of the Education Policy Development and Scrutiny Committee for endorsement.**

**6 EDUCATION PORTFOLIO BUDGET MONITORING REPORT
2012/13**

Report ED12016

The Sub-Committee considered a report setting out the budget monitoring position for the Education Portfolio based on expenditure to the end of May 2012. The Schools' Budget, funded from the Dedicated Schools' Grant and specific grants, was forecast to spend in line with budget. The Non-Schools' Budget, funded from Council Tax, Revenue Support and specific grants was also forecast to spend in line with budget.

In considering the budget monitoring position, the Chairman queried what level of Dedicated Schools Grant was held in contingency by the Local Authority and whether this had been impacted by the move of a number of schools in the Borough to academy status. The Head of Education and Care Services Finance confirmed that approximately £1m was currently held in contingency. The Local Authority was responsible for distributing the Dedicated Schools Grant to Borough schools. This was allocated through a formula agreed in partnership with the Schools' Forum, and was decided on a number of factors including pupil numbers. The formula allowed a proportion of the Dedicated Schools Grant to be held centrally, which currently represented approximately £40m of £220m.

In response to a query from a Member around retaining more of the Dedicated Schools Grant, the Head of Education and Care Services Finance confirmed that funding was able to be allocated how the Council wished but that the Schools Forum would have to be in agreement with any funding changes if there was a disproportionate shift of funding away from schools to centrally retained funding. Funding for academy schools was also allocated via the formula, however this was top-sliced from the Dedicated Schools Grant by the Department for Education and provided to schools directly.

With regard to the future distribution of the Dedicated Schools Grant, the Head of Education and Care Services confirmed that the formula would be limited to around six determining factors from 2013/14, with pupil numbers remaining the biggest factor.

Members requested that a report on the new DSG formula arrangements be provided to the next meeting of the Education Budget Sub-Committee. Councillor Nicholas Bennett JP also requested that the Sub-Committee be provided with details of the total controllable budget for the Education Portfolio.

RESOLVED that:

- 1) The latest 2012/13 budget projection for the Education Portfolio be noted; and,**
- 2) The Education Portfolio Budget Monitoring Report 2012/13 be recommended to the Portfolio Holder for approval.**

7 CHILDREN AND YOUNG PEOPLE OUTTURN REPORT 2011/12

Report ED12017

The Sub-Committee considered a report outlining the final outturn position for the 2011/12 financial year. This showed an underspend of £751,000 against a budget of £31,549,000 for the controllable element of the Children and Young People budget, which represented a 2.4% variation. After allowing for the net £120,000 carry forward request agreed by the Executive on 20th June 2012, the final outturn position for 2011/12 was £631k.

In considering the final outturn position for 2011/12, the Chairman queried the overspend in SEN and Inclusion services which had been the result of pupil placements in both the Schools' Budget and the non-Schools' Budget. The Head of Education and Care Services Finance confirmed that children with disabilities may require both an education and social care element to their placement which would impact both budgets. A general moratorium had been introduced during the year on all non-essential running costs across these services, including recruitment to non-essential posts, which had realised savings of £300,000 to contribute towards the overspend. The Head of Education and Care Services Finance confirmed that where appropriate vacant posts had been deleted to support cost reduction. Councillor Nicholas Bennett JP outlined a recent SEN Transport Appeal which had been approved prior to the appeal being heard, and was concerned at the cost implications of any further appeals.

Another Member highlighted that the Total Non Controllable Budget for 2011/12 had increased from the original budget of £10,375,000 to £36,432,000 and queried the reason for this. The Deputy Director of Finance confirmed that this increase was as a result of changes made to the accounting rules on capital charges and had no affect on the budget. It was noted that the Executive were required to agree all budget variations.

RESOLVED that:

- 1) The underspend of £751,000 on controllable expenditure at the end of 2011/12 be noted;**
- 2) The net carry forwards totalling £120,000 agreed by the Executive on 20th June 2012 be noted; and,**
- 3) The Children and Young People Outturn Report 2011/12 be recommended to the Portfolio Holder for approval.**

8 ANY OTHER BUSINESS

In discussing future areas for the Education Budget Sub-Committee to consider, the Chairman requested that the draft budget for 2013/14 be provided to the next meeting of the Sub-Committee. Councillor Nicholas Bennett JP highlighted the need to look at the cost of Special Educational Needs services and, in considering the impact of small schools on Revenue Support Grant, requested that information be provided on primary schools across the Borough. Councillor David McBride also asked that information on external grants and shared funding arrangements for services in the Education Portfolio be provided to the Sub-Committee.

RESOLVED that the issues raised be noted.

9 DATE OF NEXT MEETING

The date of the next meeting of the Education Budget Sub-Committee would be confirmed shortly.

10 LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006 AND THE FREEDOM OF INFORMATION ACT 2000

RESOLVED that the press and public be excluded during consideration of the items of business listed below as it was likely in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present, there would be disclosure to them of exempt information.

11 DETAILED EDUCATION PORTFOLIO BUDGET 2012/13

The Sub-Committee considered the report and supported the recommendations.

The Meeting ended at 8.25 pm

Chairman

London Borough of Bromley

PART 1 - PUBLIC

Briefing for Education Policy Development and Scrutiny Committee 11TH September 2012

OUTCOMES FROM OFSTED THEMATIC INSPECTION OF SAFEGUARDING DISABLED CHILDREN (MARCH 2012)

Contact Officer: Julie Daly, Head of Service, ECS Safeguarding Quality Assurance
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Chief Officer: Kay Weiss, Assistant Director, Education and Care Services

1. Summary

- 1.1 On 24 January 2012 the Director of Bromley Children and Young People Services was informed by Ofsted of their intention to undertake an inspection of Bromley's arrangements for 'Protecting Disabled Children' on 6 and 7 March 2012.
- 1.2 This briefing report provides an outline of the inspection methodology and process and the feedback provided by the Ofsted inspectors.

2. THE BRIEFING

- 2.1 On 24 January 2012 the Director of Bromley Children and Young People Service was informed by Ofsted of their intention to undertake an inspection of Bromley's arrangements for 'Protecting Disabled Children' on 6 and 7 March 2012.
- 2.2 This inspection was to form part of a programme of inspections across the country and constituted a new form of thematic inspection, the focus of which was an in-depth study of 12 local authorities, to assess how effectively disabled children are protected. Ofsted outlined that the inspection outcomes would not take the form of an individual report or grading for each Local Authority; instead, the findings would be published in a document in summer 2012, which would draw together emerging key themes and issues as well as highlighting good practice identified across the local authorities involved without individual authorities being named. (To date this has not been published.)
- 2.3 The inspection was undertaken by 2 inspectors and consisted of a combination of case tracking, focus groups and individual interviews with key personnel.
- 2.4 Two weeks prior to the inspection the local authority was required to submit detailed lists of children's social care cases in the following categories:

- All contacts and referrals to children's social care relating to disabled children over the past 12 months.
 - All disabled children subject to a strategy discussion or child protection investigation over the past 12 months.
 - All initial assessments relating to disabled children undertaken over the last 12 months.
 - All disabled children currently subject to child in need plans.
 - All disabled children currently subject to child protection plans.
 - A list of disabled children receiving multi-agency help or support through the common assessment framework via a team around the child.
- 2.5 Prior to arriving on site the inspectors selected 5 cases for examination: 3 cases of early help, 1 child in need and 1 child protection case.
- 2.6 In addition on the first day of the inspection, from the case lists provided, a further 8 cases were identified for inspection. They were:
- two contacts that did not proceed to referrals;
 - two referrals which did not lead to any further action;
 - two initial assessments which either led to no further action or led to action other than a core assessment, i.e. actions or services by agencies other than children's social care services for disabled children;
 - two strategy meetings/ child protection investigations chosen at random from work undertaken in the last 12 months.
- 2.7 The cases were examined and tracked alongside either the social worker or manager for the case. As in all Ofsted inspections the inspectors were clear that should they identify a child at immediate risk, that had not been identified by the local authority, this would be brought to the attention of senior managers for priority action. No such priority cases were identified. In addition no issues of concern were identified through the case tracking, other than one minor issue of case recording.
- 2.8 The focus groups consisted of a group of strategic multi-agency leads for disabled children and a group of multi-agency front line practitioners. In addition, meetings took place with the Local Authority Designated Officer (the officer responsible for the management of allegations against professionals); and representatives of the Bromley Safeguarding Children Board as well as meetings with some of the parents whose cases were examined.
- 2.9 The focus group of senior managers were asked about the profile of disabled children in the Authority and how this had informed the development and delivery of services to ensure disabled children were safeguarded. The group were able to demonstrate that Bromley has a Joint Strategic Plan for disabled children based on robust needs analysis.
- 2.10 In addition, the Authority was able to demonstrate that the Integrated Disability Service has clear mechanisms in place to respond to safeguarding concerns. These include the fortnightly high risk cases meeting where potential safeguarding concerns are identified and appropriate referral pathways followed. In addition, the method of identification/assessment and service

delivery through a multi-agency team approach was referenced as was the links between that team and the Referral and Assessment Team within Children's Social Care to ensure effective and timely safeguarding for disabled children.

- 2.11 The focus group also outlined how measures are in place to ensure that preventative services are not missing child protection concerns by focusing too much on family support and taking an overly optimistic view of family where there are underlying child protection concerns. This includes ensuring there is good multi agency working and regular supervision with appropriate challenge. Health representatives were also able to demonstrate the increased use of the common assessment framework when additional needs were identified in children.
- 2.12 The meeting with representatives from the Bromley Safeguarding Children Board was able to outline the strategic role the BSCB had taken in promoting the safeguarding of disabled children. This included an annual conference in October 2010 which focused on the issue of disabled children in response to Government guidance in this area. In addition the BSCB had been instrumental in bringing together a multi-agency group to put together a multi-agency strategy for safeguarding disabled children.
- 2.13 Given the nature of the inspection, there was no formal feedback. However, there was a brief meeting with key managers to feedback key findings which was very positive. Inspectors reported that disabled children are being protected in Bromley, that wider safeguarding issues are understood, and there is good early intervention and multi-disciplinary working. A number of strengths and good practice were identified at the verbal feedback meeting with particular recognition given to the quality of the framework of integrated support services – combining education, social care and health to meet the needs of disabled children and their families.
- 2.14 This positive inspection outcome reflects the major changes made as a Council over a number of years to the way services are provided to support children with severe and complex SEN and Disabilities, 0-5, through the Phoenix Centre and Early Years' Support Programme, which was developed further in 2010 when an extension of this policy to meet the needs of children up to the age of 19 was approved by Members.

3. BACKGROUND INFORMATION

- 3.1 Providing services for disabled children is a statutory responsibility under the 1989 Children Act. Section 17 is the requirement to provide support services for disabled children and Section 47 is the requirement to ensure all children, include disabled children, are protected from significant harm.
- 3.2 Section 135 Education and Inspections Act 2006 empowers Ofsted to conduct inspections of Local Authority children functions.

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Agenda Item 8

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of the Local Government Act 1972.

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Agenda Item 9

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