

EDUCATION POLICY DEVELOPMENT AND SCRUTINY COMMITTEE

Minutes of the meeting held at 7.00 pm on 2 July 2014

Present:

Councillor Nicholas Bennett J.P. (Chairman)
Councillor Neil Reddin FCCA (Vice-Chairman)
Councillors Teresa Ball, Kathy Bance MBE, Alan Collins,
Mary Cooke, Alexa Michael and Keith Onslow

Mary Capon and Joan McConnell
Darren Jenkins, Mylene Williams and Tony Wright-Jones
Jo Brinkley, Adil Ghani and Alison Regester

Also Present:

Councillor Stephen Wells, Portfolio Holder for Education

1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillor Judi Ellis.

The Chairman was pleased to welcome a number of new committee members and offered his thanks to Members and Co-opted Members who had now left the Education PDS Committee.

2 CO-OPTIONS TO THE EDUCATION PDS COMMITTEE 2014/15

Report CSD14081

The Committee considered a report outlining Co-opted Membership appointments to the Education PDS Committee for 2014/15.

RESOLVED that:

1) The following Parent Governor Representative appointments be made to the Education PDS Committee for 2014/15 with voting rights:

- Mrs Mylene Williams, Primary Parent Governor
- Mr Tony Wright-Jones, Secondary Parent Governor
- Mr Darren Jenkins, Special School Parent Governor

2) Mrs Mary Capon representing the Church of England and Mrs Joan McConnell representing the Roman Catholic Church be

appointed as Co-opted Members to the Education PDS Committee for 2014/15 with voting rights;

3) The following Education PDS Co-opted Membership appointments be made to the Education PDS Committee for 2014/15 without voting rights:

- **Mrs Jo Brinkley as Head Teacher Representative**
- **Mrs Alison Regester as Pre-School Settings Representative**
- **Mr Adil Ghani as Young Peoples Representative**

3 DECLARATIONS OF INTEREST

Councillor Teresa Ball declared that she was a Governor at Bromley Adult Education College and that she was employed by the Professional Association for Childcare and Early Years (PACEY).

Councillor Nicholas Bennett JP declared that he was a Governor at Bromley College and at Princes Plain Primary School.

Councillor Mary Cooke declared that she was the Chair of Governors at Blenheim Primary School.

Councillor Alexa Michael declared that she was a Governor at Bromley Adult Education College representing the Local Authority and that she lived near the proposed permanent site of Harris Primary Academy Shortlands.

Councillor Keith Onslow declared that he had a grandson attending Pickhurst Infant Academy.

Councillor Neil Reddin declared that he was a Governor at St Olave's School, that he had children who attended Warren Road Primary School and that his wife was a Governor at two primary schools in the Borough.

Mrs Jo Brinkley, Head Teacher representative, declared that she was the Head Teacher of Hayes Primary School and the Acting Head Teacher of St Mary Cray Primary School.

Mrs Mary Capon, Church representative, declared that she was an employee of the Aquinas Trust and that she had a daughter attending St James Primary School.

Mrs Joan McConnell, Church representative, declared that she was a Governor at St Joseph's Catholic Primary School.

Mr Darren Jenkins, Parent Governor representative, declared that he was a Governor at Riverside School and Wickham Common Primary School.

Mrs Alison Regester, Pre-School Settings and Early Years representative, declared that she ran a private day nursery in the Borough.

**4 MINUTES OF THE EDUCATION PDS COMMITTEE MEETINGS
HELD ON 18TH MARCH 2014 AND 4TH JUNE 2014 AND
MATTERS OUTSTANDING FROM PREVIOUS MEETINGS**

RESOLVED that the minutes of the meeting held on 18th March 2014 be agreed and that matters outstanding be noted.

**5 QUESTIONS TO THE PDS CHAIRMAN FROM MEMBERS OF
THE PUBLIC AND COUNCILLORS ATTENDING THE MEETING**

No questions had been received.

**6 QUESTIONS TO THE PORTFOLIO HOLDER FROM MEMBERS
OF THE PUBLIC AND COUNCILLORS ATTENDING THE
MEETING**

Six oral questions were received from Rosalind Luff, Chair – Parent Bromley Voice and David Strawson and are attached at **Appendix A**.

Four written questions were received from Malcolm Wood, on behalf of Bromley Mencap and Roger Vincent-Townend, Bromley Chain and are attached at **Appendix B**.

7 PORTFOLIO HOLDER UPDATE

The Portfolio Holder for Education gave an update to Members on work being undertaken across the Education Portfolio.

Work continued to support the conversion of the Grovelands and Kingswood Pupil Referral Units to academy status as the Bromley Alternative Provision Academy from September 2014, with Bromley College of Further and Higher Education as the sponsor. The interim Executive Board would shortly be replaced by a new Governing Body for the academy.

The need to create additional primary and secondary school places in the Borough had been identified as a priority, and a number of free schools were seeking to establish in the Borough. This included three proposed secondary provisions in the Bromley, Chislehurst and Beckenham areas, and three proposed primary provisions in the Beckenham and Shortlands areas. Other proposed free school provisions were seeking to establish in neighbouring boroughs which could benefit a number of Bromley children. Of the free schools opening in September 2014, the Bromley Bilingual School, re-named 'La Fontaine Academy', would be accommodated at the Educational Development Centre, Bromley Common for its first year of operation. The Harris Primary Academy Shortlands would be accommodated at 1 Westmoreland Road, Bromley for its first year of operation before moving to its permanent site at Kingswood Road, Shortlands from September 2015.

Bromley Youth Music Trust was currently seeking sponsorship as a music hub and to further develop outreach programmes in Bromley schools, as well as working to assist schools in delivering the music element of the Primary curriculum. Bromley Youth Music Trust's current lease would expire in 2017, and the Portfolio Holder assured Members that Bromley Youth Music Trust would continue to be accommodated within the Borough.

An increased emphasis had been placed on the recruitment and training of Local Authority Governors, and Local Authority Officers had recently been approached to consider volunteering as Local Authority Governors in Bromley schools. A number of academy schools were now seeking to appoint Local Authority Governors, which would support closer working links between academy schools and the Local Authority.

The attainment of Looked After Children would be a key priority for the Education Portfolio for 2014/15. It was important to ensure that Looked After Children were encouraged to access a range of education and extra curricular provision, as well as to aspire to further and higher education opportunities.

RESOLVED that the Portfolio Holder update be noted.

A) UPDATE ON UNDER PERFORMING SCHOOLS

Report ED15057

The Portfolio Holder introduced a report that provided an update of recent Ofsted and school improvement activity across the Borough. Since March 2014, there had been five Ofsted Inspections and no Ofsted monitoring visits. St Olave's and St Saviour's Grammar School had been judged as 'Outstanding' in its Ofsted inspection. Bickley Primary School and Edgebury Primary School had been judged as 'Good' in their Ofsted Inspections. Oaklands Primary School and Southborough had been judged as 'Requires Improvement' in their Ofsted Inspections.

In considering the report, a Member highlighted that the most recent Ofsted Inspections for Bromley academy schools rated 'Outstanding' were often several years out of date, and underlined the need to ensure that these schools maintained the quality of their provision. The Head of Schools, Early Years Commissioning and Quality Assurance Education confirmed that the Local Authority's school improvement activity was concentrated on Local Authority Maintained schools, but that work was undertaken by the Local Authority to gather information on academy school performance where possible, with concerns raised with the Secretary of State. Most academies still used the Local Authority to undertake their statutory moderation, which provided some information about a school's performance and the soundness of their judgement. The Local Authority charged academies for accessing this service. A regional commissioner had recently been appointed by the Department for Education to oversee academy and free school provision, and the Local Authority would be working closely with the regional commissioner

to support the highest standard of provision across all Bromley schools into the future.

The Chairman requested that a further update be reported to the meeting of Education PDS Committee on 5th November 2014 once the regional commissioner was in post.

RESOLVED that recent Ofsted and school improvement activity in the Borough be noted.

8 PORTFOLIO HOLDER PROPOSED DECISIONS

A) SPEECH & LANGUAGE THERAPY FOR CHILDREN WITH SEN - CONTRACT EXTENSION

Report ED15068

The Portfolio Holder introduced a report requesting the extension of the current contracting arrangements that the Local Authority had in place with Bromley Healthcare CIC for speech and language therapy and occupational therapy for a period of one academic year from 1st September 2014 to 31st July 2015.

The Local Authority had, for a number of years, commissioned Bromley Healthcare CIC to provide an element of the speech and language therapy and occupational therapy provision for pupils in special schools and schools with unit provision. The main contract for this therapy was held by Bromley Clinical Commissioning Group with the Local Authority holding a separate, smaller value contract. The existing Local Authority contract with Bromley Healthcare would expire on 31st August 2014, having previously been awarded by contract extension and exemption. Following scrutiny by Education PDS Committee on 12th November 2014, the Portfolio Holder for Education agreed to pass the Local Authority funding directly to the relevant schools from 1st September 2014 to enable them to commission services directly. However, following changes to funding legislation for schools, it had since been identified that further detailed work was required to establish the new funding model before changes could be implemented. It was therefore proposed to extend the current contract with Bromley Healthcare CIC for a period of one academic year from 1st September 2014 to 31st July 2015, allowing a further period for this detailed work to be undertaken.

RESOLVED that the Portfolio Holder be recommended to agree to a waiver of Financial Regulations to enable a new contract for speech and language therapy and occupational therapy to be put in place for a period of one academic year from 1st September 2014 to 31st July 2015.

B) FREE SCHOOL MEALS UPDATE

Report ED15067

The Portfolio Holder introduced a report outlining progress made within Bromley Schools to implement the Free School Meals for Infants Programme.

On 17th September 2013, the Government announced that every child in Reception, Year 1 and Year 2 in state funded schools would receive a free school meal from September 2014, for which revenue funding of £2.30 would be provided for each meal taken by pupils who were newly eligible for free school meals as a result of the policy. Meals for pupils who were eligible for free school meals under the current criteria would continue to be funded through existing arrangements.

The Local Authority had been allocated £386,780 capital funding for Local Authority Maintained schools and £30,824 for Voluntary Aided schools for 2014/15 to ensure they were able to deliver this new requirement. As all Bromley primary schools had kitchens capable of providing a hot meal, the capital funding would be utilised to address significant issues with school kitchen sufficiency and infrastructure across the Borough. The Local Authority had employed a consultant to undertake a sufficiency audit of the kitchen provision in Local Authority Maintained and Voluntary Aided schools across the Borough to identify and prioritise kitchens that required capital investment. The outcome of this audit was received in June 2014, and Officers were working with the Bromley Primary Consortium Group and individual schools to agree capital allocations. Schools permanently expanding as part of the Borough's Basic Need Programme that were both accommodating additional pupils and having to comply with the Free School Meals for Infants Programme would receive additional support through the Basic Need Programme.

In considering the report, a Member queried if Bromley schools were on track to deliver the Free School Meals for Infants Programme from September 2014. The Head of Strategic Place Planning confirmed that the sufficiency audit of the kitchen provision in Local Authority Maintained and Voluntary Aided schools across the Borough had identified a range of equipment needs for schools, but that all Local Authority Maintained and Voluntary Aided schools were expected to be able to deliver the Free School Meals for Infants Programme from September 2014.

Another Member asked whether there would be a need for additional staff in some schools to support the delivery of the Free School Meals for Infants Programme. The Head of Strategic Pupil Place Planning confirmed that school meals were delivered in a range of ways at schools across the Borough, but the average cost of school meal in Bromley was £2.05 per meal. The Government had allowed a funding envelope of £2.30 per meal which would provide schools with additional funding to support delivery of the programme through additional staff or equipment. Many schools would also benefit from the opportunity to purchase kitchen equipment through their catering providers.

A Co-opted Member underlined a range of difficulties that some Reception-age children might experience with accessing free school meals, as they might be unfamiliar with the food served or the use of cutlery, and noted that some schools might consider providing additional support for these children.

The Head of Strategic Place Planning advised Members that the Bromley Primary Consortium Group was working to share best practice on the management of the lunchtime period, and that schools should ensure the right support was in place for children who might experience difficulties.

A Co-opted Member was concerned that the funding process for academies and free schools in Bromley was different to Local Authority and Voluntary Aided schools, with assistance provided by the Academies Capital Maintenance Fund, and that children attending these schools might be disadvantaged through the funding formula.

RESOLVED that the Portfolio Holder be recommended to agree the allocation of £386,780 Universal Infant Free School Meal Capital Grant to schools based on the outcome of the specialist consultant's reports on school kitchen sufficiency.

9 EDUCATION INFORMATION ITEMS

The Information Briefing comprised four reports:

- Minutes of the Education Budget Sub-Committee held on 24th June 2014
- Bromley Youth Council Manifesto: 2013/14 Campaign Update and 2014/15 Campaign Priorities
- Early Years Update
- Education Portfolio Plan 2014 June Update
- Mentoring End of Year Report 2013/14
- Annual Report on the Work of the Virtual School April 2014
- Bromley Academy Programme and Free School Update
- Education Contract Monitoring Report 2014/15

RESOLVED that the Information Briefing be noted.

10 TRANSPORT GATEWAY REVIEW

Report ES14062

The Committee considered a report outlining the outcome of the Transport Gateway review.

The Transport Gateway review focused on transport activities undertaken or commissioned by Education, Care and Health Services Department, predominantly comprising Passenger Transport Services for adults and the Special Educational Needs Transport team for children. The existing Passenger Transport Framework Agreement, utilised by Bromley for the delivery of transport was due to expire in August 2015, and the vehicle hire agreement for the delivery of Passenger Transport Services was due to expire in November 2015. There was potential to combine delivery of these two services after August 2015 to identify if significant cost savings could be

realised by contracting either element or through delivering these services in an alternate way.

As part of the review, these transport services had been soft market tested, which included discussions with service managers, and permission was being sought to formally go to market to determine the best value option for delivery of these services into the future. The proposed contracts had a potential value of £5.8m per annum and therefore there was a requirement to follow European Union public procurement regulations with the placement of a Contract Notice advertisement in the Official Journal of the European Union seeking expressions of interest from organisations wishing to tender.

RESOLVED that the Executive be recommended to approve the tendering of contracts for the provision of transport services for adults and children as outlined in Paragraphs 3.28 - 3.30 of Report ES14062, and to agree to the placement of any required Notice of Advertisement in the Official Journal of the European Union, seeking expressions of interest from organisations wishing to tender.

11 INVEST TO SAVE - TRAINING STATEMENTED PUPILS TO TRAVEL INDEPENDENTLY

Report ED15060

The Committee considered a report providing an update on the travel training programme for pupils with special educational needs, and seeking the agreement of the Council's Executive to continue the travel training programme for a period of three years and to exempt the programme from tendering for a maximum period of three years to allow the existing service provider to continue to deliver the programme, building on the networks formed with parents, schools and key stakeholders over the past year.

The Local Authority had a statutory duty to provide transport assistance to pupils with a statement of special educational needs to access their specialist provision. Dependent on the level of need and ability, transport assistance was provided in a range of vehicles, with a limited number of pupils using public transport. Currently 825 pupils were eligible to receive transport assistance.

In April 2013, the Council's Executive approved invest to save funding for a travel training programme for a period of one year. Bexley Accessible Transport was awarded the contract in June 2013, which had a target of enabling 28 pupils to travel independently by the end of the programme. During the course of the travel training programme, 33 pupils had been trained to travel independently, four pupils had partly passed the training, nine pupils would revisit the training and four pupils had not completed it. It was proposed that travel training should become an integral part of the 'menu' of transport assistance offers into the future. Following an initial comprehensive assessment of need for each pupil, continuation of transport assistance needs would feature in the regular reviews at the key stages in a pupil's education

timeline and where appropriate, young people would be supported through the travel training programme to gain the skills and confidence to become independent travellers and reduce their dependency on transport assistance provided by the Local Authority.

In considering the report, the Chairman was pleased to note the success of the travel training programme for pupils with special educational needs.

It was proposed to continue the travel training programme for a period of three years with at least 20 pupils trained to travel independently per annum. A Co-opted Member noted the benefits of the travel training programme to young people and in reducing the costs of transport assistance to Local Authority, and underlined the potential to roll out the travel training programme to a larger number of young people. The Chairman requested that the Portfolio Holder for Education provide details to all Members of the Education PDS Committee on the maximum number of pupils across the Borough who might be able to benefit from the travel training programme following the meeting.

RESOLVED that the Executive be recommended to:

- 1) Consider the outcomes of the Invest to Save Travel Training Initiative that was approved at Executive at its meeting on 3rd April 2013;**
- 2) Agree the investment of £60,000 per annum to continue the travel training programme for the next three years;**
- 3) Agree the award of a three year contract to the current provider, Bexley Accessible Transport Services for a programme of travel training provided:**
 - i) The forecast return on investment continues to be achieved each year in line with projected savings detailed in Report ED15060; and,**
 - ii) The quality of training is maintained.**
- 4) Agree the rollout of the travel training programme to the maximum number of pupils across the Borough who might be able to benefit from it.**

**12 SUPPORTING YOUNG PEOPLE WITH SPECIAL
 EDUCATIONAL NEEDS AND DISABILITIES (SEND) TO
 PREPARE FOR ADULT LIFE - FUNDING PROPOSAL**

Report ED15059

The Committee considered a report advising Members of work being undertaken to support young people with special educational needs and disabilities to prepare for adult life, and outlining proposed future

developments for young people with special educational needs and disabilities after the Children and Families Act 2014, Part 3 came into force from 1st September 2014.

In July 2013, the Education Portfolio Holder approved the Local Authority's amended Statement for Intent which had been developed in collaboration with a range of stakeholders to support young people as they moved towards Post-16 provision and transition, and had a particular focus on further education placements for young people. To support the delivery of the Statement of Intent, the Local Authority invested £153,835 in an invest to save project which aimed to increase the independence of young people with special educational needs and disabilities before leaving formal education. This funding provided additional resources to deliver a range of initiatives and support for young people, families, providers and services, including the establishment of the 'Preparing for Adulthood Team', an increase in further education opportunities available in the Borough, and work to build the confidence of young people and their parents in the post-16 offer in the Borough.

The number of young people with special educational needs and disabilities and the level of need of these young people was expected to increase in future years, with 305 young people currently due to transition to adult services in the Borough over the next ten years. In order to ensure that the progress made so far was sustainable in the longer term, it was proposed to continue investment in the programme of works for a further two years as an invest to contain project, with budget adjustments being made at the end of the relevant financial years in the light of savings achieved.

RESOLVED that the Executive be recommended to agree the proposed investment that supports future developments for young people with special educational needs and disabilities in Bromley in order to help contain future budget pressures in adult services.

13 UPDATE ON THE PROCESS FOR MARKET TESTING EDUCATION SERVICES

Report ED15073

The Committee considered a report outlining a proposal to expand the scope of the market testing of Education Services to additional services not included in the original bundle of services agreed for market testing by the Council's Executive at its meeting on 16th October 2013.

The recommendation to commence market testing was developed following consideration of the outcomes of a commissioning review undertaken on a range of Education Services as part of the Bromley Commissioning Programme, which aimed to identify future delivery options to assist in the achievement of the Council's Target Operating Model as a '... commissioning organisation, determining who is best placed to deliver high quality services based on local priorities and value for money principles'. The commissioning

review considered the potential to deliver a range of services through either in-house or commissioned external provision as a single bundle of services including Admissions, Education Welfare, Behaviour Services (certain elements only), School Standards, Workforce Development and Governor Services, Early Years and Special Educational Needs (SEN) Inclusion Support.

It was now proposed to expand the scope of the market testing of Education Services to include strategic management functions, the residual functions of the Behaviour Service following the conversion of the Pupil Referral Unit to academy status, the Special Educational Needs service, including the Specialist Support and Disability Service and pre-school provision at the Phoenix Centre, and Bromley Adult Education (as a separate lot). Bromley Nursery Provision, Education Finance and Human Resources and Special Educational Needs Transport were not included in the proposed expansion of the scope of the market testing of Education Services.

At its meeting on 16th October 2013, the Council's Executive had also agreed the commencement of discussions with relevant schools for a contract for services for the Primary Hearing Impairment Unit and Secondary Deaf Centre. Following commencement of discussions with service managers and relevant schools, a number of issues had been identified including concerns around entering into separate management arrangements between the Primary Unit, the Secondary Unit and the Sensory Support Service, which would remove the ability to manage resources across the individual service elements in a flexible manner, as well as how the specialist service would operate as an effective service if managed by individual schools. It had also been identified that the separate management of the three elements of the service would lead to multiple management structures and duplication of costs. For these reasons it was not considered feasible to enter into separate management arrangements with the relevant schools for the Hearing Impairment Unit provision and it was recommended that the Hearing Impairment Unit provision be included as part of the overall Special Educational Needs (SEN) Inclusion Support service, to be market tested as part of a single bundle of services.

It was emphasised that in conducting a market testing exercise, no assumption was made as to the outcome. The recommendations following the market testing exercise might be that some or none of the Education service functions being market testing would best be delivered by a third party via a contract for services or similar arrangement, or through in-house provision. Appropriate engagement would take place with service users, staff and key stakeholders as part of the market testing process and in the implementation of any agreed outcomes of the process.

In considering the report, the Chairman noted that the proposal to market test further Education services as part of a single bundle of services had been developed to reduce potential fragmentation and duplication of services and maximise value for money for service users. The Chairman underlined that when evaluating the outcomes of the market testing, the Education PDS Committee would not support any proposal where the quality of provision

would not be the same or better than the current level of provision, and that service quality would be maintained through rigorous monitoring processes.

The Children and Families Bill would be implemented from September 2014. The Strategic Commissioning Manager confirmed that the principle of integrated commissioning across education, care and health services in the Children and Families Bill would be intrinsic to the provision of services in the future, and that this would be supported through a joined-up planning process and partnership working. It was possible that different mechanisms for commissioning provision would be explored in the future to support closer working of education, care and health services. Any potential provider of services would be expected to work with the Local Authority and Bromley Healthcare in planning services collectively, and the way a provider would manage this requirement was likely to form part of the market testing process.

A Co-opted Member highlighted the Local Authority's responsibility for securing high quality 'Every Child Matters' outcomes for all children in the Borough. It was key to ensure the Local Authority retained sufficient strategic capacity to monitor the achievement of 'Every Child Matters' outcomes across all schools and academies in Bromley. Another Co-opted Member was concerned at the proposal to broaden the market testing exercise to include the Early Years Special Educational Needs Support Service, and suggested that the market testing exercise be broadened to look at the impact any change in delivery mechanism of the provision would have on families and early years providers, as well as at cost and quality of provision.

A Co-opted Member noted the restructure of the Behaviour Services, which was currently in progress and, if agreed, would lead to the cessation of the Early Intervention Services (Primary) and Behaviour Support (Secondary Outreach) cost centres with several of their functions expected to be carried out by the Bromley Alternative Provision Academy. The Co-opted Member advised Members that Bromley schools placed a high value on the work of the Early Intervention Service. The Strategic Commissioning Manager confirmed work was being undertaken to explore different ways of delivering these services, which could include delivery by the Bromley Alternative Provision Academy. The Assistant Director: Education also advised Members that the Bromley Alternative Provision Academy aimed to become a hub of behaviour support services for Bromley, with an emphasis on early intervention and preventative work that would support children and young people to remain in a mainstream school setting. To support this, two primary behaviour support staff had been seconded from the Behaviour Service to the Bromley Alternative Provision Academy, and a consultant was working with the Bromley Alternative Provision Academy to look at the operation of the Fair Access Protocol and how a funding mechanism could be developed to enable Bromley schools to commission support as needed.

A Co-opted Member queried how young people with special educational needs would be involved in the market testing process. The Strategic Commissioning Manager confirmed that service users and their families would

be engaged in a number of ways depending on the level of change proposed to any service and the specific needs of service users and their families.

RESOLVED that the Executive be recommended to:

- 1) Expand the scope of the market testing of Education Services to include strategic management functions; the residual functions of the Behaviour Service; the Special Educational Needs service (including the Specialist Support & Disability Service); and Bromley Adult Education;**
- 2) Reject the option to explore management arrangements with relevant schools for the Hearing Impairment Units and include the Hearing Impairment Units within the SEN Inclusion Support service as part of the overall market testing process;**
- 3) Commence the market testing tendering process as per the timetable outlined in Paragraph 3.61 of Report ED15073 and that a Competitive Dialogue approach be used as outlined in Paragraphs 3.59 to 3.61 of Report ED15073; and,**
- 4) Note that a further report detailing the outcome of the market testing and recommendations be reported to a future meeting of the Council's Executive, and that this report describe how quality of service and support for children would be monitored and enforced.**

14 EDUCATION PROGRAMME 2014/15

Report ED15069

The Committee considered the forward rolling work programme for the year ahead based on items scheduled for decision by the Portfolio Holder for Education and items for consideration by the Education PDS Committee.

In considering the work programme for 2014/15, the Chairman requested that a report on Truancy and Missing Children be considered at the meeting of Education PDS Committee on 5th November 2014. The Chairman also requested that reports on progress in strategies to target young people classified as being 'Not in Education, Employment or Training', Education of Looked After Children, and Home Education be considered at the meeting of Education PDS Committee on 27th January 2015.

The annual Education Seminar would be held later in 2014, which would give all Members of the Council and Co-opted Members of the Education PDS Committee the opportunity to explore key issues affecting education in the Borough.

A joint meeting with the Care Services PDS Committee exploring child safeguarding would be held on 26th February 2015, and Councillor Kathy

Bance MBE requested that female genital mutilation be included as a child protection issue.

The Chairman proposed that the Education Budget Sub-Committee be reconvened for 2014/15 to consider budgetary matters relating to the Education Portfolio. This was supported by the Members of the Education PDS Committee and Member nominations were confirmed as Councillors Teresa Ball, Kathy Bance MBE, Nicholas Bennett JP, Alan Collins, Judi Ellis and Neil Reddin. The draft terms of reference of the Education Budget Sub-Committee were endorsed by Members.

The Chairman highlighted the priority for primary and secondary school place planning and proposed that the School Places Working Group be convened for 2014/15. This was supported by the Members of the Education PDS Committee and Member nominations were confirmed as Councillor Judi Ellis, any four Conservative Members of the Education PDS Committee and Councillor Kathy Bance MBE.

The Chairman proposed that a joint working group be established with Care Services PDS Committee which looked at the effectiveness of Children's Centres and the Tackling Troubled Families Programme and would draw on the experience of Members and Co-opted Members of both committees. The Chairman would raise the suggestion with the Chairman of Care Services PDS Committee and report back to the next meeting.

The Chairman emphasised the importance of ensuring that schools identified as requiring improvement were making satisfactory progress and proposed that a School Improvement Panel be convened for 2014/15. This was supported by Members of the Education PDS Committee and Member nominations were confirmed as Councillor Mary Cooke, any three Conservative Members of Education PDS Committee, and Councillor Kathy Bance MBE.

The Chairman also proposed that a Progress of Academy Status Panel be convened for 2014/15 which would support schools in progressing towards academy status. This was supported by Members of the Education PDS Committee and Member nominations were confirmed as Councillor Keith Onslow (or in his absence, Councillor Alexa Michael), the Portfolio Holder for Education, the Chairman of Education PDS Committee, the Vice-Chairman of Education PDS Committee and any one Conservative Member of Education PDS Committee.

The Chairman advised Members that visits were regularly arranged for care homes and schools and colleges across the Borough and encouraged all Members and Co-opted Members to attend.

All Members of the Committee were requested to contact the Chairman of Education PDS Committee if there were any additional issues they wanted to raise as part of the Education Programme 2014/15.

RESOLVED that:

- 1) The work programme for 2014/15 include reports on Truancy and Missing Children to the meeting of Education PDS Committee on 5th November 2014, and on progress in strategies to target young people classified as being 'Not in Education, Employment or Training', Education of Looked After Children, and Home Education to the meeting of Education PDS Committee on 27th January 2015, and that a joint meeting be held with Care Services PDS Committee on 26th February 2015 exploring child safeguarding issues;
- 2) The Education Budget Sub-Committee be reconvened for 2014/15 to consider budgetary matters relating to the Education Portfolio and for membership to comprise Councillors Teresa Ball, Kathy Bance MBE, Nicholas Bennett JP, Alan Collins, Judi Ellis and Neil Reddin, and that the draft terms of reference of the Education Budget Sub-Committee be endorsed;
- 3) The School Places Working Group be reconvened for 2014/15 to develop recommendations for further temporary and permanent expansions of primary schools and for membership to comprise Councillor Judi Ellis, any four Conservative Members of Education PDS Committee and Councillor Kathy Bance MBE;
- 4) The School Improvement Panel be convened for 2014/15 to ensure that schools identified as requiring improvement were making satisfactory progress and for membership to comprise Councillor Mary Cooke, any three Conservative Members of Education PDS Committee, and Councillor Kathy Bance MBE;
- 5) The Progress of Academy Status Panel be convened for 2014/15 to ensure that schools were supported in progressing towards academy status and for membership to comprise Councillor Keith Onslow (or in his absence, Councillor Alexa Michael), the Portfolio Holder for Education, the Chairman of Education PDS Committee, the Vice-Chairman of Education PDS Committee and any one Conservative Member of Education PDS Committee; and,
- 6) The Education Programme 2014/15 be noted.

15 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.

**16 PROVISION FOR CHILDREN & YOUNG PEOPLE WITH
 SOCIAL, EMOTIONAL AND BEHAVIOURAL DIFFICULTIES
 ACROSS THE BOROUGH**

The Committee considered the report and supported the recommendations.

The Meeting ended at 8.52 pm

Chairman

EDUCATION PDS COMMITTEE 2nd July 2014

ORAL QUESTIONS TO THE EDUCATION PORTFOLIO HOLDER

Oral Questions for the Education Portfolio Holder received from Rosalind Luff, Chair - Bromley Parent Voice

1. During September consultation Councillor Wells suggested professionals may be TUPE transferred and still be contracted to provide support. Bromley Parent Voice questions where there is a cost saving in this strategy, as the process of commissioning contracts takes time and costs money, with providers requiring a profit? Cost over quality may prevail.

Reply:

The purpose of market testing is to determine whether value for money and outcomes for children and young people could best be achieved via delivery of the services by another organisation, which could include not for profit organisations, or by the Council itself.

All proposals will be evaluated on a combination of cost and quality criteria.

The market testing process will establish whether TUPE (the Transfer of Undertakings (Protection of Employment) Regulations) would apply and the financial implications arising from this.

Supplementary question:

Parents are anxious that there would be a loss of continuity in services and staff if services were contracted out. How is it value for money when it costs more to commission services?

Reply:

The Local Authority has a commitment to ensuring special educational needs services are of a high quality. As these services are delivered by a range of providers, including private providers, it is reasonable that market testing should be undertaken on a regular basis to ensure that services are of a high quality.

2. The Children & Families Act places new duties on the LA (including the joint commissioning with health) which in turn may dramatically change the workforce landscape. Such changes are yet to be fully identified so would market testing be appropriate at this time?

Reply:

Market testing will take several months before a recommendation for a decision on the outcome will be considered and will need to be flexible to

accommodate any policy or legal statute developments that arise during that time. However services are delivered in the future, they will always need to shift and adapt to new policy and legislation.

Supplementary question:

The Children and Families Act 2014 will be implemented in September 2014. As this may dramatically change the workforce landscape, is it possible to fully market test services in such a shifting landscape?

Reply:

As the Children and Families Act 2014 will be implemented in September 2014, now is the best time to market test and consider how services can best be delivered into the future.

3. *Local authorities **must** consult children with SEN or disabilities, their parents, and young people with SEN or disabilities in reviewing educational and training provision and social care provision and in preparing and reviewing the Local Offer. Please outline how members propose to include the above within this market testing.*

Reply:

This duty upon the Local Authority is emphasised within the report under consideration. The process of market testing does not affect the Local Offer. If any changes to services relevant to the Local Offer are proposed in the future, either arising through the ongoing process of service review or as a proposed outcome of the market testing process, then this would be supported by appropriate engagement with stakeholders in accordance with the SEN Code of Practice. It should be noted that a change in provider does not necessarily mean that the Local Offer or the educational provision provided to children with SEN or disabilities will change.

In the event of delivery of Education Services by another organisation, subject to the outcome of market testing, they in turn will be expected to review the Local Offer as required by the SEN Code of Practice and engage with children and parents appropriately in doing so.

Supplementary question:

Can Members provide reassurance that families receiving services will be fully involved in the consultation process around any changes to the services they receive?

Reply:

The SEN Code of Practice gives provision for full consultation to be undertaken where required. There are no plans to make any changes to the Local Offer at this time.

Oral Questions for the Education Portfolio Holder received from David Strawson

1. How will the outsourcing of services (including market testing) meet the Council's legal obligations under Section 24 (education) of the Convention of people with disabilities?

Reply:

There is no proposal to outsource services being considered by the Council at this time. The proposal is to market test services, the purpose of which is to determine whether value for money and outcomes for children and young people could best be achieved and sustained via delivery of the services by another organisation or by the Council itself. Once proposals are received they will be evaluated and it is only at that stage that Members of the Council will decide how the services will be delivered in the future.

The process of market testing therefore has no impact on the Council's legal obligations referred to in the question.

The legal obligation - the right of all disabled learners to participate in mainstream and special school education with appropriate support – will continue to be met by the Council regardless of how services may be delivered in the future.

Supplementary question:

Since the key to successful integration for children with special educational needs and disabilities is for education, care and health services to work seamlessly together, how can this be evaluated if these things are not being market tested together?

Reply:

Should the decision be taken that certain services should be outsourced, it will be key for partnership arrangements to be brokered with health and care services. The proposal to market test services as a 'bundle' is expected to support the close working of education services. No decision has been taken to outsource any services at this time.

2. What and how will the success criteria of the market testing and eventual outsourcing be agreed and how will the Local Authority ensure the needs of the children and families are met?

Reply:

As per my response to the previous question, no assumption can be made as to the outcome of market testing so outsourcing is not a predetermined outcome as the question seems to imply.

Proposals submitted via the market testing process are evaluated using the method identified in the CIPFA Standing Guide to the Commissioning of Local

*Authority Work and Services 2004, which sets out a methodology that takes into account price **and** quality. At Bromley the standard split between these 2 elements is 60% price and 40% quality. Evaluation criteria are developed, supported by advice and guidance from the Education Department, with a focus on outcomes for children and young people.*

The Local Authority aims to ensure the needs of children and families are met through a constant process of reviewing needs, reviewing service delivery and monitoring performance against a range of key performance indicators. This will continue to be the case whether the provider of services is the local authority or any other provider.

Supplementary question:

How can we be sure that the success criteria of market testing are valid if education, health and care services are not being tested together?

Reply:

Education, care and health services are not linked at this time and the Local Authority is not in a position to market test care and health services. The bundle being market tested includes a number of education services. There will be a need to develop partnership agreements with care and health services into the future to ensure education, care and health services work seamlessly together.

3. How will increases in funding demands (and shortfalls in budget) be met to ensure that services and support are delivered to children and families in a timely manner (ie without **any** delays)?

Reply:

Increased demand and associated cost is managed via annual budget setting, ongoing budget monitoring and service review, prioritising and allocating resources within a finite budget. This is expected to continue to be the case whatever the outcome of market testing will be.

Supplementary question:

No supplementary question was asked.

EDUCATION PDS COMMITTEE 2nd July 2014

WRITTEN QUESTIONS TO THE EDUCATION PORTFOLIO HOLDER

Written Question for the Education Portfolio Holder received from Malcolm Wood, on behalf of Bromley Mencap

1. Bromley Mencap has been contacted by parents who know about the planned market testing of SEN services. Parents have asked if they will be kept informed of changes and if their views will be sought directly. Therefore, will the Local Authority be engaging directly with parents or via membership and/or representative organisations?

Reply:

As stated in the report, the Council will engage with all staff and relevant stakeholders as appropriate throughout the process.

The market testing of Education Services covers a wide range of services and service users and so it is likely that engagement will take different forms, including directly with parents and via membership and/or representative organisations.

I would like to emphasise that the market testing process itself does not have any effect on the services currently provided to parents and other service users. Should the recommended outcome of market testing involve changes to a service or service provider, then appropriate engagement will take place prior to a decision being made.

Written Questions for the Education Portfolio Holder received from Roger Vincent-Townend, Bromley Chain

In relation to Item 13 (Update on Market Testing) Report No. ED15073:

For your information, Bromley Chain has noted Recommendation 2.1(ii) regarding the HIU at the Darrick Wood Schools' site.

1. Please could you confirm that the 'Savings' (i.e. VFM) under the 'Financial' heading would be the difference between the Estimated Costs and the current budget?

Reply:

Value for money would include proposed costs against current budget expenditure but may include other factors.

Value for money does not necessarily mean cashable savings. The majority of Education Services are funded through the Dedicated Schools Grant – any reduction in Dedicated Schools Grant expenditure achieved through the

delivery of more efficient and effective services is not retained by the Council but is reinvested in schools and education services.

2. The report refers in Background 3.2 halfway down, to Market Testing of a 'single bundle'. What happens if a 'function' is removed from the 'single bundle', particularly as paragraph 3.47 (Soft Market Testing) Point 3 states that "..... all the providers have a track record...of delivering all or most of the services"?

Reply:

Providers will be asked to submit proposals for the delivery of education services as a single 'bundle, with the exception of Adult Education which will be arranged as a separate 'lot'. If providers submit proposals that omit a service or a function, then this may affect the evaluation of their proposal. Conversely, we will want to retain the flexibility to add or remove services or functions from the 'bundle' as appropriate. In such an event, suitable alternative delivery options for that function will be considered.

3. In paragraph 3.14 the report states that "...Overall, senior managers...". How does this square with paragraphs 3.39 - 41 which make reference to "...expressed concern..." at the Darrick Wood site?

Reply:

Paragraph 3.14 refers to Education Services overall and the senior managers within Education, Care & Health Services.

Paragraphs 3.39 to 3.41 refers to the the Sensory Support Service and the managers within that service.