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DATE: 10 July 2018

To: Members of the  
**EDUCATION, CHILDREN AND FAMILIES BUDGET AND PERFORMANCE  
MONITORING SUB-COMMITTEE**

Councillor Neil Reddin FCCA (Chairman)

Councillors Marina Ahmad, Nicholas Bennett J.P., Judi Ellis, Will Rowlands and  
Stephen Wells

Parent Governor Members with Voting Rights  
Emmanuel Arbenser

A meeting of the Education, Children and Families Budget and Performance  
Monitoring Sub-Committee will be held at Bromley Civic Centre on **WEDNESDAY 18  
JULY 2018 AT 7.00 PM**

MARK BOWEN  
Director of Corporate Services

*Copies of the documents referred to below can be obtained from  
<http://cds.bromley.gov.uk/>*

### **AGENDA**

**1 APOLOGIES FOR ABSENCE**

**2 APPOINTMENT OF VICE-CHAIRMAN**

**3 DECLARATIONS OF INTEREST**

**4 QUESTIONS FROM MEMBERS OF THE PUBLIC ATTENDING THE MEETING**

In accordance with the Council's Constitution, questions to this Committee must be received in writing 4 working days before the date of the meeting. Therefore please ensure questions are received by the Democratic Services Team by 5pm on Thursday 12<sup>th</sup> July 2018.

**5 MINUTES OF THE MEETING HELD ON 27 MARCH 2018 AND MATTERS  
OUTSTANDING (Pages 5 - 10)**

**6 REPORT OF INVESTIGATION INTO ST OLAVE'S GRAMMAR SCHOOL (Pages 11 - 166)**

Joint Item with the Education, Children and Families Select Committee

**7 PRE DECISION SCRUTINY OF PORTFOLIO HOLDER DECISIONS**

**a EDUCATION, CHILDREN AND FAMILIES BUDGET MONITORING (Pages 167 - 180)**

**b EDUCATION, CHILDREN AND FAMILIES OUTTURN REPORT (Pages 181 - 196)**

**c CAPITAL PROGRAMME MONITORING - 1ST QUARTER 2018/19 (Pages 197 - 206)**

**POLICY DEVELOPMENT AND OTHER ITEMS**

**8 SPENDING BY PRIMARY, SECONDARY AND SPECIAL MAINTAINED SCHOOLS 2017/18 (Pages 207 - 218)**

**9 YOUTH OFFENDING SERVICE UPDATE (Pages 219 - 228)**

**10 CHILDREN, EDUCATION, AND FAMILIES PORTFOLIO PLAN 2017/18 UPDATE (Pages 229 - 272)**

**11 PERFORMANCE REPORTING - CHILDREN'S SCRUTINY DATASET (Pages 273 - 278)**

**12 CONTRACTS ACTIVITY REPORT CHILDREN, EDUCATION AND FAMILIES PORTFOLIO (Pages 279 - 286)**

**13 ECHS RISK REGISTER QUARTER 4 (Pages 287 - 302)**

**14 UPDATE ON SELECT COMMITTEE RECOMMENDATIONS (Pages 303 - 354)**

**15 DATE OF NEXT MEETING**

Tuesday 30 October 2018

**16 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**

- |  |   |
|--|---|
| <b>17</b> <b>EXEMPT MINUTES OF THE MEETING HELD ON 27 MARCH 2018</b> (Pages 355 - 356)                         | Information relating to the financial or business affairs of any particular person (including the authority holding that information) |
| <b>18</b> <b>CONTRACTS ACTIVITY PART 2 REPORT CHILDREN, EDUCATION AND FAMILIES PORTFOLIO</b> (Pages 357 - 364) | Information relating to the financial or business affairs of any particular person (including the authority holding that information) |

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## **EDUCATION, CHILDREN AND FAMILIES BUDGET AND PERFORMANCE MONITORING SUB-COMMITTEE**

Minutes of the meeting held at 7.00 pm on 27 March 2018

### **Present:**

Councillor Neil Reddin FCCA (Chairman)  
Councillor Nicky Dykes (Vice-Chairman)  
Councillors Alan Collins, Mary Cooke and Angela Wilkins

Emmanuel Arbenser

### **Also Present:**

Councillor Tom Philpott, Executive Support Assistant to the  
Portfolio Holder for Education, Children and Families

#### **48 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Bennett and Councillor Fortune.

#### **49 DECLARATIONS OF INTEREST**

The Chairman declared a pecuniary interest in respect of Item 12a: Gateway 0: Commissioning Options for Transport Provision In Children's And Adult's Services and left the meeting during consideration of this item. The Vice-Chairman acted as Chairman for consideration of this item.

There were no further declarations of interest.

#### **50 QUESTIONS FROM MEMBERS OF THE PUBLIC ATTENDING THE MEETING**

No questions had been received from members of the public.

#### **51 MINUTES OF THE MEETING HELD ON 17 JANUARY 2018 AND MATTERS OUTSTANDING**

**RESOLVED** that the minutes of the meeting held on 17<sup>th</sup> January 2018 be agreed.

## **52 PRE DECISION SCRUTINY OF PORTFOLIO HOLDER DECISIONS**

The Sub-Committee considered the following reports where the Education, Children and Families Portfolio Holder was recommended to take a decision.

### **a BUDGET MONITORING 2017/18 Report ED18054**

The Sub-Committee considered a report setting out the budget monitoring position for the Education, Children and Families Portfolio for 2017/18, based on expenditure to the end of December 2017.

The Schools' Budget was predicted to underspend by £210k during 2017/18, which would be added to the £1.6m underspend carried forward from 2016/17. The Non-Schools' budget was projected to overspend by £874k as a result of overspends across a range of services within the Education and Social Care Divisions, including in-house nurseries, placements for children looked after and costs to support care leavers. This had been offset by underspends by some services including Special Educational Needs and Inclusion and Court-ordered Care Proceedings, as well as through additional funding from the Bromley Clinical Commissioning Group and Public Health. Work was underway to recruit permanent staff to the Children's Social Care Service which was expected to reduce cost pressures related to staffing. It was requested that funds held in contingency be released comprising £15k of Education Services Grant required to offset costs from the conversion of a school to academy status, £141k of Unaccompanied Asylum Seeker Children Grant to offset the costs of looking after these children, and £51k South London Connexions Consortium Balance which was the Local Authority's share of the residual balance of funds from the South London Connexions Consortium which would be used to offset costs in Children's Services.

In considering the report, in relation to Children Looked After and Care Leavers, the Chairman queried how the Staying Put Grant generated costs. The Head of ECHS Finance reported that this was due to young people being able to stay with their foster carer for an extended period of time and the resulting costs. It was recognised that remaining with a foster carer was more cost effective than leaving care however no specific piece of work had been done around whether Staying Put had generated any savings.

A Member highlighted the need to better utilise the building assets owned by the Council. Specific reference was made to the need to provide more courses at Blenheim Nursery which the Member felt was currently under utilised

The Sub-Committee considered the increased costs associated with locum staff. A Member highlighted the need for the Council to be flexible in its working practices and to also identify the reasons why some social workers chose to remain with agencies. The Head of ECHS Finance reported that

there had been an intensive recruitment drive within Children's Social Care and the number of agency staff had significantly reduced. It was agreed that a report concerning Recruitment and Retention in Children's Social Care should be provided to the Sub-Committee in the new municipal year.

The Sub-Committee further noted that there had been a £716k overspend in Fostering Services (Independent Fostering Agencies). The Head of ECHS Finance reported that this overspend was a result of more foster carers from independent agencies being used by the Local Authority due to increases in demand for foster placements. A Member queried whether many foster carers had left Bromley as a result of the cuts made to allowances and it was noted that this information would need to be provided by the Director of Children's Social Care. Members noted that the cuts to allowances had been made to bring Bromley in line with other Local Authorities.

The Sub-Committee noted that the Local Authority was required to produce an Annual Children Looked After Sufficiency Statement. This gave a sense of the type of provision the Local Authority needed. It was agreed that that Annual Sufficiency Statement should be considered by the Sub-Committee in the new municipal year.

**RESOLVED that the Portfolio Holder be recommended to:**

- 1) Note the latest projected overspend of £874k forecast on the controllable budget for 2017/18 based on information as at December 2017;**
- 2) Note the full year effect of cost pressures of £891k for the Education, Children and Families Portfolio budget for 2018/19;**
- 3) Agree the release of £207k held in contingency relating to Education Services Grant, Unaccompanied Asylum Seeker Children Grant and South London Connexions Consortium Balance;**
- 4) Note the comments of the Department in Section 9 of Report ED18054; and,**
- 5) Approve the Education, Children and Families Portfolio Budget Monitoring Report 2017/18.**

**b CAPITAL PROGRAMME MONITORING - 3RD QUARTER  
2017/18 & CAPITAL STRATEGY 2018 TO 2022  
Report FSD18027**

On 7<sup>th</sup> February 2018, the Council's Executive received the 3<sup>rd</sup> quarterly capital monitoring report for 2017/18 and agreed a revised Capital Programme for the five year period 2017/18 to 2021/22.

*27 March 2018*

The Sub-Committee considered the changes to the Capital Programme for the Education, Children and Families Portfolio which included the re-phasing of a number of schemes totalling £2.8M into 2018/19 to reflect revised estimates of when expenditure on the Education, Children and Families schemes was likely to be incurred. An additional £15k in Section 106 receipts had recently been approved by the Council's Executive for the Education, Children and Families Portfolio which had a total uncommitted balance of 788K as at February 2018. During the annual review of the Capital Programme no bids had been submitted in respect of any new capital schemes within the Education, Children and Families Portfolio. Two post-completion reports were due to be reported on schemes at Clare House and Edgebury Primary Schools before the end of the 2018/19 monitoring cycle.

**RESOLVED that the Portfolio Holder be recommended to confirm the revised Capital Programme agreed by the Council's Executive on 7<sup>th</sup> February 2018.**

**53 AN OVERVIEW OF PERFORMANCE IN EARLY YEARS, KS1, KS2, GCSE AND A LEVEL  
Report CSD18074**

The Sub-Committee considered a report providing an overview of education outcomes for children attending Bromley schools for the 2016/17 academic year.

Children in Bromley consistently achieved well and made good progress at school. It was important to ensure that schools and the Local Authority were ambitious for children and, therefore, the report ranked performance in Bromley against the top ten local authorities at a national level for education performance. There remained a gap between the attainment and progress of children from disadvantaged groups and their peers and narrowing those gaps would remain a focus for schools and the Local Authority.

In response to a question from the Chairman, the Interim Director of Education confirmed that the small number of schools judged to require improvement were a focus for the Local Authority and the Department had so far this year reviewed progress with one school and provided a package of support for another. Levels of engagement were good and Head Teachers were keen to accept support and challenge. The Local Authority was initially working with schools where the data suggested the biggest challenge existed. Within Bromley the mechanism for monitoring improvement and providing evidence for school challenge was the analysis of data. The Interim Director of Education stressed that every contact with schools had to count and that the Local Authority needed to be smarter about how information was shared across the Council.

In response to a question from the Chairman, the Interim Director of Education confirmed that the Local Authority did not yet have a framework for which set out expectations for SEN support in mainstream schools and other educational settings. Although schools were required to publish their local offer, these could often be generic and therefore parents did not know what to expect. There was a need for

Bromley to clearly set out expectations from mainstream schools in terms of SEN.

The Sub-Committee noted that the SEND Governance Board was responsible for overseeing and monitoring the priorities document arising from the SEN review. As the report had been published it was agreed that it would be circulated to the Sub-Committee following the meeting.

**RESOLVED that the report and recommendation be noted and endorsed.**

**54 PERFORMANCE REPORTING - CHILDREN'S SERVICES**  
**Report ED18053**

The Sub-Committee considered a report presenting a proposed set of performance indicators to be used to monitor children's services from the 2018/19 municipal year.

At its meeting on 17<sup>th</sup> January 2018, the Sub-Committee received a draft of a new performance management framework document in respect of children's services which identified the specific responsibilities of the Education, Children and Families Select Committee and its Budget and Performance Sub-Committee as 'receiving reports on performance, asking challenging questions about areas of underperformance, and making recommendations accordingly to the Executive'. Following consideration of this report, the Sub-Committee agreed that the Budget and Performance Sub-Committee would receive a regular update on a suite of performance measures in respect of children's services to act as a regular 'health check' on key areas of service delivery and enable scrutiny and enquiry from elected members, and that this suite of indicators should be updated on an annual basis.

The Assistant Director for Strategy, Performance and Business Support tabled the final Performance Management Framework for Children's Services.

The Sub-Committee noted that the final "basket" of 39 performance indicators would provide the Sub-Committee with a broad oversight of performance.

In considering the indicators the Chairman noted that it would be helpful for the Sub-Committee to have an extra year of comparative data to enable Members to identify any emerging trends.

It was agreed that information surrounding the number of foster carers entering and the number leaving the service (the net gain) would be included in the management commentary.

**RESOLVED that:**

- 1) The proposed performance measures be used for regular reporting from the 2018/19 municipal year; and,**

**2) That these performance measures be reviewed on an annual basis.**

**55 ANY OTHER BUSINESS**

Members of the Sub-Committee thanked the Chairman for the “calm and serene” way in which he had chaired the Sub-Committee for the year.

The Chairman thanked officers, past and present, for their work and support over the previous four years.

**RESOLVED that the issues raised be noted.**

**56 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.**

**57 EXEMPT MINUTES OF THE MEETING HELD ON 17 JANUARY 2018**

A Member queried whether there was a need, now that the contract had been let, for the item to remain in Part 2. It was agreed that advice would be sought from the Monitoring Officer.

**RESOLVED that the Exempt (Part 2) minutes of the meeting held on 17<sup>th</sup> January 2018 be agreed.**

**58 PRE DECISION SCRUTINY OF PART 2 EXECUTIVE DECISIONS**

The Sub-Committee considered the following Part 2 reports on the agenda for the meeting of the Executive due to be held on 28<sup>th</sup> March 2018.

**a GATEWAY 0: COMMISSIONING OPTIONS FOR TRANSPORT PROVISION IN CHILDREN'S AND ADULT'S SERVICES**

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

The Meeting ended at 7.50 pm

Chairman

Report No.  
ED18063

London Borough of Bromley

PART ONE - PUBLIC

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**Decision Maker:** Education, Children and Families Budget and Performance Monitoring Sub-Committee

**Date:** 18 July 2018

**Decision Type:** Non-Urgent Non-Executive Non-Key

**Title:** Report of Investigation into St Olave's Grammar School

**Contact Officer:** Ade Adetosoye, Deputy Chief Executive and Executive Director of Education, Health and Care Services  
Tel: 020 8313 4197 E-mail: ade.adetosoye@bromley.gov.uk

**Chief Officer:** Ade Adetosoye, Deputy Chief Executive

**Ward:** All

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## 1. Reason for report

- 1.1 In October 2017, on behalf of the Local Authority, the Deputy Chief Executive commissioned an independent investigation into practice at St Olave's Grammar School to consider, specifically, the transition of pupils from Year 12 to Year 13 and aspects of governance and, more generally, the school's ethos and culture and their impact for children and adults. The report of the investigation is attached.
  - 1.2 Most of the 49 recommendations are being addressed by the school's Governing Body. Eight recommendations or part recommendations require action from the Local Authority and this report sets out the action being taken.
- 

## 2. RECOMMENDATION(S)

### 2.1 The Committee is asked to:

- (i) note the report of the independent investigation into St Olave's Grammar School and the actions being taken by the school and the Local Authority in response to that report;
- (ii) agree to receive a follow up report in 12 months on the implementation of the recommendations of the investigation report.

### Impact on Vulnerable Adults and Children

1. Summary of Impact: The investigation considers some key policies and practice at St Olave's School and their impact on the children the school serves.
- 

### Corporate Policy

1. Policy Status: Not Applicable:
  2. BBB Priority: Children and Young People:
- 

### Financial

1. Cost of proposal: Not Applicable:
  2. Ongoing costs: Not Applicable:
  3. Budget head/performance centre:
  4. Total current budget for this head: £
  5. Source of funding:
- 

### Personnel

1. Number of staff (current and additional):
  2. If from existing staff resources, number of staff hours:
- 

### Legal

1. Legal Requirement: None:
  2. Call-in: Not Applicable:
- 

### Procurement

1. Summary of Procurement Implications:
- 

### Customer Impact

1. Estimated number of users/beneficiaries (current and projected):
- 

### Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments:

### **3. BACKGROUND**

- 3.1 In the summer of 2017, a group of parents gave notice of Judicial Review which named both St Olave's School and Bromley Council. They were challenging the school's practice of withdrawing the places of pupils who did not achieve a certain level of academic performance at the end of Year 12. The pupils were not allowed to progress to Year 13 or repeat Year 12 so they had to leave the school before completing their sixth form studies. Legal advice, obtained by the Local Authority (LA), confirmed that the practice is illegal. The school withdrew its policy and agreed to allow all Year 12 pupils to progress to Year 13.
- 3.2 While this was happening, the LA and the Diocese of Rochester received a growing volume of complaints about the school, not just transition from Year 12 to Year 13 but also wider issues about the ethos of the school. Therefore, in October 2017, following discussion with the new Chair of Governors, the LA commissioned an independent investigation. The report of that investigation is attached. The terms of reference for the investigation are set out, in full, in section 1.5 of that report.
- 3.3 The investigation has been very thorough (see section 1.3 of attached report), following through all written submissions and interviewing all those who put themselves forward. The investigator sought to cross-check the evidence collected wherever possible and gave those who contributed opportunity to check and confirm the accuracy of the text. There is no doubt that the school community was bruised by the events leading up to and immediately following the legal challenge but several of those who have contributed to the investigation expressed a sense of relief in being able to talk about their experience and express their views.
- 3.4 As soon as he took up post, the new Chair of Governors took firm action to address the areas of immediate concern. With the Acting Headteacher and with the support of the Governing Body and the staff team, he has reaffirmed the Christian ethos of this Church of England school, stating unequivocally that the school must serve its pupils, rather than the achievements of pupils serving to enhance the reputation of the school. Amanda Spielman, HMCI, recently reminded school leaders of the risk of an exclusive focus on the performance of the school which results in losing sight of the child: "It should not be taken as read that higher scores for the school always mean a better deal for the pupils".

### **4. RECOMMENDATIONS OF THE INVESTIGATION**

- 4.1 The Local Authority accepts all the recommendations and is taking action to address them. The investigator makes eight recommendations or part recommendations which require action by the LA and, for the purpose of this covering report, these have been grouped into themes.

#### **4.2 Safeguarding**

*Recommendation 34: That, if any parents feel that their child's case should have been referred as a safeguarding issue because of the effect on their mental or emotional health and wellbeing, the Local Authority should provide a contact person with whom they can get in touch to discuss their case.*

The Local Authority Designated Officer (LADO) within Children's Social Care is available to support parents as needed. Information about this role is included in the school's safeguarding information and procedures and should be readily accessible in all schools. When the Governing Body writes to the parents directly involved (Recommendation 36), information will be included about how to get access to this support.

### **4.3 School admissions**

*Recommendation 2: That the Local Authority, for schools for which it handles the statutory consultation on Admissions, reviews the advice it gives to schools to include ensuring the parent body is given directly full details of the proposed changes and then monitors that this is done.*

The LA is responsible for determining the admission arrangements for maintained community and voluntary controlled schools. Voluntary Aided schools (and also academies) are their own admission authority and carry out their own consultations. Each year, in September, the local Authority sends guidance to schools with the requirements of the School Admissions Code in relation to consultations. We are reviewing the information we send and will include specific advice on consulting parents. For all maintained schools, the Local Authority will also check the information provided to parents and the ways in which it is communicated.

*Recommendation 41: That the LA responds formally to schools' consultations on admissions arrangements, including the LA's confirmation that the arrangements comply with the Admissions Code of Practice.*

From the next round of admissions consultations in the autumn, the LA, through the Admissions Team, will respond to all admissions consultations relating to changes in both admissions arrangements and the Pupil Admission Number (PAN), having confirmed the legality of the proposed arrangements. Where proposed admission arrangements are likely to have an impact for Bromley residents, the response will be formulated in consultation with the Portfolio Holder.

### **4.4 School governors**

*Recommendation 23: That the LA nominates to the longstanding LA vacancy on the Governing Body taking into account the skills being sought by the Governing Body.*

The Governing Body has accepted the LA's nomination and the LA governor has joined the Governing Body.

*Recommendation 42: That the LA ensures that its method for nominating governors happens in a timely manner and takes into account the skills being sought by the Governing Body.*

Governor support services are commissioned from Octavo who manage the process for LA nominations to governing bodies of maintained schools. The forthcoming annual performance review of the contract will include discussion about the nomination process and support for governing bodies in carrying out skills audits.

### **4.5 Long term impact and sustainability**

Recommendations 43 and 45 and part of recommendation 10 aim to ensure that the positive impact of this investigation and its recommendations is sustained.

*Recommendation 10: That the Governing Body should inform the two parents who complained to the governors and then the DfE about the Year 13 subject ban, of the findings of the investigation, and apologise to them for the decision. The DfE should be informed of the investigation's disagreement with the DfE position.*

The investigation considered the school's practice of preventing any pupil achieving below a grade B in mock examinations from being entered for an A level in this subject, even if this would have an adverse effect on their university entrance or chosen career. In response to parents' complaints, the DfE, in the individual cases referred to them, accepted the school's

argument that there was a justifiable educational reason for their decision. The investigator does not agree with the DfE's conclusion and sets out her argument in detail in section 2.3 of the attached report. The LA will be sending a copy of the investigation report to the DfE and will draw their attention to this point specifically.

The findings of this investigation, including this point, will be of interest to other secondary schools in Bromley and the key points will be disseminated.

*Recommendation 43: That the LA works with the school to appoint a School Improvement Partner to carry out an annual school performance review of this maintained school which draws on information about the whole life of the school, i.e., not reliant solely on examination results.*

The Chair of Governors and Headteacher Designate have agreed with the interim Director of Education to appoint a School Improvement Partner (SIP) to provide challenge and support for the Headteacher and the Governing Body. It is intended that the SIP will be in post for the new academic year. Alongside this, the LA is in the process of agreeing with all maintained schools the range of information and evidence it needs to be assured of the school's performance and capacity for sustained improvement.

*Recommendation 45: That the Diocese Director of Education, LA Director of Education and Chief Executive of St Olave's Foundation review the implementation of these recommendations and their impact on the life of the school, after 6 months and 12 months.*

Most of the report's 49 recommendations are being addressed by the Governing Body and good progress has been made already. This recommendation provides for a check that momentum is sustained and that the impact of the changes on the life of the school can be evidenced. It is proposed that a follow up report is brought to the Select Committee in 12 months.

## **5. IMPACT ON VULNERABLE ADULTS AND CHILDREN**

- 5.1 The investigation considers some key policies and practice at St Olave's School and their impact on the children the school serves.

## **6. POLICY IMPLICATIONS**

None

## **7. FINANCIAL IMPLICATIONS**

None

## **8. PERSONNEL IMPLICATIONS**

None

## **9. LEGAL IMPLICATIONS**

- 9.1 As had been advised previously, the Council had the power to commission the Investigation and Report by virtue of Section 51 Education Act 2005 and Section 1 Localism Act 2011. Section 51 does not give an express power to publish the report. However, Section 1 of the Localism Act 2011 does provide the power to publish. There are no pre or post commencement limitations prohibiting such publication. Additionally,

such publication will further the rights of the Council's residents (and others) under Article 10 or the European Convention of Human Rights to receive information on matters of public concern.

9.2 The report does contain personal data. However, Article 6 (1) of the General Data Protection Regulations provides:

“processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.”

which also supports publication.

9.3 Whilst consent to publish is not required it has still been sought for information relating to persons under 18 individuals and organisations who are mentioned and have been advised of intended publication to allow for representations/comments to be made and minor changes were made, by the investigator, as a consequence

9.4 Although dealing with matters under the Members Code of Conduct and the principles in the Data Protection Act 1998 rather than GDPR, in the recent case of Hussain v Sandwell Metropolitan Borough Council, His Honour Mr Justice Green recognised the weight of public interest arguments around publication of Local Authority Reports.

## 10. PROCUREMENT IMPLICATIONS

None

<b>Non-Applicable Sections:</b>	None
Background Documents: (Access via Contact Officer)	None

# **Report of Investigation into St Olave's Grammar School**

**Mrs Christine Whatford CBE**

**July 2018**

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# 1 Introduction

## 1.1 Background

St Olave's Grammar School is a four form entry Voluntary Aided Church of England selective boys' school, with a Foundation which dates back to 1571. It has a mixed 6<sup>th</sup> Form with a total roll 11 to 18 of 1068 pupils and 135 staff, teaching and support. It is located in Orpington in the London Borough of Bromley but takes children from a very wide catchment area. It is regularly very oversubscribed at both Year 7 and Year 12. For Year 7 in 2018 it received 1300 applications for 128 available places. It has outstanding examination results at both GCSE and A level, achieving its best results to date in 2017, ranking 2<sup>nd</sup> in the Times newspaper table of results. It is graded outstanding by OFSTED.

This investigation arose following a challenge by a group of parents in the summer of 2017 to the school's practice of withdrawing the places of Year 12 pupils who did not achieve a certain level of academic performance at the end of Year 12. They were not allowed to progress into Year 13 and had to leave the school

The parents took legal advice and gave notice of Judicial Review, naming the school and the Local Authority, to mount their challenge. Legal advice obtained by the Local Authority confirmed that the practice was illegal. The school withdrew the policy and agreed to allow all Year 12 pupils to progress to Year 13.

The practice at the school and the potential legal challenge received national media coverage at the end of August 2017. This resulted in a steady build-up in September and October 2017 of letters to the Local Authority and the Diocese of Rochester, raising not only the original issue of withdrawing Year 12 places but associated issues of culture, ethos and practice in a number of areas of the school including governance.

By October 2017 the Chair of Governors had resigned and a new Chair of Governors had been appointed. He liaised closely with the Local Authority (LA) who decided that, as a result of the concerns that had been raised with both the LA and the Diocese, they would set up an independent investigation. Without prejudice, the Head was suspended to allow the investigation to take place. The investigator was a former Secondary Head, Director of Education and Director of Children's Services.

## 1.2 Terms of Reference

The terms of reference (TOR) of the investigation reflected the areas of concern that had been raised with the LA and the Diocese. All interviewees were made aware of the terms of reference which were:

i) To investigate the circumstances of the formation of the two companies: St Olave's Management Services Ltd (no 10857128), St Olave's Management Services (China)

Ltd (no 10857275) and, in particular, investigate whether the formation was contrary to section 11 Education Act 2002 or other relevant legislation.

ii) To investigate whether the School's governance arrangements are operating correctly and effectively. This aspect of the investigation will include consideration of the School's rejection of various proposed local authority governors apparently on the basis that they did not meet the main criterion for the role.

iii) To investigate recent concerns raised with the Local Authority by, inter alia, pupils, parents and staff including: -

- a) Disregard for laws and regulations around students and governance
- b) Reports of threats and intimidation towards staff, students and parents
- c) Interference with Governing Body elections
- d) Governor Terms of Office extended contrary to Regulations
- e) Interference in the structure and management of the independent, charitable Parents Association contrary to its Constitution

iv) To investigate the transition arrangements from Year 12 to 13 and its application;

v) To investigate the School's safeguarding policies and practice to ensure it meets the required standards.

It is acknowledged that there will be some over-lap between point (iii) (questions raised by others) and the other terms of reference.

### **1.3 Methodology**

A total of 132 people were interviewed. These included current and former members of staff, parents and their children, governors and former governors, Local Authority Councillors and officers and former officers, representatives of the Diocese, the Foundation and other organisations external to the school.

The interviews were conducted mainly in person at the school, with some in person at an alternative location if they did not want to go to the school. Some were conducted on the telephone.

Written submissions were received both from interviewees who wanted to submit correspondence and other documentation as evidence to support their interview, and from individuals who wanted to submit written evidence but did not wish to be interviewed.

The interviewees were largely self-selected with a few exceptions who were approached by the investigator, either at the suggestion of one of the interviewees or in order to check on factual accuracy and to triangulate evidence. Wherever possible

more than one account of an event was sought, but this was not always possible to achieve.

It has not been possible to crosscheck all the accounts of events given. The former Head was interviewed towards the end of the process so that he could be given the opportunity to respond to specific references to his actions that interviewees had made, but it was not possible to put all of them to him.

Crosschecking was also done with members of the school's senior leadership team (SLT).

Where conversations were unwitnessed or there was disagreement between witnesses, conclusions have been drawn based on the balance of probability.

Consent of parents, or where the pupils are 18 or over the pupils themselves, has been obtained to use the individual anonymised case studies.

Wherever possible, documentary material has been sought to verify the interviews. Reference has been made to Governing Body minutes going back to 2009, school files, computer records, Local Authority records and minutes, correspondence between interested parties, relevant legislation and guidance, and a large volume of written material submitted in hard copy at the interviews or after electronically.

While being aware of much traffic about St Olave's on social media, the investigator deliberately did not look at any social media sites as they were not considered to be reliable sources of evidence and could not be verified.

No individuals have been named but reference has been made to the posts they held where applicable.

The investigator would like to thank all who contributed to the investigation, and to thank the school for their help and co-operation throughout, especially the Acting Head, the Assistant Head, the Head's PA and the current Chair of Governors.

#### **1.4 Structure of the report**

The investigation has been focused on addressing the questions set out in the TOR and therefore the report is structured primarily on the basis of the TOR. However, as the subject of each of these terms overlap in some cases, the report is structured around the 4 main themes of the TOR in this order:

- Transition arrangements and their application
- Formation of companies (St Olave's Management Services Ltd and St Olave's Management Services (China) Ltd)
- Governance
- Safeguarding

All of which address the third point of the TOR (concerns raised with the LA as listed).

In addition, there are 6 further sections of the report which address key areas of relevance as discovered as part of the investigation which do not as of themselves formally sit within the TOR:

- The role of the Local Authority
- The role of the Diocese
- The role of the Senior Leadership Team
- The view of the Head
- The view of parents supportive of the Head
- The views of pupils

Most sections consist of a narrative of events in chronological order followed by the conclusions arrived at after consideration of the available evidence and then, where appropriate, the resultant recommendations.

## **1.5 Full list of Recommendations**

Listed below are all of the recommendations for action identified as a result of the investigation, in the order in which they appear in the report, under the headings of the section of the report where the detail can be found.

### **Transition**

#### **Year 12 admissions policy**

1. For any future proposed variation in Admissions policy, the school's communication system to contact all parents should be used, to send them the proposal in full and invite their comments.
2. That the Local Authority, for schools for which it handles the statutory consultation on Admissions, reviews the advice it gives to schools to include ensuring the parent body is given directly full details of the proposed changes and then monitors that this is done.
3. That the governors monitor closely the numbers of boys who are not able to progress into the 6th Form based on the current criteria for admission into year 12, and review whether they want a further round of selection at 16 or to be a school that welcomes and aims to keep all the year 7 pupils who want to stay to year 13, with entry requirements that reflect that aim, as their neighbouring girls grammar school does.

#### **Progression from Year 12 to Year 13**

4. That Governors clarify exactly what the policy will be for transition from year 12 to 13 from now on, given that the description of 'counselling out' given in the minutes of September 13th and 20th 2017 Governing Body meetings when it had been agreed to stop the previous policy, did not make it clear what, if anything would replace it.
5. That in the light of the effect on a number of individuals of their poor performance in maths, and in light of the large numbers taking this subject, that governors consider commissioning a review of the maths department and provision, including some external challenge, to identify if it requires improvement.
6. That where it would still be useful to the pupil, the 2017 summer term internal school exam papers should be given back to the pupils and gone through with them.

### **Single subject bar in Years 11 and 13**

7. To restore confidence in the complaints policy and move from a situation where people do not think it is worth complaining because they won't be given a hearing:
  - That the complaints policy and procedures be rewritten in line with good practice;
  - That a positive effort is made to ensure that staff, parents and the wider school community are aware that there is a completely new complaints policy;
  - That complaints should be a standing item on every full Governing Body agenda where the number and nature of formal complaints to the Head and governors, received since the last meeting, are reported;
  - That the new complaints policy and the whistleblowing policy be looked at together to ensure clarity on the appropriate circumstances for the use of each one.
8. That the policy of not allowing entry for individual subjects at A Level if a B grade is not obtained in the Year 13 mocks should stop and, if the school feels that it is in the best interests of the pupil to only sit 2 A Levels, that this should be discussed with the parent and pupil and their views should carry significant weight in the decision making. There should be no assumption by the school that if the school doesn't enter them they will be entered privately.
9. That the Year 11 policy of reviewing whether a pupil should drop an individual subject based on their performance in the year 11 mocks, should be continued, but with more flexibility as to the criteria used. Consideration should be given to the possible effect on whether the pupil can achieve the 64 points required to enter the sixth form as well as whether dropping one

subject will improve performance in others and /or have a beneficial effect on the pupil's wellbeing. As with year 13, the views of the parents and pupil as to what is in the best interests of the pupil should be taken into account and should be a significant consideration.

10. That the Governing Body should inform the two parents who complained to the governors and then the DfE about the Year 13 subject ban, of the findings of the investigation, and apologise to them for the decision. The DfE should be informed of the investigation's disagreement with the DfE position.

### **Formation of Companies (China)**

11. That the two companies, St Olave's Management Services Ltd and St Olave's Management Services (China), are closed and the IPR of St Olave's is transferred to the Foundation.
12. That governors review staff contracts with a view to adding a section that makes clear what staff can and can't do in terms of paid employment in addition to their post at the school.

### **Finance**

13. That in the interests of transparency, the Governing Body considers again publishing the school's accounts.
14. That if there is no governor with suitable financial skills, the Governing Body considers co-opting a qualified accountant onto the Finance Committee.
15. That a review is undertaken of the current and projected financial position alongside spending pressures and priorities, separate from the budget setting, involving the new head when appointed and in consultation with the LA, as to likely future funding trends.
16. That taking into account the outcome of the review, the level of parental contributions is reviewed, involving parents in any decision to change the level of contributions.
17. That further work is done, led by the Chief Executive of the Foundation liaising with the auditors of the school's voluntary funds, to establish the position on related party transactions to ensure that the school is not in breach of the accountancy rules on this.
18. That the LA audit recommendation that the IT contract should be tendered under EU rules be implemented.

### **Governance**

### **Interference in the election of the Chair of Governors**

19. The Governing Body adopts a Code of Conduct for governors which includes governors' conduct during elections to the Governing Body.

#### **The reconstitution of the Governing Body in 2015**

20. That legal advice is sought on the appropriate period of office of the current staff and parent governors following reconstitution in 2015.
21. That the role of the clerk is recognised by the Governing Body as being the authority on process and education law.

#### **Governors' Terms of Office extended contrary to regulations**

22. That the clerk reviews the situation regarding the length served by all the current governors and issues a timetable showing when the period of office for each one is due to be renewed or to cease, using the recommended 2 terms (8 years) as the normal maximum, with the case for any exceptions to go to the full Governing Body, from which the governor under discussion should withdraw for that item.

#### **Rejection of proposed LA Governors**

23. That the LA nominates to the longstanding LA vacancy on the Governing Body taking into account the skills being sought by the Governing Body.

#### **Interference with the Parents Association**

24. That the PA constitution be reviewed with a view to making it clear that the role of the Head as President of the PA is not an operational one.

#### **Other governance issues arising during the course of the investigation**

25. That the clerk undertakes a skills audit of the Governing Body to identify any gaps on the Governing Body which should be filled either by co-option to the full Governing Body or by adding non governors as co-optees on sub committees if specific areas of expertise are required.
26. That the Governing Body commit to a programme of in service training, bought in from the LA or other providers, to ensure that Governors are up to date with matters pertaining to how they should be carrying out their role and specifics related to current educational policies and practices.
27. That the school subscribes on behalf of the governors to membership of the National Governors Association and the governors section of The Key, and arranges for governors to receive their regular email updates on governance related matters.
28. That the governors consider appointing a School Improvement Partner (SIP) as an external critical friend to the Head and to the Governing Body.

29. That all Governors are given a school email address which is made public on the website.
30. That non-confidential minutes of the Governing Body are published on the school's website.
31. That governors review the position of external adviser on the Head's performance management and ensure that the full Governing Body receives a report on targets and to what extent they have been met.
32. That the Governing Body adopts a protocol for governors' visits to school as guidance for the way in which visits are carried out and reported.
33. That the Governing Body introduces a process of annual self-review.

### **Safeguarding**

#### **Pupils**

34. That, if any parents feel that their child's case should have been referred as a safeguarding issue because of the effect on their mental or emotional health and wellbeing, the local authority should provide a contact person with whom they can get in touch to discuss their case.
35. That the Governors consider increasing the amount of time available for pastoral support, both internal and external.
36. That the school acknowledges and apologises to the parents and pupils who were wrongly and illegally not allowed to progress into year 13 for the three years that the 3Bs policy was in place.

#### **Adults**

37. That there should be a shadow structure of posts and their remuneration which is known to all staff.
38. That consideration is given to setting up a small working group to look at formalising in writing the consultation mechanisms for the school, including through management meetings, staff association, unions and staff governors, with a view to staff feeling consulted and part of decision making.
39. That there should be a teacher governor co-opted onto the Governing Body to join the support staff governor so that staff do not feel they have to try to approach individual governors or the Governing Body as a whole to be heard.
40. That the school review its arrangements for HR support and introduce a system of exit interviews.

#### **In addition**

### **The Role of the Local Authority**

41. That the LA responds formally to schools' consultations on admissions arrangements, including the LA's confirmation that the arrangements comply with the Admissions Code of Practice.
42. That the LA ensures that its method for nominating governors happens in a timely manner and takes into account the skills being sought by the Governing Body (see also recommendations relating to Rejection of proposed LA Governors and Other Governance issues).
43. That the LA works with the school to appoint a School Improvement Partner to carry out an annual school performance review of this maintained school which draws on information about the whole life of the school, i.e., not reliant solely on examination results.

See also recommendation 45.

### **The Role of the Diocese**

44. That the Diocese maintains a closer relationship with St Olave's school than has been the case since 2010
45. That the Diocese Director of Education, LA Director of Education and Chief Executive of St Olave's Foundation review the implementation of these recommendations and their impact on the life of the school, after 6 months and 12 months.

### **The Head's response**

46. That the Governing Body and SLT review the performance information presented to the Governing Body to ensure that Governors have a full and accurate picture of all aspects of the life of the school to evaluate the impact of their policies.

### **Parental support for the Head**

47. That every effort is made by all groups of parents to draw a line under the splits revealed at the Annual General Meeting of the PA and to work together as a unified group in the interests of the pupils.
48. That in the interests of restoring harmony in the school community and focusing on the future the organisers of the St Olave's Unofficial website are asked to close it down.

### **Views of pupils**

49. To review the arrangements for student voice such that students' views are routinely fed through to and heard by senior managers and governors of the school, so that one off protest actions are not deemed by the students to be necessary to get their views heard.

## **2 Transition**

### **2.1 Year 12 Admissions policy**

#### **2.1.1 Narrative**

Year 12 is one of the two years, the other being Year 7, when a secondary school may have an Admissions policy. The policy is governed by the Admissions Code and associated regulation and it falls within the scope of the Schools Adjudicator to receive any complaints or objections about either the content or process by which it is drawn up.

The issues raised in the investigation relating to this policy fall into two connected categories. Firstly that it sets the bar at a level higher than other highly selective grammar schools and this prevents children staying on into Year 12 who would have expected, wanted and should be able to do so, and secondly, it was claimed that when governors agreed to the change for those students entering Year 12 in September 2017, which raised the bar from 6 Grade As and 3 grade Bs, to 64 points, the necessary statutory consultation required to make a change in the Admissions policy was not properly carried out.

The Admissions policy inherited by the Head in 2010 was a minimum of 8 B Grades to enter Year 12. During the Head's first year 2010/2011 he proposed to change that to a minimum of 6 Grade As and three grade Bs, with the need to have achieved A\* or A grades in subjects to be followed to Advanced Level or related subjects.

In Feb 2011 the Head of Faculty of one of the major departments wrote to the previous clerk to governors asking him to pass his paper on to all governors who were deciding on the change at their meeting in the Spring Term 2011. The paper opposed the change on the grounds that A Level results in 2010 were the best ever, so the change was unnecessary and would cause pressure and anxiety for students and parents and would result in 10 to 15 % of the Year 7 intake not being able to stay on into the 6th Form.

The Local Authority (LA) Admissions Manager confirms that the governors consulted in 2011 for making the change in 2012 /13. It is not clear whether the Diocese was consulted prior to the public consultation, although the likelihood is that they were not, as they formally complained to the Head and Chair of Governors that they were not consulted in advance, as statutorily required, when the subsequent change was consulted on in 2015 for implementation in September 2017 (see section 7).

At the Governing Body meeting in the spring term of 2011 the change was approved and implemented for the September 2012 intake to Year 12

At the autumn term full governors meeting in November 2015, a discussion paper was presented to Governors explaining that the GCSE grading system was due to

change in the summer of 2017 from the A\* to U grading system, to a numerical 1 to 9 grading system, thus requiring a change to the Admissions policy for the Year 12 entry in September 2017. The paper gave options for change with a recommendation that the new policy should be:

Entry to Year 12 will be on the basis of academic ability and achievement using total points score in the best 9 GCSEs. In reformed subjects, points would be allocated as the number of the grade, except that a new grade 8 or 9 will both count as 8 points. For unreformed subjects A\*=8, A=7 B=6. Grades at C or lower in unreformed subjects, or at 5 or lower in reformed subjects, will not be counted. The usual requirement for Advanced Level courses is the achievement of a minimum of 64 points, to include grade 7s or higher in subjects to be followed at Advanced level (or related subjects) and at least a grade 6 in English and maths

The minutes of the November Governing Body record there was discussion and questions but no dissent recorded. Voting figures were not recorded, which the clerk confirms means no one opposed.

This option was therefore consulted on at the end of the autumn term of 2015 and beginning of the spring term 2016 and approved at the spring term 2016 meeting of the governors for implementation in September 2017 for the Year 12 cohort. It was only after the decision had been made that opposition to the change was voiced, including an on line petition from Year 10 pupils.

On 20th May the Head wrote to all parents about why the change had been made and explaining in detail what the consultation process had been. The letter said: "The draft was properly consulted on for the required statutory period of six weeks in December/January. In a December 2015 newsletter, all parents were informed that the proposed policy was published on the school website and responses were invited as part of the consultation. A paper outlining the arguments accompanied the consultation. The proposals were also included in a Local Authority consultation circular. The consultation was highlighted on the front page of the school website for two months as well as being advertised prominently in the News Shopper newspaper. In response to the consultation only one anonymous response was received."

The 20th May letter also sought to reassure by saying that "Data analysis shows that the vast majority of Olavian boys would, in fact, have met the new criteria. National data confirm that, for boys with Olavian levels of prior data placing them in the top 5% of the ability range, their GCSE results should be mostly A\* with a few As. However it also said "As the school is selective at both Year 7 and Sixth Form, Governors felt that, where there are stronger external students, then they deserve the opportunity for two years at StOGS"

It also responded to allegations that the Head had threatened Year 10 boys who signed the on line petition by saying “may I dispel another rumour that boys have been threatened or given detentions for signing a petition. This is simply not true. As a school we greatly value the views of our students. Indeed we encourage them to express their views, informally and through regular student forums, panels and reviews.”

The 20th May letter did not reassure a significant number of Year 10 parents, 80 of whom put their name to a petition dated 21st May and delivered to the school on 23rd May. It was addressed to the Head and Chair of Governors (CoG) and copied to the Local Authority, the Diocese, the local Member of Parliament, the Secretary of State and the Office of the Schools Adjudicator.

On the consultation, parents said they felt it wasn't adequate and suggested that it didn't meet the requirements of Section 144 of the Admissions Code. They pointed out that the only notice given of the consultation was that it was the ninth and last article in the Head's Newsletter of December 4th 2015 to be found between an invite to the Christmas concert and the weekly news roundup of the activities of clubs and societies. They said that the school sends home to parents every year numerous letters on individual subjects of importance, so why was this hidden away at the bottom of a weekly newsletter?

On the policy itself they said the grade boundaries weren't even known yet, no other top grammar schools in greater London demanded such high grades, in Mental Health Awareness week it was adding more stress for the children who were already guinea pigs for the new system of GCSE grades, and who had already passed one of the hardest entrance exams at 11+ in the country. They felt that for many pupils who had represented their school at sport, in maths challenges, in performing arts , they now feel they only count for as much as their grades and that the school is trying to push them out. The parents asked for a return to the old system, but taking into account the GCSE changes, and a meeting with the parents to discuss it.

On 17th June 2016 the parents wrote to the Chair of Governors complaining that they had not received an acknowledgement or reply from either himself or the Head.

On 18th June the Chair sent a one line reply saying their points had already been answered in the Headmaster's letter of 20th May.

On 20th June the parents wrote again to the Chair of Governors listing nine points in their original letter which they said had not been covered and saying they felt their concerns were either being dismissed or ignored.

On 22nd June the Head emailed the Chair of Governors with a suggested draft response, again referring to 20th May letter and commenting on the nine points raised in the parents letter of 20th June and saying again that all points had been dealt with and on 22nd June the Chair of Governors sent the letter that the Head had

drafted for him to the parents, although he did not include the final paragraph from the draft which had said in terms that neither the Chair of Governors nor the Head would respond to any further communication on it.

On 24th June the Head followed this up with his own letter to all parents going over again the details of the proposed changes and the reasons for them, referring to 'unhelpful emails' from a number of parents including reference to a suggestion that dissatisfied parents might withhold their voluntary financial contributions as 'misguided social bullying' which would "impact on the quality of education ... by reducing staffing and curriculum options and increasing class sizes".

There was no further action from parents and the new admissions criteria into Year 12 were duly introduced in September 2017. Eleven children didn't meet them and so had to leave the school.

### **2.1.2 Conclusions**

While the consultation on changing to 64 points for entry to Year 12 met the legal requirement for consultation, more could and should have been done to ensure that all parents were well aware of the proposed change as it was a significant one. The school has well developed electronic means of communication, including with parents, and could have chosen to consult parents in a more thorough way.

The entry in the newsletter was only 4 lines and gave no detail of the proposed change, nothing about a change to a points system which raised the entry bar and no closing date or guidance on how and to whom to respond, but just a reference to the website. For those who bothered to follow this up on the website, all the relevant information was there, but as the parents wrote in their petition, the fact that there was only one response could have been taken as evidence that nobody did research it on the website, rather than evidence that everyone agreed with the new policy.

However, the issue was raised again when the admissions into Year 13 issue arose in the summer of 2017 and has been raised by a significant number of parents in the evidence to the investigation as they felt they were both connected examples of the Head trying to remove from the school in two successive years any pupil who might endanger the achievement of coming top of the exam League tables.

One Year 10 parent wrote in 2017, in response to the publicity over the Year 12 to 13 progression, that the way the Year 12 changes were handled the previous year, which they felt was underhand and dismissive of any reasonable challenge, should have served as a significant warning for what was going to happen in Year 13, which they characterised as the head taking his personal pursuit of academic excellence beyond what is reasonable and fair in the way he treated students.

### **2.1.3 Recommendations**

For any future proposed variation in Admissions policy, the school's communication system to contact all parents should be used, to send them the proposal in full and invite their comments.

That the Local Authority, for schools for which it handles the statutory consultation on Admissions, reviews the advice it gives to schools to include ensuring the parent body is given directly full details of the proposed changes and then monitors that this is done.

That the governors monitor closely the numbers of boys who are not able to progress into the 6th Form based on the current criteria for admission into Year 12, and review whether they want a further round of selection at 16 or to be a school that welcomes and aims to keep all the Year 7 pupils who want to stay to Year 13, with entry requirements that reflect that aim, as their neighbouring girls' grammar school does.

## **2.2 Progression from Year 12 to Year 13**

### **2.2.1 Narrative**

The policy of looking at results at the end of Year 12 in connection with progressing to Year 13 was agreed by the governors in 2009 on the basis of a paper presented to them by the then Head. However, looking at progress at key points in a pupil's school life, including at the transition point from Year 12 to 13, was not newly introduced in 2009. The school had been doing that for many years. On the recommendation of a school inspector, senior staff from St Olave's visited a school in West London and looked at and then adopted the pupil tracking system that this school used very successfully and the then Deputy Head of St Olave's developed it for use at St Olave's. The significance of 2009 was that with the introduction of AS levels the Head decided to use AS results as part of the tracking and therefore to formalise this by going to the governors for their agreement. The review point was then set at three Cs at AS Level.

The paper that the then Head took to Governors to ask for their approval to introduce this system made it clear that the intention was not to remove pupils from the school but rather to identify where support was needed and that, in the very few instances where leaving the school was felt to be the right outcome, that decision would be made in consultation with the parent and pupil and only if it was considered to be in the best interests of the child.

The paper agreed by Governors used the phrase "advised to leave the school" as opposed to having their place withdrawn, which was the wording in the letters sent by the Head in 2017 informing parents that their child could not return in Year 13. The then Head's paper in 2009 also stated in terms "We are not therefore excluding students or weeding out those who will not get top grades at A2, we are focusing the minds of our students to ensure they work consistently hard through Year 12

knowing there will be an assessment at the end of it based on their AS results. We are putting the lowest possible hurdle which, on the basis of all the information we have, every one of our students should reach comfortably if they work to a reasonable standard”.

Also at that time it was possible to redo Year 12 at the school if the 3Cs criteria were not met, which was an option removed in 2011.

The Head who had introduced the original policy in 2009 wrote to the Archdeacon of Bromley and Chislehurst in September 2017 to confirm that the system he introduced was not intended to be punitive but rather supportive. He further elaborated that there never was any intention to ‘cull’ from Year 12 into Year 13. He was well aware of the law, at the time that he was the Head, both in terms of not being allowed to permanently exclude a child for academic reasons and not being allowed to withdraw a child’s place for academic reasons. He never intended and never did exclude a child or withdraw their place for academic reasons and if ever a child did not meet the 3Cs criteria, the school’s emphasis would be on how they could support the child to improve. If the school’s view was that it would be in the child’s interest to follow a course elsewhere, which happened on one occasion with a boy who transferred to North West Kent College, the decision would rest with the parent, not with the school.

Figures given in response to an FOI request in 2017 showed that for the remainder of the then Head’s time, after the 3Cs policy was introduced, no Year 12 pupil was denied progression into Year 13 as a result of the school applying the criteria and saying they could not return. There was one case recorded for 2010 but this was a boy, who was a managed move for behavioural not academic reasons, with the agreement of his parents and would have met the 3Cs criteria to stay on.

The new Head joined the school in September 2010. At the end of his first year, under the three Cs policy, unlike previously, pupils were not allowed to progress from Year 12 to Year 13 if they did not meet the three Cs criterion at AS Level. The numbers were as follows:

September 2011 10 pupils did not progress to Year 13

September 2012 5 pupils did not progress to Year 13

September 2013 10 pupils did not progress to Year 13

By October 2011 some concerns had already started to be raised. A parent, who had been a parent governor under the previous head, corresponded with a current governor having picked up informally that the Head was not happy with three Cs and would be proposing to change it. The governor wrote in the email exchange “Governors should be aware words like cull, ruthless, brutal are being used about St Olave’s. Is this to be the price for chasing number one status?”

At the staff meeting on 2nd September 2013, the Head announced that it was his intention to increase the threshold for progression from Year 12 into Year 13 to 3 Bs in the AS exams. At the Governing Body meeting in September 2013, the Head made that proposal. In the discussion with governors about whether the policy should be changed to 3Bs, he produced a paper with tables and graphs which showed that, given their GCSE Results, statistically all pupils should be achieving at least a B in all subjects. In speaking to the pupils, the Head went further than that, saying for pupils of their ability a B was a failure and they should be getting A\*s and As. That was also what was said in staff meetings.

One governor said that the head being an accomplished mathematician, the governor had felt at the time that such statistical evidence couldn't be argued with. However there was concern expressed by some governors about the effect that this change would have. A long serving middle manager wrote a paper arguing against the change, which he had hoped to send to governors for the discussion at the Governing Body meeting. The head informally reprimanded him for writing it and didn't circulate it, but the debate was had at the governors meeting.

The arguments put at the meeting and in the paper focussed on whether raising the bar was the right thing to do morally and educationally. Issues raised by governors opposing the change included that the pupils had all reached the required standard to get into Year 12 which was itself a high bar, the disappointment and possible emotional and psychological distress that it would cause for those pupils who had to leave, the difficulties for pupils having to obtain places elsewhere, probably needing to repeat Year 12, that pupils' marks will improve between Year 12 and 13, that pupils could be forced into choosing a subject that they had been going to drop, or having to give up a subject they needed for their chosen degree, just to be allowed to stay on and that the whole approach of putting the performance of the institution as a whole in relation to its league table position above the interests of the individual pupils was not in line with what the ethos of a Christian Voluntary Aided school should be.

However, no one raised the issue of the legality of withdrawing a child's place on academic grounds, whatever the level of the bar.

The new policy was agreed, 13 votes for and 5 against.

In 2009 the 3Cs policy had been written into the Admissions Policy of the school. Admission Policies, both their contents and the process of consultation leading to their agreement, are governed by law and a Code of Practice and fall within the remit of the Schools Adjudicator. Therefore, in September 2013 after obtaining the support of the governors for the change from the 3Cs to 3Bs, the Head thought he needed to apply to the Schools Adjudicator for a variation to the Admissions policy for permission to make the change. He therefore wrote to the Schools Adjudicator and in October 2013 received a response which said that a secondary school can only

have an admissions policy for pupils at two points, which are for entry from Year 6 in their primary school into Year 7 at secondary, and for entry from Year 11 into Year 12. The letter said that it was a matter for the school what it did outside of those two years.

So for those entering Year 12 in September 2014 the 3Bs criteria for going into Year 13 in September 2015 were introduced for the first time. By the inclusion of the word 'normally', into the policy, which was suggested at the governors meeting, the policy did have built into it the possibility of considering a pupil's individual mitigating circumstances and each year from when the 3Bs was first implemented, some pupils were allowed to stay on in spite of not achieving 3 Bs.

In the summer of 2015, fourteen Year 12 pupils did not progress into Year 13 and, in the summer of 2016, it was fifteen. There were some individual parents who came forward from those years to give evidence to the investigation. At the time, although some did try to get the decision changed for their child, when it wasn't, they didn't take it further. In both those years it was done solely on AS grades so the parents and pupils didn't know until those results came out in mid-August what their fate would be, and although some had been pre-warned that they were at risk, to others it was a surprise, and even for the ones who had been warned, it was still a shock. Their main focus was on the practicality of what they were going to do now they found themselves only two or three weeks before the beginning of the autumn term with no place, so their energies were consumed with having an alternative place sorted for September.

For the 2017 cohort there was a difference in the circumstances in which the 3Bs were applied which proved to be significant in terms of what the parents did in response to finding out their child was at risk. By now it was known that AS was being phased out and linear A Levels introduced. There was already no AS exam in some subjects. Therefore to implement the 3B criteria the school had to put something in place of the AS exams where there weren't any. It was decided that this would be the results of internal exams taken at the end of the summer term of Year 12.

Some staff gave evidence that they were not happy with this because many staff did not agree with making children leave anyway, and now it meant the fate of the pupils, in terms of whether they could come back to school or not, rested in the hands of the teachers instead of being the result of a nationally set, standardised and externally marked public exam. If teachers gave a pupil a C, that could seal their fate. The response of some departments and teachers to this situation was an extreme one. Without the knowledge of the Head, they manipulated (the word used by one head of department) the internal exam marking to set the grade boundaries in such a way that the absolute minimum number of students were graded as C. They were aware that if known about, doing this would be regarded as unprofessional

behaviour by teachers in any school. It didn't come to light because they were instructed not to give feedback to students on the papers or to let them see them.

On 7th July 2017, the school knew the results of the internal exams. A strict application of the 3 Bs criteria would have seen 10 pupils being told immediately they could not continue and a further 12 at risk and dependent on their AS results. Of the 10 it was decided only to tell 6 that their places were withdrawn, the other 4, because of individual circumstances, being allowed to continue. Two of those were allowed to continue unconditionally because their marks were reviewed and increased. For the other two, it was made conditional on their remaining subject results at AS.

On 19th July 2017, the penultimate day of term, for those pupils who had either obtained the 3Bs or above, or who could still do so depending on their AS results, the internal exams results were given to them in an envelope. The six who hadn't, and who it had been decided would be told they couldn't return, received a slip of paper in the envelope that told them to go to the Richardson room where they would be seen by a member of SLT. A member of staff said that they witnessed the pupils gathering outside reception, waiting for up to an hour, coming out of the meetings very distressed and with no adult to support them before during or after they had been told they couldn't return. The member of staff claims to have heard one student say that he was so fearful of telling his parents that he could not continue at St Olave's and had to find another school that he might as well kill himself and another on the phone to his parents saying that they just want to be rid of me, they just want me gone, school ends tomorrow and they just want me gone. The school office is situated in close proximity to the Richardson room and has a glass wall. A member of the office staff, who did not witness this specific occurrence, confirmed that students in distress having been told they couldn't come back was typical of what she saw every results day in August.

The SLT members also met the pupils and parents of those at greatest risk from not meeting the criteria once the AS results were known.

So for pupils who either got two Cs, or one C if they were already only doing three subjects, it was already known that they would have to leave because statistically they couldn't achieve 3 Bs even if they got straight As in their remaining subjects at AS. For others it meant that their fate hung on getting all Bs or above in their remaining subjects at AS. So eight weeks instead of three weeks before the beginning of the autumn term there was a group of parents who already knew that their child's place had been withdrawn and another group who knew they were at risk.

It was very near the end of term. Families would be going away on holiday. Parents of pupils who would not be allowed to return were upset and some were angry. Parents of pupils in the at risk group were worried. In order not to lose touch in the

holidays, a group of parents set up a Whatsapp group, which was to prove significant to the way events developed.

Three parents came together and took legal advice and were advised that they had a case for judicial review (JR). Two of the three parents were interviewed as part of the investigation. The one that wasn't subsequently withdrew from being named in the legal action and took the route of applying to a SEND Tribunal to voice her concerns.

On 15th August, their lawyer sent a Judicial Review pre-action letter by email to the Head warning him that action was being contemplated, advising him to consult his solicitors and asking for a response by 17th August that the three boys would be admitted to Year 13, or judicial review proceedings would be issued. The Head was in China, returning the following day but the email was seen by the Director of 6th Form.

On 16th August, the school received the AS results, a day in advance of giving them to the pupils. A total of 35 pupils would have had to leave if the 3 Bs had been strictly applied. This was considered to be too many. The Head, back from China, and the Assistant Head Director of 6th Form went through the results of each pupil who had not achieved 3 Bs and a decision was made to reduce the criteria to two Bs and a C and to allow those obtaining 2 Bs and a C to return but on condition that pupil and parent signed a contract which included accepting that if they did not obtain a B grade in their January 2018 mock exam they would not be entered for the subject at A level.

Although the parents who received the contract, knew that their child would be allowed back even though they hadn't achieved 3Bs, it was not generally known that a policy decision had been taken to offer this to all the pupils who had missed 3Bs by one grade.

The Head and the Director of 6th Form also discussed the email that had arrived the previous day notifying the Head of the potential JR.

On 17th August, the Head replied to the parents' lawyer saying he had only received the pre action letter at lunchtime today (17th) (presumably he meant hard copy as he was aware of the email and had discussed it with the Director of 6th Form the previous day) . He said "Your demand and accompanying threats for a response by 4.00pm today is entirely unreasonable, arguably absurd" and that he would need to talk to colleagues who wouldn't be there until September when term started.

On August 17<sup>th</sup>, Year 12 were coming in for their AS results and Year 13 for their A level results. A similar arrangement was made as in July to separate out those whose results had been good enough to stay on, who were simply given the results and those who either were to be told they had to leave or were going to be allowed to return on condition they signed the contract. Both these groups were given a slip telling them to see a member of SLT. Every parent interviewed whose child was in

the group who were being told to leave complained about the way the information was communicated on that day. Many parents had driven their children to the school and were sitting in their cars while the child went in to get their results. Consistent descriptions were given of distraught pupils, both boys and girls, crying in the car park, with angry parents who had not been invited in to support their children being given the bad news.

The Head and SLT members involved said that with the number of staff available this was the only system possible to use and that follow up meetings with parents after results day were offered and took place. Both SLT members said that they did their best to give the disappointing news to pupils as sensitively and supportively as possible. They were aware that the process wasn't ideal, although they couldn't themselves observe and so were not aware of the scenes in the car park.

The Director of 6th Form was very aware of the constraints of a large number of pupils coming in that day and what a small number of senior staff had to do. As well as Year 12s, he was concerned that he wasn't able to give enough time to Year 13s who needed help, having just received their A Level results. The Head was on site but played no part in the process. SLT reports that the Head's position had always been that he needed to hold himself back in case any of the parents appealed, but as the 12 to 13 process is not part of the admissions policy, there can be no appeal, other than through complaint to governors.

On 23rd August, the Head writes to the two parents named in the JR. He says they have not been permanently excluded. He advises they go to another school and if they decide not to take that advice and pursue a place at St Olave's they will be offered a course more commensurate with their ability which will be a GNVQ in health and social care. He corrected GNVQ to BTEC by email later in the day.

On 24th August, the parents' lawyer responds with a letter to the Head saying the parents have legal aid and if he does not reply by midday saying they can come back and do A levels they will issue proceedings without further reference to him.

On 25th August, the parents' lawyer issued proceedings for JR and sent all the papers to the school. The policy they were challenging was described in the JR papers as having 3 elements:

1. The non-progression element - which was not being permitted to progress from Year 12 to 13 unless achieving a B grade or above in three of the four AS examinations or internal examinations at the end of Year 12,
2. The subject element - which was a pupil who obtains one Grade C plus 3 grade Bs or above and so qualifies to return, or one grade C and less than three Bs but has been exceptionally allowed to return, will not be permitted to study the subject in which they gained a C at A level,
3. The Public Examination Element - which was any pupil who obtains a C and progresses into Year 13 will not be entered for a public exam at the end of

Year 13 in any subject in which it is considered that the pupil will not achieve a Grade B or above, and pupil and parent have to sign a contract to that effect or the pupil cannot return to Year 13.

The JR papers maintained that the policy was illegal (*ultra vires*) on four counts

1. School Exclusion Guidance “It is unlawful to exclude for a non-disciplinary reason. It would be unlawful to exclude a pupil for a reason such as academic attainment /ability”
2. The School Admission Code Para 2 .12 “A school must not withdraw a place once a child has started at the school unless it was fraudulently obtained”
3. The Education Act 1996 lists the only 8 circumstances when a child can be deleted from an Admissions Register, which does not include academic attainment /ability
4. Education Act 2002 Section 175(2) “duty to safeguard and promote the welfare of the children at the school”

On 29th August, the parents’ lawyer wrote to the Head saying the JR hearing would be on 20th September and saying the Head didn’t seem to have a lawyer they could talk to and advising him again he should get one.

On 29th August, The Guardian published its first article about the 12 to 13 progression issues.

On 4th September, the Head emailed the lawyer to ask if he had received the Head’s 1st September email saying the school would allow pupils back and stop using the policy. He asked whether they would still want to pursue any aspect of the JR or would be prepared to go for a consent order and the lawyer replied the same day saying they would go for a consent order.

5th September was the first day of term.

All pupils who had been told in July and August that they couldn’t come back were now allowed back, although not all came. A summary of the position in terms of numbers of pupils as it developed from the end of July to the 5th September is as follows:

- In total 32 pupils in July 2017 either had failed to meet the 3Bs criteria or were at risk of not meeting them dependent on the AS results.
- 10 of these had failed based on the internal exams, but only 6 were told in July that they couldn’t return.
- Of the other 4 the grades were revisited for 2 and increased from C to B and the other two were placed on the at risk list with an alternative curriculum proposal with double maths serving as two A Levels.

- When the AS results were known in August, of the 24 on the at risk list all 24, plus 5 others not previously flagged up as at risk, had not obtained the required AS results to give them the 3 Bs required to meet the criteria.
- Therefore along with the 6 already having had their place withdrawn, a strict application of the criteria would have resulted in a total of 35 pupils having to leave.
- This was considered to be too many and so a decision was made to reduce the criteria to 2 Bs and a C and to allow those obtaining 2 Bs and a C to return but on condition that pupil and parent signed a contract which included accepting that if they did not obtain a B grade in their January 2018 mock exam they would not be entered for the subject at A level.
- This meant that the result of the August 2017 AS exams combined with the July internal exam results was that of the original 35, 16 in total had their places withdrawn and 19 were offered a conditional return to Year 13 if they signed the contract, of which 6 decided not to sign and not to return.
- Ultimately after the threat of legal action resulted in all Year 12 that had been asked to leave being allowed to return, of the original 35 identified, 16 left and 19 returned to Year 13.

On 7th September, DfE circulated all schools that there is no reason other than disciplinary to remove a student from roll.

On 11th September, there is Staff Association meeting with parents (see section 6). The former Council Education Portfolio Holder says the Head has known for 5 years that the 12 to 13 practice was illegal as he had been told by the Council's legal advisers. A list of questions was drawn up for presentation to the Head and governors at a staff meeting due to be held on 18th September.

On 13th September, there was an additional Governors meeting to discuss what had happened over the summer. A new nominee from the Diocese joined the Governing Body and was proposed as temporary Chair by a Foundation governor but the Head nominated a previous Chair who had preceded the Chair who had just resigned, and the Head's nominee was elected.

Governors expressed concern that they had not been involved in or kept up to date with the events over the previous two weeks. They had received a briefing note from the Head but only that morning. They had discovered they were being taken to Court without having been informed. There was a lack of communication. They were only finding things out from the press. The Head said he had been in constant touch with the then Chair of Governors. The temporary Chair of Governors acknowledged that governors had not been kept informed as they should have been.

It was reported that the previous Chair of Governors had instigated an investigation. Governors asked how this had progressed and were told that once the decision had

been taken to change the policy it had been considered not necessary to have an investigation.

The Head said he agreed to change the policy to save the expense of the JR not because of illegality. He intended to keep the 3Bs but as the policy had changed, appropriate support would be given to the students to make choices that supported their aspirations and wellbeing.

The governors unanimously endorsed the decision to remove the progression criteria from Year 12 to 13.

On 18th September, a consent order was signed by both parties which stopped the JR proceedings.

On 18th September there was a staff meeting which the Head and the interim Chair of Governors attended and answered questions.

On 20th September there was another Governing Body meeting. A governor suggested that it might be prudent to get legal advice on whether the policy would be likely to be considered unlawful. The Head did not agree, noting that it would be unlawful had it been an exclusion, however it was a counselling out process. A governor noted that no student was removed from roll prior to the parents' request.

On 6th November, the DfE writes in response to a letter from a group of former governors who were removed at Reconstitution in 2015, confirming that the practice of preventing pupils progressing from Year 12 to 13 on the basis of their academic performance constitutes an unlawful exclusion and that they have written to all secondary schools reminding them of the rules.

## **2.2.2 Conclusions**

### **2.2.2.1 The legal position**

In the original policy which the previous Head introduced in 2009, the key fact was that this policy talked about advising and counselling parents, so it could be interpreted as being the parent's decision rather than the school's if a child did not continue, thus keeping it within the law. This is further supported by the fact in the implementation of the policy the school did not prevent any child progressing from Year 12 to Year 13 during the period when that Head and that policy were in operation.

Under the Head who took up post in 2010, the interpretation of the policy resulted in a different implementation which meant that, even while the 3Cs were in place, children began to be prevented from progressing from Year 12 to Year 13 for academic reasons. So as soon as the first children were not permitted to return, which was in September 2011 at the end of the Head's first year, the school was acting illegally and continued to do so every year after that up to and including 2017.

The Head's position is that no one told him it was illegal and that the Adjudicator's letter that he received in October 2013 led him to believe it was a matter for the school to decide.

There is no evidence that anyone told or wrote to the Head or anyone at the school that the 12 to 13 progression policy is illegal, so the Head is correct in saying that he was not told that it was.

There is an annual census return to the DfE and the LA where a declaration has to be made that the head has authorised the figures and, in the DfE guidance for completion of the return, is the following sentence "School sixth forms are not permitted to remove students between Years 12 and 13 because of poor AS results". It is unlikely that the Head would have read the guidance as the return is done electronically by one of the administrative staff who had not herself read it so would not have been in a position to advise him, which possibly she could have done had she been aware of it.

However as Head, it was his responsibility to know that it was illegal to withdraw a child's place on academic grounds in the same way as he agreed he did know it is illegal to permanently exclude a child on academic grounds, which is why he didn't use the permanent exclusion procedures.

The Head who introduced the policy in 2009 knew. Having spoken with Heads of other schools in the local area, who the Head says are doing the same as he did, it is evident that they also know the law, that the school cannot write to a parent and tell them that the school is withdrawing the place, they can only advise them that the school thinks that it would be in the interests of the student to study a different course elsewhere. It is then for the parent to decide whether they accept that advice from the school and if they do not, the student has the right to return in Year 13. If they do, they withdraw the child.

The other difference is that those conversations are normally about children who are struggling at the bottom end of the A level grades and who might be better off getting a good grade in a different kind of course such as BTEC rather than low grades at A level.

So, even if other Heads were doing the same thing, it is not a defence and there is evidence that they were staying within the law whereas the Head of St Olave's was not.

It is clear that no one told the Head that what he was doing was illegal. It is less clear why they didn't. The Admissions Code and the off-rolling rules are not obscure pieces of legislation. Even the fact that for 5 years the school was allowed to publish their arrangements for Year 12 into 13 as part of their admission arrangements, when the law is that secondary schools can only have two points of Admission in Years 7 and 12, is surprising, given that they had been through a formal consultation

process, including the LA and the Diocese and neither had picked this up. The LA had run the consultation process and should have picked it up.

Also there had been three independent Admission Appeals panels in 2011 and 2012 for St Olave's parents appealing against their children not being allowed to progress to Year 13. As these were not Year 7 or Year 12, they should not have been in scope, but none of the Chairs or Clerks (Independent, not LA) of the panels queried why they were hearing them, or that withdrawing their place had been illegal.

There is reference to the lawyer representing the parent who won her Appeal, suggesting to the parent beforehand that it was probably illegal to withdraw the place of a Year 12 pupil on academic grounds, but he did not pursue that line of argument at the Appeal Panel, so it was not referred up to the Schools Adjudicator at that point.

The LA governor did however write to the local MP about this and other concerns he had about governance at St Olave's. The MP followed up some of these with the Minister and came back to the LA governor on some of the points he had raised, but does not appear to have responded on the 12 to 13 question. This was unusual as there is evidence that whenever parents or staff or governors had raised a question with the MP that he did pursue it, and if it was a technical /procedural question, usually had an answer from a civil servant. If this particular query had reached the officials in the Department for Education, it is likely that they would have known immediately that it was illegal.

The error in including the 12 to 13 arrangements in the school's Admission policies only came to light in 2013 when the Head wrote to the Schools Adjudicator seeking a variation to change the 3Cs to 3Bs. The Adjudicator wrote as follows:

"As the school does not have a point of entry into Year 13, other than the expectation that Year 12 pupils will continue if they reach the required grade, there is no requirement for you to apply to the School Adjudicator for a variation. Any changes would therefore be for the school to determine".

The Head interpreted this letter as meaning that the Adjudicator had given the go ahead for the implementation of this policy once it had been taken out of the Admissions policy and transferred to the 6th Form rules/handbook and therefore the Head had no reason to believe that it was illegal. An alternative interpretation of the adjudicator's letter is that he wasn't commenting on the proposed policy itself but simply saying that it was up to the school whether to have a policy for Year 12 to 13

It is at best ambiguous and, given the Head had been very clear in the letter what he was proposing to do, the Adjudicator should have reminded the Head that he was not allowed to operate such a policy in a way that the school removes places from children on academic grounds, rather than in effect just saying what you do is nothing to do with the Adjudicator.

### 2.2.2.2 The criteria for “normally”

Beyond the general statement that individual circumstances would be taken into account, there are no written criteria that can be made available to parents against which they can measure their own individual cases. Because the word ‘normally’ was in the policy, many parents remarked that it led them to believe there was the possibility of asking for an exception to be made for their child if they could make a case. In the case of most of the parents interviewed whose child had been affected either directly or indirectly by the policy, they believed that their individual circumstances were such that they found it hard to imagine that the circumstances of all of those allowed to stay were worse than theirs.

Some parents even speculated whether other factors were being taken into account by the school such as being a key member of a sports team or even how much money a family gave to the school. There is no evidence that this was the case and indeed some of those whose places were withdrawn were members of the school teams and were invited to continue to play for the school after they had left which is permissible if the new school doesn’t do the same sports, e.g., rugby.

Some of the cases where the circumstances were considered not significant enough to be outside the norm are set out below as described by their parents. They demonstrate that it was not unreasonable for parents to question on what basis an exception to ‘normally’ was being made.

Having told everyone beforehand that 3Bs was the level needed to be able successfully to complete an A Level programme at St Olave’s, in practice that was an aspiration rather than a requirement, because for each of the three years (2015, 2016 and 2017) that the 3Bs policy was implemented, it was decided as soon as the AS results were known that to implement 3Bs would have resulted in the numbers of pupils leaving being so high, over 10% of the year group, that it could potentially have a destabilising effect on the 6th Form, so in each of the three years de facto the minimum requirement was changed the day after the results to 2 Bs and a C and all pupils who achieved 2 Bs and a C were allowed to return. However the fact that this decision was made and the criteria adjusted based on numbers was not widely known. All each parent knew was that their child had been allowed back and the assumption was that the word ‘normally’ in the policy related to mitigating circumstances that applied to individual children (which it did), not that it included an adjustment each year based solely on numbers. The governors too were not aware of it.

### **PUPIL A**

He was an exceptionally bright boy. He achieved all A\*s and As at GCSE and was aiming for medical school. At the beginning of Year 12 mental health issues requiring medical treatment for depression were triggered by family suicide. The school was informed. They were sympathetic but the boy, in the first meeting after the diagnosis,

with his mother at the school, was immediately told to his face that if he didn't get 3 Bs he would have to leave at end of Year 12. His mother challenged an ill boy being thrown out and said if he had not recovered to do well enough she would like him to repeat the year. The school's response was "If he needs to repeat a year it will not be in this school". In spite of his psychologist and GP contacting school to support the parent's case for leniency, the threat was never lifted of having to leave if he didn't get 3 Bs. He eventually did achieve the grades and was able to stay on but his mother felt strongly that never having the threat lifted was very unhelpful and caused additional stress to an already vulnerable child

## **PUPIL B**

A teacher was being prosecuted for grooming and sexual offences against a pupil. The boy was in Year 12 when the court case was due to be heard. The boy had to give evidence. This was just as the boy's exams started. There was national publicity. He was being shown newspaper coverage as he went into exams. He blanked out in two of them. His parents were concerned he wouldn't get 3 Bs. They asked for a guarantee that he would not be thrown out. They were shocked when they met with a flat refusal from the Head because he didn't want to set a precedent. They pointed out that it was a school employee who had molested their son and the school should have shown greater leniency towards him. They contacted the safeguarding governor, who spoke to the Chair of Governors who had spoken to the Head and confirmed the governors weren't prepared to set a precedent either so no pre-exam exemption was given. However, the student was allowed back into the 6<sup>th</sup> Form, after meeting the criteria in his exam results.

## **PUPIL C**

Was a pupil who had joined St Olave's as member of Year 12 in the academic year 15/16. He had developed a heart condition before transfer called super ventricular tachycardia which meant he had frequent episodes of a racing heartbeat. Originally the attacks were infrequent but they built up to a point where they happened several times a week and sometimes every day. He was in and out of hospital so his Year 12 attendance was poor. It was agreed that he could drop to 3 subjects but he was told he had to get 3 Bs. He did receive support from the 6<sup>th</sup> Form pastoral staff and the person in the office who looked after him after he had had an attack, but his parents feel that the school did not show a duty of care given his condition, and continued to press him on his work and also on his attendance, which his mother feels was an additional pressure on the mental wellbeing of her son and the family. He was seen by the school counsellor but his parents had to organise that by going direct to Bromley.

When he had an attack just as he was about to go into the AS physics exam, he knew that it was not going to be possible to achieve the three B grades. His parents visited the school and met with the Assistant Head. They asked for him to be allowed

to repeat the year as if he continued into Year 13 he would not achieve the grades he is capable of. They felt they met with no sympathy or understanding and were simply repeatedly told it was the policy and he couldn't repeat the year. Behind the scenes the Assistant Head was advocating for him to be allowed to repeat the year but the Head would not agree.

The boy was very stressed by the decision that he would have to leave. His mother was advised by one of the supportive teachers to complain, but she did not feel there was any point as the Head would not change his mind.

The boy has continued to suffer from anxiety which is partly caused by his condition but his parents feel being made to leave has exacerbated it. His mother has also suffered from stress which was made worse by having to deal with his experience at St Olave's. He didn't return for 2016/2017 and went to another school where he continued to have to have time off because of his illness, but who have given him as much time as he needs before he takes his A Levels, which he will do in the summer of 2018.

#### **PUPIL D**

He was an exemplary student for 6 years. He represented the school and beyond in Fives, Rugby, Cricket, Tennis and Football. He was a School Prefect and mentor. He was commended in school reports for attitude and comportment and his Spring Report in Year 12 graded him as B in one subject and A grades for the rest. So not achieving 3 Bs was a shock. After receiving his end of year internal exams results, he was not allowed to discuss them with the subject teachers or to look at the internal exam papers to investigate. Under performance was blamed on the pupil but the school's maths results were down overall even though he had been predicted an A. He didn't return to St Olave's because he and his parents believed that the Head's assertion that the school was committed to the wellbeing of all its students had been proved fallacious by their behaviour over the summer. In September his parents wrote to the school and asked for an explanation of why they had had no fore warning of lower than expected grades but did not receive a response until December, after the parents had sent a further letter and a request for a copy of all their son's school records. After the Head had resigned, they received a response from the lead SLT member which expressed regret, accepted that the previous policy had not been in pupils' best interests and had made no allowance for last minute underperformance and no concession to commitment via sporting endeavour and prefecture and said the school were now seeking to put this right. The reply did not address the parents' request for the school to investigate all the contributing factors [regarding the underperformance], including an assessment of the teaching standards.

#### **PUPIL E**

He was a model student who won awards. In his June report he was graded 2As and 3Bs so not getting 3Bs was a surprise. His father was in the car on results day in August. His son came out saying I've been kicked out. They were both shocked that there was no discussion, no support provided, no concern for mental health impacts. He had been in the school production and the national final of Space Challenge that year but this didn't matter.

He quickly found a place in a private school but when the policy changed wanted to give St Olave's another chance and consider returning. The boy went into school for enrolment day. He met with the Head but there was still no apology. What was said was that you will have to work harder and he was told to turn his phone off in case he was recording the conversation. This was followed by his parents meeting the Head of 6th Form. They wrote after the meeting to governors saying that the attitude and conduct of the Head was shocking. There was no apology for the illegality or for the way that things had been handled. They had no confidence in the Head so the boy did not return.

## **PUPIL F**

A Mathematics mock exam was set in early January 2017, consisting of a Statistics S1 paper, a component of the Mathematics A1 and A-level. On the day of this exam, the boy's father was in a critical condition, following major surgery earlier in the week. The boy was in a very disturbed state of mind, and he got a C in the exam, in spite of a previous IPM average A\*. As a consequence the boy was told he could not continue with Further Maths A-level, a major blow because the boy wished to study Physics at university, and Further Maths A-level is normally a requirement. The school barred him from attending Further Maths classes and withdrew him from the Further Maths A1 examinations. The boy's parents were not informed of the school's action at the time. When the boy's father was informed by the boy, a week later, the father appealed to the school on the grounds of extenuating circumstances. The appeal was rejected.

In the summer the boy obtained B,B,C in Maths, Physics and Economics respectively. As a result, the boy and his parents were informed, on the last day of the summer term, that the boy had failed to meet the school's minimal progression threshold of B,B,B, and he would not be allowed to continue into Year 13. The boy's father appealed, and the Headmaster did relent, allowed the boy to continue into Year 13, but subject to an extremely onerous "contract", which included the requirement that the boy must achieve at least an 80% mark in each of his mock exams in order to be entered by the school for the A-level examinations in summer 2018. His father believed that school's UCAS predictions policy, i.e., using the raw end of Year 12 results, would have restricted his son's university applications. The father's belief, as a maths teacher and professor, was that there were weaknesses in the way maths/further-maths were organised and taught which had contributed to his son's underperformance, and these matters would continue to be an issue if his son

went into Year 13. Hence the boy went to another school for Year 13, where there was an opportunity to continue with Further Maths A level.

His father wrote “the policies adopted are solely aimed at ensuring that only students who will bolster the school’s league table place are allowed to continue their sixth form studies and the educational principles adopted are deplorable and unethical because they put the status of the school above any concern for the benefit of the students.”

## **PUPIL G**

When younger, he had a history of trauma caused by family bereavement resulting in a period of being mute. While in Year 11 He began to shut down again and his parents received a letter warning that he might not make it into Year 12 if he didn’t improve. He was deeply demoralised and inclined to give up. He told his mother he was too stupid to do well but his parents knew this not to be true and encouraged him to prove the predictions wrong, which he did. He got 7A\*/As and 3 Bs at GCSE and so continued into 6th Form.

Unfortunately Year 12 was very difficult for the family with serious illnesses and then bereavement just before the Year 12 exams. He accepted the inevitability of not getting back in. Although his parents encouraged him by reminding him that the school predictions were wrong last time, this time he did not do as well expected and the July internal exam results culminated in a letter saying he could not return to school. The letter also asked to see his parents, however they refused saying they did not wish to be told their son was a failure when he was not. He is a child whose parents are very proud of.

His mother spoke to other parents and then to a lawyer, and found the action of the school to exclude their son was illegal. There was correspondence with the Director of Education of the LA who appeared not to know this. After the legal challenge resulted in the policy being changed his parents did not think it was psychologically safe for their son to come back.

### **2.2.2.3 The restriction on taking a C subject**

An additional complication was the fact that all pupils studied 4 A Levels in Year 12 and took them all to AS Level and then dropped one in Year 13. The AS results didn’t always correlate with the subjects they wanted to do i.e., they achieved 3 Bs but a C in a subject that they wanted to continue with. The most frequent example of that was in maths which is needed for a number of degrees and careers, notably engineering. So by not allowing a pupil to continue with maths, the school was preventing them from applying for the university courses they wanted to do. Two examples were given by parents:

## **PUPIL H**

He started 5 A levels because he did further maths. He wanted to study medicine. He went to pieces in the first maths exam, losing his confidence and affecting his maths result. He got enough Bs to get through but in the wrong subjects because he got A and B in 4 subjects but C in single maths. He saw the Head of Department who said don't worry I know you are able enough to study single maths then two days later parents got a letter saying he couldn't take maths. Without any discussion he was told he had to study economics instead, which doesn't work for medicine. Eventually he was told he could take maths if he and his parents signed the contract. Parents weren't happy and wanted to see what the school's side of the contract was as they weren't happy with the maths teaching. Also the school wouldn't predict for him (or others) the A they needed for UCAS saying they never change their predictions. The school did change their mind at the last minute.

## **PUPIL I**

He was at the end of Year 12 in the summer of 2016. He was never at risk of having to leave because he got ABBC at AS. The issue was that the C was in maths which he needed to do engineering, his chosen degree and career. He was told he couldn't.

His mother suffers from MS and his sister is wheelchair reliant, suffers chronic pain, frequent joint dislocation, anxiety and depression. The family gave the school evidence of pressures and stress he had to cope with that year and the worry he felt about his mother and sister. They submitted evidence of 20 medical appointments and hospital admissions in the two months when he was preparing for and taking his AS exams. The answer was still no.

They asked to see the Head urgently. The Head spoke at length about the status of St Olave's as one of the top 5 grammar schools in the country that it was important to rise above the problems he had and his maths result as a C was disgraceful. Eventually he was allowed to continue to study maths and got an A grade and went on to do Engineering at University but if the school hadn't changed their mind it would have hugely affected his future career potential. His parents feel strongly that their son's case is evidence of how wrong the policy was.

### **2.2.2.4 The validity of internal exams**

A factor in 2017, that was beyond the control of the pupils, was the fact that AS Levels were being phased out so some subjects already didn't have an AS exam in 2017. For these subjects, the school's decision to replace the AS exams with an internal school exam, set at the end of the summer term, was questionable. Internal exams have no standardisation between subjects or from year to year in the same subject and, therefore, are not a reliable basis on which to make decisions about individual children that could be life changing.

The response of some departments to being put in that position shows how far apart the staff and the Head were in terms of the 12 to 13 policy. Parents were rightly

angry that the pupils were not allowed to see the papers and get feedback on areas they needed to improve on when their child's future was at stake. Normal practice with internal exams would be to use them for feedback and review in order to identify strengths and weaknesses and where support should be targeted.

The Head said that he was aware of the drawbacks of using subjective, internally set and marked exams rather than validated external exams and he had intended to use them only once in 2017 and not the following year when there would be no AS at all. However that was not corroborated by SLT Members who said there had been no discussion of internal exams used to give grades for progression being a one off and being phased out the following year.

#### 2.2.2.5 The responsibility of the school for the results

Another consistent feature of the parental interviews was that, while some pupils clearly had been struggling in Year 12 and the school had communicated this to parents and discussed it with them, in other cases the results were a total shock and parents brought as evidence to the investigation their children's reports which were positive and gave no hint that they might not be on track to achieving B.

While this could be explained by the child having an off day, some parents suggested that it also could indicate an issue within the school. An examination of the maths results in 2017 showed that they took a significant drop from the previous year. Larger classes, the employment of a significant number of trainee teachers and turbulence in the management of the maths department may have contributed to the lower performance in maths but, whatever the reason, this is something the school was responsible for but which individual children were penalised for.

The idea that the school might bear some responsibility for the children not achieving grades they needed to progress rather than it being the fault of pupils or parents, was something several parents brought up. It would have been appropriate if the first port of call, given there is performance below the level that would be expected from children given their prior attainment, was to look at the teaching and learning and assessment, i.e., to look at what the school has been doing, rather than to blame the pupils.

#### 2.2.2.6 The communication of the results

Telling pupils they couldn't stay on at the school was never going to be easy to do in a way that wasn't extremely upsetting. Boys who had been there since Year 7 will have a loyalty to the school, as it inspires that, and several parents of the boys being rejected described them as good and proud Olavians, which made the blow even greater.

Those who had only joined the previous September will have been feeling they had made a mistake and wasted a year of their life and will not have taken consolation from being told they should have read the small print and expected it.

There was flexibility over how the outcomes of the July internal exams results could be communicated and it would have been possible to devise a system that ensured that parents could be there to support the children when they were told. It was harder to do that for the AS results because they only came into the school the day before they had to be given to the pupils and it was therefore impossible to know in advance who was staying and who was going, especially as there needed to be discussion on mitigating circumstances.

#### 2.2.2.7 Attitudes in September

In both Governing Body meetings in September 2017, which were reviewing what had happened over the summer, the Head didn't seem totally convinced that what he had done was illegal. The Consent Order hadn't conceded that it was and he pointed out that it had not been tested in a Court of Law. He said the reason he and the Chair of Governors had agreed to withdraw the policy had been a pragmatic decision to prevent what could have been very expensive legal proceedings. A governor asked why, if he was confident there was no illegality, the policy had been changed?

At the second meeting a governor suggested that it might be prudent to get legal advice on whether the policy would be likely to be considered unlawful. The Head did not agree, noting that it would be unlawful had it been exclusion, however it was a "counselling out" process. A governor noted that no student was removed from roll prior to the parents' request. That was not an accurate description of how the policy had been working before the JR threat because it implies that coming off roll was only done when parents supported it and that was definitely not the case.

Some of the pupils who had originally been told to leave but had to be invited back once the consent order had been agreed, did not feel they were made to feel particularly welcome, to the point that some came back for just a few days and then left. A parent who was not one of those directly affected, summed up the feeling of many parents and staff, who were hoping for a different approach:

"There was no acknowledgement that the unlawful policy had created such anguish among students and there was no apology. Instead of being shown sympathy and compassion, the students were treated as if nothing had happened. There was only talk of the story being misrepresented and that it should be dismissed as a few disgruntled parents complaining. The Headmaster has not addressed the Year 13s personally nor has he written directly to affected parents and there has been no opportunity for the students to discuss with anyone in the school how these events have affected them. There has also been no communication at all from the Governing Body."

Not just in the Governing Body meetings, but also in his public statements, the Head was combative rather than conciliatory. When addressing new parents in Induction, or staff, parents and pupils at Prize Giving there was only talk of the story being misrepresented and that it should be dismissed as a few disgruntled parents

complaining and the left wing press who don't like grammar schools. The vehemence of the defensiveness and blame put on the media at the induction meeting with new parents was commented on by a number of people.

The storm clouds gathered during September rather than abated, to the point that staff were speaking out as well as parents, letters were being sent to the Diocese, the LA, the local MP and OFSTED and the agenda was being broadened from the original 12 to 13 progression issue to other wider issues of style, behaviour, legality in other areas and governance.

### **2.2.3 Recommendations**

That Governors clarify exactly what the policy will be for transition from Year 12 to 13 from now on, given that the description of 'counselling out' given in the minutes of September 13th and 20th 2017 Governing Body meetings when it had been agreed to stop the previous policy, did not make it clear what, if anything, would replace it.

That in the light of the effect on a number of individuals of their poor performance in maths, and in light of the large numbers taking this subject, that governors consider commissioning a review of the maths department and provision, including some external challenge to identify if it requires improvement.

That where it would still be useful to the pupil, the 2017 summer term internal school exam papers should be given back to the pupils and gone through with them.

## **2.3 Single Subject Bar in Years 11 and 13**

### **2.3.1 Narrative**

#### **2.3.1.1 Year 13**

The major 'exclusion' issue, specifically referenced in the TOR, was the 12 to 13 progression issue which resulted in pupils being 'excluded' from the school permanently through the withdrawal of their place. There was however an additional 'exclusion' issue which had caused parents to raise a concern with the LA. This was the policy of excluding a pupil from being entered for and taking their A Level exam in an individual subject if they did not achieve a Grade B in their mock exam in Year 13.

This was not agreed, in those words, as a separate policy by governors, but was introduced for the 2016/17 Year 13 on the back of a paragraph in the document Rules and Regulations –Sixth Form Policy. This paragraph states: "Students in Year 12 will normally continue into Year 13. It is required that students will normally have gained at least a B grade at AS Level, or equivalent internal examinations, in the three subjects that they wish to take at A level in order to complete their studies in Year 13". This paragraph is part of the 12 to 13 progression policy, and is presented as such in the document, not listed as a separate policy for Year 13.

It was only applied to three Year 13 pupils in the 2016/17, but the families of two of the three pupils felt that the potential consequences for their children were so great that they took every step possible to complain about the decision not to allow their child to be entered and to get it reversed and, in one case, are still endeavouring to get the DfE to rule that the school was ultra vires in deciding that they would not enter their child for one of her A Level subject examinations. These two cases were also instrumental in exposing weaknesses in the school's Complaints Policy and procedures.

## **PUPIL J**

She was a pupil who missed the BBB criteria for progression into Year 12 by one grade, obtaining ABC in her AS exams. Discretion was exercised in her case. When her father met the Head later on, the Head said it was because she was a hard worker but the girl says the grade boundaries were changed as a number of pupils who got BBC were allowed to stay on. So she did progress to Year 13 in September 2016. She made her university application during the first half of the term and obtained a conditional university place if she achieved AAC in her A Levels.

All through the UCAS process there was no mention of any possibility that she might have to drop a subject. In November 2016 she and her parents were warned by letter that, if she did not achieve a B grade in the mock exam in January 2017, she might not be entered for the A Level exam in the summer. However before the letter was sent the girl on her own was called in for a meeting in the middle of the day and told that she might be withdrawn. She was told she was in the lowest cohort and lucky to be at the school. Having to receive this news on her own severely undermined her self-confidence, adversely affected her motivation and left her feeling the school had a negative view of her. Her parents tried to explain to the school that she needed encouragement but felt that message was not understood.

Her parents insisted on meeting with the Head, which they did at the beginning of January 2017. Another member of SLT was present who confirms the parents' account of the meeting, which included the Head stating that the school's ethos was excellence and that C grades were just not acceptable.

The Head agreed with father's assertion that it was about league tables, as the school was third highest and wanted to be higher. The Head suggested that the parents were at fault as they shouldn't have sent her to St Olave's or should have removed her in the summer if she was struggling, or should have provided a private tutor. The parents said they didn't regard achieving AAC as struggling and were particularly unhappy that they were criticised for not having provided a private tutor as they had suggested that, and against their better judgement, didn't do so because the school had strongly advised them that it was not necessary as the school could help the girl get the grades she needed.

Additionally the girl suffered from dyslexia and her parents felt that the school had not provided her with the resources she needed and had not considered her unique needs or their part in her performance

The parents subsequently made a formal complaint to the Chair of Governors and also contacted Bromley LA, the DfE and the Diocese.

- The Diocesan Director of Education said they couldn't get involved and advised the parents on how and to whom they should complain.
- The LA Director of Education contacted the Head who incorrectly told her that the pupil had been graded U in her mocks. The parents confirmed by copy of her mock paper that she had been graded a D, not a U but the Director said she could not pursue it further until after the complaints process had been completed.
- The DfE (Ministerial and Public Communications Division) advised the parents to exhaust all stages of the governors' complaints procedure and that then, if not resolved and referred to the DfE, they had a limited role in considering how the complaint was handled and whether the school followed the relevant legislation. They also advised in detail the duty of governing bodies to enter pupils for each prescribed examination for which they were being prepared, subject to three exceptions: educational (but acting reasonably), parental request or they have already been entered for a similar exam.

The parents discovered that the private entry examination centre (through which they would now have to enter their child privately if she was to be able to do the exam) couldn't make the special arrangements to meet her Special Educational Needs. The school allowed her to sit the exam on the school premises where the support could be provided but it was still a private entry for which the parents had to pay.

The Chair's response to the complaint did not reach the parents until several months later due to non-delivery by Royal Mail, as the street number had not been written correctly. During this period they chased several times for an answer from the Chair of Governors but were just repeatedly told it had been sent. This impacted on their ability to take the complaint to the DfE to try to get the decision overturned as the DfE would not consider it until the school's complaints procedure had been completed.

The response repeated much of what had been said in the meeting with the Head, i.e., that all students should be aiming for, and most of them were getting, A\* and A grades with only a few Bs, and that the 6th Form Policy document said you need at least B at AS level to do A level in that subject. It said a concession had been made because of the pupil's SEN to allow her to sit the exam in the school, and because of the support of her teachers to allow her to continue to attend the lessons (from which she was originally told she would be excluded), and revision classes on a

Wednesday afternoon but the school would still not enter her for the exam. That must be done privately.

The parents were not informed of any right of appeal to a governor's panel. In fact, a search of the Governing Body Minutes indicates that governors were never told about the complaint. As well as complaining to the Chair of Governors they had written to one of the parent governors, care of the school, but the parent governor said she had not received their complaint. They were also only informed of the decision to withdraw just before the entry deadline so, even if their complaint had been heard, the deadline would have been missed.

The parents went on to complain formally to the DfE. Their original complaint was misdirected by the DfE internally and they did not receive a final response from the DfE until November 2017. The response concluded that the school had not breached the regulations because it had acted reasonably under the educational exception heading, by taking pressure off the pupil by reducing to 2 A levels.

The parents do not agree with this judgement because she only had to get a C to get a university place so they do not feel it could possibly have been in their daughter's best interests to prevent her from taking a subject. The school had not consulted with the parents or given any opportunity to plan or make a decision about what would be in the girl's best interests or demonstrated that the Governing Body had acted reasonably in coming to the decision, which they were required to do. The only response to their efforts to discuss her best interests and the school's reasons was the Head's focus when they met on a C Grade not being acceptable. Overall the parents felt very frustrated that they had spent so much time writing letters, seeking advice and contacting the school and government bodies and they did not provide much help and their voice was not listened to by the Head and not even heard by the governors.

In the end the girl demonstrated that to have prevented her taking a third subject would have been detrimental and not in her best interests as she passed in all three subjects at grades that enabled her to take up her university place.

## **PUPIL K**

This pupil had achieved the necessary grades at AS to get into Year 13. His AS grades in the summer of 2016 were AABB, after getting 6 A\*s and 5As at GCSE. One of the A grades at AS was economics which was the subject he was later told he would not be entered for. He wanted to study economics at University. He achieved low grades in economics in his Year 13 internal tests culminating in a U in his mock exams in Year 13 and was being predicted a D which resulted in him being told he wouldn't be entered for economics. However his parents said that in Years 11 & 12 the school had severely under predicted, that he had got an A only 6 months before, and that his history was one of performing much better in the exams than in classwork.

His parents contacted the school and wanted to know where the policy was and when governors had agreed that the school could decide that a pupil could not sit a public exam, especially when there had been no fit-for-purpose consultation with parents nor any formal meeting with parents called at the point the sanction was being executed – the sanction was communicated directly to the pupil in a one-to-one meeting with a member of staff. Not being satisfied that there was an explicit policy, they made a formal complaint to the governors by writing to the Chair of Governors in February 2017. They copied the complaint to the LA Director of Education who said they were right to complain to the governors but it was within the school's gift as to what classes their son could attend.

In their complaint to governors they said that the action of the school in not entering him for economics put his university entrance at risk as he would only have 2 A levels. The response from the Chair of Governors was very brief: two lines saying he had discussed it with the Head and was satisfied all procedures were followed and the right decision made, and four lines saying the parent had marked the letter confidential but had copied it to the parent governors so it couldn't be regarded as confidential.

Not being satisfied with the written response from the Chair of Governors, the parents complained formally to the DfE who took a long time to respond, asking for paper work they had already been sent and then needing to secure permission to contact the school.

During this period of waiting, the case was discussed in the confidential section of the Governing Body meeting of 8th March 2017. It was only put on the agenda because, as indicated above, the parents had copied their complaint to the parent governors, one of whom wrote to the Chair and asked for the issue of excluding from exams to be put on the agenda "given the potential implications this policy has in terms of pastoral care and general pupil morale." The letter of complaint from the parent was not put in front of the governors and it is not minuted that it was referred to. The minutes record that governors were told the boy had underperformed in Year 12, had been given a lot of support, his Year 13 test results were poor, he had been disruptive in lessons and there was little chance of him getting a good grade. A governor did ask how then he had achieved A in his AS, an externally marked exam, to which the answer was that he relied on last minute revision which wouldn't work for A level. The parents will not have seen the minutes as they are confidential and they had no opportunity to put any contrary points of view to the governors.

In May 2017 the parents' MP, who the father met while he was canvassing, offered to write to the Head about their case, which he did. The Head wrote a long and detailed response which the father described as 'a hatchet job' focussing on his son's behaviour.

On 4th August the DfE finally wrote and said they didn't feel the school's written responses had adequately addressed the parents' concerns or given sufficient detail for the non-entry to the exam and also recommended changes in the school's complaints procedure. They gave the school 15 days to respond to the parents, a deadline which the school didn't meet, eventually responding on 18th October 2017. The parents were not happy with the response but the DfE wrote to say that they felt it did meet the educational reasons exception for not entering for an exam and advised the parents to raise their outstanding concerns, which included their son being asked to comment on a handwritten note by another pupil identifying members of staff who disagreed with the in-year exclusion policy, with the LA investigation which by then had been set up, which they did.

As with the previous case, the parents weren't prepared for their son to lose his university place, so also went down the route of entering him privately, which created a timetable clash with one of his other subjects so they ended up having to pay for private entry for part of a 2nd subject.

The pupil went on to achieve an A Grade in his economics exam in the summer of 2017 and is now studying economics at university.

Two members of the teaching staff also raised the issue of not allowing Year 13 pupils to enter for exams if they didn't achieve B in the mocks. One wrote a letter in February 2017 to the Chair of Governors, copied to the Head, and which she asked be circulated to all governors. She did not receive a response and when she followed it up by writing to the clerk, he was told by the Chair Governors not to circulate it. A former teacher governor wrote to their MP in April 2017 on the same issue. He passed their letter to the Minister of State for School Standards who replied, along the same lines as the DfE officials to the parents that complained, that a school can only not enter a pupil for a public exam they have been studying for if there is a sound educational reason. The Minister's letter also added that the decision should always be made in consultation with the students and their parents, in a student's best interest.

#### 2.3.1.2 Year 11

Making a pupil drop a GCSE subject in Year 11 was an issue raised in a small number of interviews with parents and staff. No specific policy existed but it had always been the practice to monitor the C grades. Parents of Year 11 pupils at risk would be informed by letter in November that, if performance doesn't improve by the January mocks, consideration would be given to dropping a subject. Some teachers and parents say that letters have been given out to children in class to take home to parents and, in some cases, the subject teacher was not aware that the child was at risk of being withdrawn from their subject after the mocks.

### **PUPIL L**

One parent who received the letter in November 2016 was not in agreement with her son dropping any subjects and insisted on meeting the Head. They had a heated discussion. The parent's view was the school ought to be teaching resilience and the importance of doing your best and that if her son had done his best she would be proud of him even if he got a C. She also objected to her son being called to an official meeting and given a letter, without her prior knowledge and without a parent present, stating his prediction for a particular subject was not good enough and that he would not be allowed to continue the subject to GCSE unless he achieved at least a B in the mock. She was very concerned about the effect such actions were having on the boys' emotional wellbeing.

She said that the Head's response to being proud of her son was 'we wouldn't be'. He was a very able pupil and didn't need to drop a subject to give himself more time in other subjects and the parent felt that the reason it was being suggested was to reduce the risk of any C grades having an adverse effect on the league table position of the school.

She also felt that the Head always blamed the children if their grades were lower than they should be whereas she felt, and gave examples, that there had been issues with staff and the teaching, particularly in maths. She had put in writing and repeated at interview that she found the Head's manner bullying, including saying in the meeting with her that this was St Olave's and he could do what he liked and that if she didn't like it she should take her son out of the school. However she described the conversation as 'robust' and she was very forthright in disagreeing with the Head's position.

The outcome was that her son did not get a C in the mocks as predicted. He got an A and went on to achieve 9A\*s and 2As in his GCSEs at the end of the year, so easily meeting the 64 points needed to continue into Year 12. However his parent decided that he would not return to St Olave's and he went into Year 12 in another Bromley school.

Other parents and staff who raised the issue of Year 11 pupils having to drop a subject raised it more generically as a potential problem once the 64 points system had been introduced, because having one less subject made it that much more difficult to achieve the 64 points, especially with a C grade not counting for any points.

### **2.3.2 Conclusions**

There was no clear and easily understood policy which stated in terms that if pupils did not achieve a B in the January mocks in Year 13 they would not be entered for the exam in that subject. The part of the Rules and Regulations –Sixth Form Policy that the school relied on to claim that there was a policy was the paragraph which states "Students in Year 12 will normally continue into Year 13. It is required that students will normally have gained at least a B grade at AS Level, or equivalent

internal examinations, in the three subjects that they wish to take at A level in order to complete their studies in Year 13". Taken as a whole that clearly refers to progression from Year 12 to 13 and would be read as such by parents and pupils. The B is the bar to getting into Year 13, and therefore it is not surprising that the phrase 'to complete their studies in Year 13' will be understood to mean complete them by getting into Year 13, rather than there being another bar to completing them half way through Year 13.

In neither of the cases where the parents complained to the DfE was the school's original decision not to enter them for a public exam for which they had been studying justified in terms of the allowed exceptions, including the educational one. Neither these two, and most likely no other St Olave's pupils, are going to be performing at such a low level that they are not suited for university entrance and so the argument that it would benefit them to drop one of their three A Level subjects to get better grades in the other two is a spurious one.

Both these pupils had offers of university places, including offers where C as their lowest grade would have been sufficient for them to get in. If they ended up with only 2 subjects the direct result of that would be that they would no longer have those places. It cannot be argued to be in the best interests of the pupil, which is the test that the law says must be applied. For that reason alone the decision was flawed and it is surprising that the DfE accepted this argument from the school as a justifiable educational reason for their decision. In the case of a student struggling with all Ds and Es and in danger of ending up failing everything, then that educational reason of giving them more time to concentrate on two might be a valid, but that is not what the situation was at St Olave's generally or with these two pupils specifically.

The investigator therefore does not agree with the conclusion that the DfE reached about whether the school was justified in refusing to enter them and is of the view that both the complaints should have been upheld. In support of the conclusion that they should not have been refused entrance to the exam can also be cited their actual results at A level and their higher education destinations.

This practice potentially discriminates against pupils from poorer homes who would not be able to afford extra tuition or the fees for entering a pupil privately through another centre.

One of the parents consistently asked the question as to what advantage there was to the school of not entering the pupils knowing they would probably be entered privately. He was never given an answer.

The school's complaints procedure was not fit for purpose. Complaints went to the Chair, who discussed them with the Head and then wrote back to the complainant, using guidance and/or a draft from the Head. There was no separate procedure for dealing with complaints against the Head or Chair. The Chair took the parents of the

pupil to task for copying their complaint to the parent governors, but if they hadn't done so, it would not even have been on the governors' meeting agenda, as indeed the complaint from the other parent wasn't. Even though the governor's insistence on it being on the agenda did at least result in the issue being aired, it still wasn't dealt with properly as a complaint, with an investigation report and a panel of governors, who had not been involved in the investigation, hearing the evidence, including evidence from the complainant. In the other case, governors did not even know that a formal complaint had been made.

Even once the media coverage had happened in August, when formal complaints to the governors were being submitted to the clerk (of which the investigation was made aware of two) the clerk was told by the Chair just to forward them to the Head.

In September, after the Chair resigned, there was a formal complaint from the Chair of the Parents Association sent to the new Chair of Governors that the Head had behaved in a threatening and aggressive way towards her. The parent thought that it was not pursued because she wasn't still a parent, but the new Chair said he had been willing to look into it but found that the procedure did not allow for dealing with complaints against the Head, further demonstrating a complaints process not fit for purpose.

The practice of not entering a Year 11 pupil for GCSE in a subject in which they don't achieve a B in the mocks is subject to the same rules for not entering for a public exam that applies to the A level issue in Year 13. However the difference is that in general terms no one needs the number of GCSEs that children at St Olave's take so prima facie there is no disadvantage of reducing by one and it is much easier to argue for the educational advantage of reducing workload and so improving outcomes in the other subjects. The one disadvantage was that it made it more difficult to achieve the 64 points needed to get into Year 12. The decision should be taken in consultation with parents and the pupil, whose views should be an important consideration because, as has been seen throughout this investigation, and would be true in all schools, children's performance can improve considerably between mid course internal tests and the final exam and teachers' predictions can be wrong.

### **2.3.3 Recommendations**

To restore confidence in the complaints policy and move from a situation where people do not think it is worth complaining because they won't be given a hearing:

- That the complaints policy and procedures be rewritten in line with good practice;
- That a positive effort is made to ensure that staff, parents and the wider school community are aware that there is a completely new complaints policy;
- That complaints should be a standing item on every full Governing Body agenda where the number and nature of formal complaints to the Head and to governors received since the last meeting are reported;

- That the new complaints policy and the whistleblowing policy be looked at together to ensure clarity on the appropriate circumstances for the use of each one.

That the policy of not allowing entry for individual subjects at A Level if a B grade is not obtained in the Year 13 mocks should stop and, if the school feels that it is in the best interests of the pupil to only sit 2 A Levels, that this should be discussed with the parent and pupil and their views should carry significant weight in the decision making. There should be no assumption by the school that if the school doesn't enter them they will be entered privately.

That the Year 11 policy of reviewing whether a pupil should drop an individual subject based on their performance in the Year 11 mocks, should be continued, but with more flexibility as to the criteria used. Consideration should be given to the possible effect on whether the pupil can achieve the 64 points required to enter the sixth form as well as whether dropping one subject will improve performance in others and /or have a beneficial effect on the pupil's wellbeing. As with Year 13, the views of the parents and pupil as to what is in the best interests of the pupil should be taken into account and should be a significant consideration.

That the Governing Body should inform the two parents who complained to the Governing Body and then the DfE about the Year 13 subject ban, of the findings of the investigation, and apologise to them for the decision. The DfE should be informed of the investigation's disagreement with the DfE position.

## 3 Formation of Companies (China)

### 3.1.1 Narrative

The first recorded mention of the possibility of licensing or supporting or running a school in China, on the St Olave's model using the St Olave's brand, was 7th June 2016 filed in an unsigned (but not headed Draft) Heads of Terms agreement between St Olave's School, to be signed by the Head on behalf of the school and an education consultancy company specialising in Sino-UK projects. It was an exclusivity agreement whereby the school only worked through this company with a Chinese education group, and no other Chinese partner, and the education consultancy company would not introduce any other (UK) school to the Chinese education group.

At the Governing Body meeting on 8th June 2016 it was reported that the discussions were about the Chinese education group building up to 5 schools in major cities in China providing for between 1000 and 5000 students, paying an annual fee of £15K, of which St Olave's would receive a good percentage of the profits and St Olave's would be providing the brand and the expertise. This project involved working with the Woodard Corporation (who run the Woodard Schools group, mostly independent schools). St Olave's is affiliated to the group. That meeting also discussed developing cultural/educational links with a school in Hunan Province in China. Reference was made to this being done in conjunction with the former Mayor of Bromley.

The other party involved was a Director of a private company, the Orpington Education Group, an organisation established to promote Sino-UK relations. Governors approved both the links with the individual school and investigating the opportunity to establish links with a Chinese school developer.

On 23rd August 2016 the Head meets with the Chief Executive of the Woodard Group. They discuss the Chinese education group's interest both in English schools in China and setting up schools in the UK. The education consultancy company had the contract for coordinating and administering all of the Chinese education group's activities in the UK. It is common when negotiating with Chinese companies to work through an intermediary. Notes suggest that the Chinese education group did not want to work with an individual school but with a significant organisation that runs a group of schools. This was confirmed subsequently by the Chief Executive of Woodard.

On 21st September 2016 the school's Business and Development Manager (BDM) presented a paper to the Governing Body meeting. Points raised by governors included that due diligence needed to be done on all parties and that the school should proceed with caution. Governors agreed to continue to engage and investigate the potential for a partnership with a school provider in China.

On October 19th 2016, the Finance Committee noted that the Woodard proposal seemed to have ground to a halt. Governors asked what's in it for the Woodard Foundation? The Head was not sure but noted that the emphasis had shifted towards the Foundation rather than St Olave's School and that might become a problem.

On November 2016, the BDM wrote a report for the Governing Body suggesting the project involving Woodard, the education consultancy company and the Chinese education group may not be the best route to go down. At half term, the Head with the Director of the Orpington Education Group, and the local Ward Councillor and former Mayor visited China to support the setting up of a student exchange programme with the Chinese school.

There was discussion between the Head and the Director of the Orpington Education Group and her husband after they had returned, which resulted in a proposal to investigate an alternative route into the Chinese market, with the Director and her husband leading on the Chinese end, the Head working up the proposal of what St Olave's had to offer to the Chinese and the BDM investigating UK schools already operating in China.

The Governors formally approved these further investigations.

In January 2017, the Chair of Woodard wrote to the Chair of the Chinese education group saying they had employed solicitors with offices in China to move things forward from a Memorandum of Understanding (MOU) to a formal agreement on four projects:

- bringing Chinese students to Woodard schools in the UK;
- developing schools in partnership with the Chinese education group in China;
- developing schools in partnership with Chinese education group in the UK with access to top universities;
- developing training and support for all the projects.

St Olave's is not named in this letter but there would be a separate agreement on each individual project and St Olave's would have been one of these.

On 17th February 2017, the Head and BDM, with the Director of Orpington Education and her husband, discussed the details of the alternative project to be located at Hangzhou where the local government had land for the project and was keen. A detailed scoping of the structures that would be needed was presented and discussed and recorded in the notes of their meeting.

On 8th March 2017, at a Governing Body meeting, there was a report from the BDM that the Woodard proposal was looking better now but they should drop the middle man, i.e., the education consultancy company and the Head should talk directly to the Chinese education group when they visited the UK in April. They should still

pursue alternative options and the Head had met other potential investors while he had been in China.

On 15th March 2017, the BDM circulates a paper to just three governors, with the first mention of companies. It goes to a governor who is a lawyer and to the Chair and Vice Chair of Governors. In the paper is the statement that there is not an established approach for a maintained school to generate revenue from a commercial operation. So the BDM says in the paper his preferred and proposed model is to set up a completely separate company or companies, licensed by the Governing Body to use the St Olave's brand. He asks whether, on behalf of the Governing Body, they are comfortable with this approach and with any potential conflict of interest for himself and the Head as managers in the school and Directors of the company. He refers to there being a financial incentive for them as individuals for the work that they are going to do.

The three Governors would not have been authorised to give approval on behalf of the Governing Body and none of them did. They all raised a number of issues and each of them emailed separately saying that nothing should be done without taking legal advice.

In May 2017, the Finance Committee discussed both projects. Woodard had organised a meeting with the Chief Executive of the Chinese education group who was very impressed with St Olave's. He had invited the Head and the BDM to visit and Woodard was progressing the legal work.

Meanwhile on the alternative project that the Orpington Education Group Company was working on with the Head, (called here the Orpington Project to distinguish it from the Woodard project) the Regional and Provincial governments in China were interested in backing it. It is noted in the documentation that both Chinese sponsors wanted exclusivity, but both knew about the other and the proposals were both in the same geographical location.

A governor raised the issue of who owned the St Olave's brand. The full Governing Body formally decided to register the brand and to take legal advice before signing any documents, with the governor who is a lawyer assisting in scoping the work for the lawyer to do. The full Governing Body approved reasonable expenses for progressing the Chinese school initiatives, including travel expenses to China. These were paid for by the Foundation out of the money they held back for the school.

In June 2017, at the Governing Body meeting, the Head reported on his half term visit to China. On the 'Orpington Project' he reported that the Chinese government was to provide the site and the building so they did not need another investor.

The BDM reported on the Woodard project that the Chinese partner had visited St Olave's.

The BDM reported that the name of the school still wasn't registered and presented a paper proposing in detail under which headings the name, the crest, the crown and the axe logo should be registered. Governors formally agreed to the registration at a cost of £16,500.

When the question was asked, in May 2017, as to who the brand belonged to i.e., who had the right to licence its use, there was speculation as to whether the school, the Local Authority or the Foundation owned it. It transpired that the intellectual property rights (IPR) had never been registered and so no one owned it. This meant theoretically anyone could open a school and call it St Olave's so it became a priority to go through the formal process of registering the IPR both in the UK and abroad.

The BDM was aware that the registration of the IPR had to be with a legal entity that could own property and as the school wasn't a legal entity and governors did not want the Foundation to be used, BDM concluded that a company needed to be set up to own the IPR.

On 10th July 2017, three companies were registered at Companies House on the same day. The names of the companies were St Olave's Management Services, St Olave's Management Services (China) Ltd and Goddington Management Services Ltd. The registered address of all of them is the home address of the BDM.

All three companies were private limited companies owned by their shareholders. The two shareholders and Directors of St Olave's Management Services Ltd were the Head and the BDM who owned 50% of the shares each. The four shareholders and Directors of St Olave's Management Services (China) were the Head, the BDM, the Director of the Orpington Education Group and her husband, all registered in their individual names. They each own 25%. The articles are the standard Companies House Articles. Neither of these companies has traded.

A third company, Goddington Management Services Ltd, was set up on the same day by the BDM, with him as the sole Director and shareholder, and registered also at his home address. Its purpose was listed as providing other business support service activities not elsewhere classified.

In August 2017, the Head and the BDM visited Shanghai at the invitation of a possible new sponsor company. The Director of Orpington Education had introduced the Head to the company which was the education subsidiary of a different Chinese education group, which was itself part of a large multi-national company and ran private schools around Shanghai. The new sponsor company wanted to set up a bilingual school in the UK, linked to UK universities. The Head made a presentation to them on how to set up a school in the UK. The documentation states that the ultimate aim was to set up a Joint Venture between the sponsor company and St Olave's College, a new bilingual school in the UK. The plan was that the St Olave's governors would receive a payment for licensing the use of the St Olave's name. The sponsor company would set up the company which would be tax

beneficial for them under Chinese law. There would be shareholders but details were not determined.

Following the initial media coverage on 29th August of the 'exclusion' policy, on 5th September there was specific coverage of the IPR and companies issue.

On 20th September 2017 a report was brought to the Governing Body meeting updating on all three possible projects. The Head was still planning to go ahead. Governors were urging caution. It was agreed to get further legal advice. Governors were not asked to approve the setting up of the two companies.

### **3.1.2 Conclusions**

#### **3.1.2.1 Legal Advice**

The BDM's view was that the process for setting up a company is a simple one with which he was very familiar so he did not deem it necessary to get separate legal advice on that. He said he was clear that the legal company that he had consulted, which is known to have particular specialist expertise in intellectual property rights, (henceforth referred to as the specialist legal company) had given such legal advice as was necessary. He makes reference to an email from them in response to his suggestion that the Head and BDM should have the IPR registered with them in their roles rather than as individuals, so that it can be passed down to their successors. The BDM says that the specialist legal company ruled this out and so the only alternative left was to set up a company to receive the IPR.

The Head asked for it to be recorded that they did seek legal advice from the specialist legal company who said the company had to be in the name of individuals not the school. In response to being told that, the specialist legal company confirmed in writing to the investigator that they did not give legal advice on the setting up of the companies. The Head said the BDM was very experienced in setting up companies and he left it up to him how to do it.

The specialist legal company said that the £16, 000 payment they received from St Olave's was for registering the IPR, not for giving legal advice on setting up a company and that they neither told the school they had to set up a company or advised them how to do so. All they did was to respond to a specific suggestion from the BDM by informing him that it would not be possible. They then wrote to the investigator as follows: "At no point within our discussions I mentioned, advised or otherwise that the marks could not be owned by the school and that they had to be owned by named individuals. As per our previous correspondence, there was neither any advice from me as to how to set up a separate company and who the shareholders, directors, etc. of said company needed to be. We did not discuss the option of an individual or various individuals owning the trademarks."

The BDM did not seek any legal advice beyond that from the specialist legal company who are neither education lawyers nor specialist company lawyers. The obvious source of legal advice would have been the school's own lawyers.

In addition, the other UK organisations and schools involved in similar projects included the Woodard Foundation, Dulwich College and Westminster school and none of these is a Local Authority maintained school, which should have indicated that particularly thorough due diligence was required. This comes back to the point of needing to take legal advice at an early stage as St Olave's would have been the first state school to go down this route.

In the light of what the legal position is in terms of the powers of a school or its managers to set up a company, it was a serious error of judgement on the part of the school not to have sought advice from the school's own lawyers.

### 3.1.2.2 Registration of the companies

There is nothing illegal about registering a company at any address. The reasons given by the BDM for using his private address were that it saved the expense of registering with an accountant and it was July and near the end of term so the Business Manager wanted correspondence to come to his home rather than have to come to school to collect it. Neither of these reasons is a strong one, especially given that £16,000 had already been spent so a few hundred more to have a formal business address shouldn't have been an issue.

The reason given by the BDM for setting up on the same day as the two St Olave's companies, his own private company that is also listed as providing educational services is that it was simply a matter of convenience. He had been going to set it up for some time to do private business nothing to do with the school and it was convenient to do it at the same time. He said there was no significance in the fact that the name of the company was the road that is St Olave's address.

The BDM went on record to governors as well as to the investigation that he was very unhappy at the public and semi-public suggestions that the registering of the companies to his address in some way means there was impropriety on his part. He is correct that it does not. It is perhaps understandable that, at the time, he would not have thought this was something unusual or significant or that it would be publicly scrutinised. It is equally understandable that when it was, people remarked on it. The bigger issue was the error in setting up the companies in this way at all rather than the companies' address.

The BDM feels strongly that incorrect inferences have been drawn from the setting up of this third company on the same day. He says that it was his personal company through which he planned to sell services not to St Olave's or China and that he had been planning to set it up for some time and it was pure convenience that led him to register all three on the same day. This company too has not traded.

The investigator concludes that there was no financial impropriety on the part of the BDM

### 3.1.2.3 Why two companies?

The reason stated by the BDM for setting up the first company, St Olave's Management Services Company Ltd, was to become the owner of the IPR, although this is not referred to in the documentation at Companies House, which states its purpose as educational support services.

The second company was the St Olave's Management Services Company (China) Ltd where the Director of the Orpington Education Group Company Ltd and her husband were equal shareholders and Directors with the Head and the BDM.

The then Vice Chair of Governors, who was one of only three governors who were aware of discussions to set up companies, in March 2017 queried why there needed to be two. The first company could have both owned the IPR and, as stated in its registration at Companies House, carried out the kind of work planned to be done in China and the UK.

The reason given by the BDM for needing a second company was 'to protect the school in the event of any difficulties arising because liability to a third party would end with that legal entity and would not involve the school'.

However what was said by the Head seems the more likely explanation. The Head said they were being pressurised by the Chinese to be seen to be doing something and, in response to the investigator referring to a document discussing who should get what proportion of the shares and whether they should pay the Director of the Orpington Education Group Ltd and her husband on a commission basis rather than as shareholders, the Head said that the Director and her husband wanted some clarity and were pushing for a bigger share.

By setting up the second company the BDM and the Head had put the school, which was the intended recipient of the profits, into a formal profit sharing arrangement with two private individuals. However, in practice it was themselves they had put in that position because legally they as individuals were the shareholders. There are a number of references throughout the documentation to the need to do due diligence on all parties with whom the Head was having discussions. The investigator found no evidence of that being done in relation to the St Olave's Management Services Company China (Ltd).

It might have been expected that both the Head and BDM would have reflected on the position this potentially put them and the school in if some of these projects came to fruition as the potential money flowing through this company could have been significant. This leads back to the conclusion that they should not have set up this company in this way without legal advice and due diligence.

They should also have heeded the advice from the Chief Executive of Woodard who had advised the Head not to set up a company using their names as he had knowledge of somewhere where that happened and it resulted in severe difficulties and they had to undo and unscramble it.

#### 3.1.2.4 The Relationship with the Orpington Education Group Company

The Orpington Education Group Company is a private limited company registered with Companies House in 2015 at a private address in Orpington. It has one Director and shareholder and she and her husband were the 50% shareholders in and Directors of the St Olave's Management Services China Ltd Company set up on July 10th 2017. Before that date she and her company had a number of different connections with St Olave's School.

Her company organised a visit to China the purpose of which she said was to promote international links between Bromley and China. The Head and a former Mayor of Bromley went on the visit with her. The Foundation funded the Head. It is not known who funded the other members of the group. The Council says it did not fund the former Mayor.

The Director of the Orpington Education Group and her husband were part of the team working on two of the three China projects that were being considered by the Head (see above). They had no involvement in the Woodard led project.

The Director of the Orpington Education Group, through her company, also organised visits of students from China who paid for accommodation in local homes and had a programme of visits organised for them. This included days in St Olave's where they joined in the classes. The school received a small payment for what the teacher who organised it described as a considerable amount of work.

The Director through her company also ran community language classes for which there was a charge and hired the facilities at St Olave's School on a Saturday morning to do so. The BDM and the premises manager worked out what that would cost the school in terms of extra staffing and suggested a rate to the Head to cover the cost. The Head agreed a lower rate with the Director on the grounds that it might be an opportunity to encourage St Olave's pupils to join the classes and he wanted to encourage the introduction of Mandarin to the school.

In advertising the classes the Director used a photo of St Olave's name board in a way that might appear to be trying to trade on the St Olave's name and make it look as if the classes were part of the school. The Director said that had not been her intent and she had taken the photo down from the website when asked to do so.

In relation to St Olave's Management Services (China), she said that she thought it had been approved by the St Olave's governors and also that she wasn't aware of St. Olave's Management Services Company being set up at the same time.

There is no evidence of any wrong doing in terms of the activities in which the school and the Orpington Education Group collaborated, although there could have been more transparency.

In terms of the China projects, it would have been wiser to have paid the Director and her husband a fee for their services provided and introductions made, rather than give them a 50% share and control in the St Olave's Management Company (China). There was at least a possible conflict of interest because although there in an individual capacity, one of them was running a business related to schools in China and bringing Chinese students to schools in the UK. The aim of the whole China project was to make money for St Olave's and to bring cultural opportunities and diversity for St Olave's students. Why should two individuals who are not part of the school and/or their company gain financially, beyond payment for services rendered, from an undertaking whose stated purpose is to raise money for the school? The documentation suggests that paying a management fee to the Director and her husband rather than a profit sharing arrangement would have been the preferred arrangement as far as the Head and the BDM were concerned, but the implication was that the individuals concerned preferred the shareholding arrangement.

#### 3.1.2.5 What could have been done?

##### Setting up a school company

Section 11(1) of the Education Act 2002 provides governing bodies of maintained schools with the power to form or participate in the formation of companies for certain specified purposes. One of those specified purposes is to provide educational services and advice. A governing body that exercises that power is able to be a member of the company, Under Section 12 of the Education Act 2002. The school company set up under Section 11 would be a legal entity. A maintained school that is not an Academy must seek permission from their LA before exercising this power under Section 11. The LA can only withhold permission in exceptional circumstances.

The Regulations associated with Sections 11 and 12 of the 2002 Act govern the structure and the operation of companies formed by governing bodies of maintained schools using their powers under Section 11. The Regulations refer to the companies to which they apply as "school companies" and set out in detail how a school company must be constituted and operate. These regulations include at least 40% of the Board of Directors to be non-executive, the constitution to set out how any surplus funds generated by the company may be reapplied for the benefit of the company's objects or divided amongst its members, that the Local Authority must act as a supervising authority for the company. Employees of the school or Council are not permitted to be members of the company.

So setting up a school company would have allowed the school to have a legal entity that could own the IPR. The IPR was able to be, and was, registered to St Olave's Management Services Company Ltd whose purpose was registered at Companies House as the provision of educational support services. The same purpose is listed as a legitimate function of a school company so there would not have been a problem about registering the IPR with such a company, which would have been clearly school related and would have avoided all the issues about individual shareholders.

#### The Foundation owning the IPR

The simplest solution of all was that the Foundation could have been the registrant for the IPR. The Foundation was already a legal entity and, as the name St Olave's had existed since the Foundation was set up in 1571, it seems logical and appropriate that the name and the associated marks should be owned by the Foundation, as they are in other schools with ancient Foundations. This would have meant that use of the name and the brand would have been under the control of the Foundation. Therefore one might have expected that the Foundation would be the first port of call when it was discovered in May 2017 that the name and marks had not been registered at all.

However, the Foundation was never asked about what should happen. One of the governors became a member of the Court of the Foundation in 2017 and in June 2017 he raised the issue with the BDM of the need to speak to the Foundation and for them to be consulted. The BDM's response was that nobody representing the Foundation had shown any interest in getting involved to date and the Chief Executive and two members of the Foundation knew about the issue. Elsewhere the BDM has gone on record saying that the reason why the Foundation was not put forward for ownership was because that would have meant sharing any profit made with St Saviours' and St Olave's Girls' School which is the other school in the Foundation.

The investigator concludes that once it was found that the IPRs were not registered, the Foundation should have been formally consulted and that the best option would have been to make the Foundation the registrant. If for any reason the Foundation itself did not want to do that, then the second option would have been to set up a school company to be the registrant.

#### 3.1.2.6 The legality of St. Olave's Management Services Ltd and St. Olave's Management Services (China) Ltd

The companies set up by the BDM on July 10th 2017 do not comply with what a school company has to do under Sections 11 and 12 of the 2002 Education Act so they are not a school company and were not set up pursuant to the powers detailed in Section 11 of the 2002 Education Act.

The question that then needs to be considered is, in what capacity and pursuant to what powers did the Head and the BDM set up the companies? Were they acting in their private capacity or in their capacity as employees of the school?

If they were acting in their private capacity, individuals, including head teachers, are able to form companies provided that such companies do not conflict with their role as head teacher. Whilst section 11 does not prohibit such actions by private individuals (it merely empowers the Governing Body to act in a particular way), counsel's legal advice commissioned by the LA for the investigator says:

- that there seems to be no basis upon which such a company could exploit the name or other intellectual property rights of the school;
- that such actions are likely to be contrary to express or implied terms of their contracts of employment and possibly their fiduciary duties;
- that the registration of the school's intellectual property rights for the purpose of exploiting them seems to be inconsistent with their obligations as employees;
- that possibly claiming a right to exploit a brand name to which the individual has not entitlement may be contrary to legislation;
- if they were acting in their professional capacity as head teacher and business manager rather than a personal capacity, counsel is unaware of any power similar to section 11 of the 2002 Education Act which empowers such staff to form companies. In the absence of such a power, such actions are likely to be unlawful.

The investigator therefore concludes:

- that the school did not have the legal power to set up the companies in the way they were set up, but could have set up a school company under Section 11 of the Education Act 2002; and
- the individuals had the power of any individual to set up a company but not one which took ownership of and then exploited the name of St Olave's.

#### 3.1.2.7 What did the Governors know?

There is no reference in the minutes of any full Governing Body meeting to the governors being asked to approve the setting up of any companies. Several governors remarked that the first they knew about it was when the story broke in the press.

The governor who is a practising lawyer is very clear that, had it been suggested formally at the Governing Body meeting that these trading companies should be set up, he would have insisted on the governors obtaining independent legal advice. Although he can and did ask general questions about how the China project was intended to work and in general terms advised caution, he always made it very clear

that he was not giving legal advice, as his professional code and role as a governor would not allow that.

It is clear from the narrative that all governors knew what the basic proposition was, i.e., that the school needed money and that the St Olave's brand of high academic success and links to Oxbridge and medicine would be attractive to a growing market in China, so the Head and BDM were having discussions either directly or through third parties aiming for business arrangements with Chinese companies to result either in schools being set up in China using the St Olave's brand or schools being set up in the UK doing the same. Both would be fee-paying and the UK schools would be seen as a route to Oxbridge entry for wealthy, bright, Chinese students. Whether the income would derive from licensing the brand for a fee or advising or helping to set up the schools was still an open question.

All governors interviewed were of the view that the Chinese project was only at a preliminary stage and no commitment had been made and that all that they had authorised the Head and the BDM to do was have exploratory discussions and make and receive exploratory visits. The BDM said at interview that there was no business plan as things hadn't progressed that far. In the documentation made available to the investigation there was a detailed curriculum plan which had been costed, correspondence about how the share holdings were to be divided up, and draft Heads of Terms from as early as June 2016. This is probably more detail than governors were aware of but still within the parameters of investigation with no legally binding commitments.

The one key aspect that the full Governing Body never discussed, and which only three governors knew was a possibility, was the setting up of the companies. In June 2017, the BDM wrote a paper entitled 'Proposed structure for developing commercial opportunities on behalf of St Olave's', sent to only three governors: the Chair, Vice Chair and one of the governors who was a lawyer. That paper did propose setting up companies, although not exactly as was done on July 10th. The BDM asked those governors to "confirm on behalf of the School's Governing Body that you are comfortable with the logic of the proposal". There ensued an email correspondence between BDM and the three governors in which the Chair said he didn't feel competent to give a definite opinion but company directors should be answerable to the Governing Body, the lawyer emphasised the need for legal advice, the Vice Chair didn't see why there needed to be two companies.

This shouldn't have been taken as an agreement on behalf of the Governing Body to set the companies up, which in any case no three governors would be in a position to do. There is a process for the Chair to take action and have it endorsed retrospectively by the full Governing Body, but that is only if there is no time to go to a full Governing Body meeting and, in this case, there was a Governing Body meeting in June that the proposal could have gone to but it was not brought to or mentioned at that meeting.

The Head's position, when asked why he permitted the companies to be set up without the approval of the governors, was that it was just a detail and so came within the scope of the authority that governors had already given him. The Head didn't dispute that it hadn't been approved by the full Governing Body. He said he couldn't go back with everything and the BDM was authorised to do the detail. When the investigator suggested it wasn't just a detail and he should have sought governor approval he disagreed and said he could have set up 50 companies and it would be irrelevant because governors were going to decide what to do with them, and the companies hadn't done anything to date. When pressed on why only three governors knew, he repeated that he didn't think that it was an issue that they hadn't got governors specific agreement to set the companies up.

It is surprising that the Head would regard this as a matter of detail when one of his key themes was that he didn't decide anything, it was his governors who took all the decisions. His comment about 50 companies was extreme, but the point he was making was that if the governors didn't agree with what he had done, they could just be shut down however many of them there were because they hadn't traded. However why would you want to do things that way round rather than get approval first? He implied that he was always intending to ask for governor approval retrospectively. It is therefore surprising that he did not seek retrospective approval for the companies at the meeting on 20th September 2017 which was the first meeting after they were set up. There was a report on the China projects on the agenda and the minutes show that it was clearly his intention to continue with the projects, but there was no mention of the companies.

The investigator concludes that the companies should not have been set up without the formal agreement of the full Governing Body, which clearly would not have been given until legal advice had been obtained and proper due diligence had been done, which almost certainly would have meant the companies would not have been set up in the way that they were, if at all.

#### 3.1.2.8 Financial arrangements and individuals

Both the Head and BDM are very clear that the financial driver for the Chinese projects was to raise money for the school and not for the financial gain of individuals.

The BDM, in writing to governors and in evidence to the investigation, strongly refuted any suggestion that it was the intention of either himself or the Head to take any of the profits themselves, and that everything was done solely to raise money for the school, and the investigator concludes that was the key driver for the school's involvement in the China Project.

BDM is aggrieved that due to the media coverage he feels that his motives have been impugned.

The legal position is that the shareholders are individuals with the Head and BDM having the same status as the other two shareholders in the Management Services (China) company to whom the profit would have gone as individuals. So by setting the companies up in this way, to some extent, they laid themselves open to the kind of comments that they have found very hurtful and unjustified because there is nothing apart from the name in the title that links the companies to the institution of the school. Legally, if they left the school, they could remain shareholders and directors, even though both were clear that in practice that would never happen.

There were planned to be some financial incentives /rewards as a result of the projects. In the BDM's performance management review in May 2016, he was to be given a bonus as a percentage share of the profit if the China project was successful. His pay was increased significantly in the same review to a point considerably higher than the other SLT members. The Head did not recall the bonus being given and said the significant salary increase was a retention payment.

In the paper referred to above, sent to the three governors by the BDM with the proposal for the companies, it is made explicit that there would be some form of payment to the Head and BDM for the work they did for the company on the China Projects. The paper said "On the assumption that there is also intended to be a financial incentive for the headmaster and I to put our efforts into this in our own time, it may be possible to structure arrangements which whilst open and transparent are also more financially efficient for us as individuals". Also in the list of points the BDM was asking the three governors to agree, he included "the declaration of interest involving the headmaster and myself" and "avoiding any potential conflicts of interest on the part of the headmaster and myself between our roles in the management of the school and acting as Directors of the company(ies) described above are concerned".

This prompted the Vice Chair of Governors to write "I think the whole Governing Body needs to understand and agree any proposal around additional remuneration for executives of the companies who are also on the school payroll and be satisfied that they are still able to fulfil their normal duties in full".

The Head and the BDM were aware of the possible conflict of interest and the BDM said that a possibility was that they might work for the Chinese sponsors setting it all up.

The investigator concludes that as the companies never traded there is no evidence of distribution of profits and no reason to disbelieve the Head's and BDM's assertion that the money that would have been legally theirs would have gone to the school not to them.

Depending on how and which projects came to fruition and how large scale they became, there were a number of different ways things could have developed in the role of the BDM particularly but also of the Head. A number of opportunities could

have opened up, some involving splitting their time between St Olave's and the projects, or even leaving St Olave's and working solely on the projects. The BDM was right to flag this in his paper in the interests of transparency but it is yet another reason to conclude nothing should have been done until the governors had the opportunity to have an in depth discussion about all of it. The possible implications of where it all could lead might have been regarded as exciting but it might, as the Vice Chair was hinting, cause governors to ask whether the China projects and the companies might be the tail wagging the dog if they became so time consuming that the school they were there to support started to suffer because of the time that the Head and BDM were spending on it, even if theoretically they were being paid to do it in their 'own time'.

Some schools make it clear in staff contracts that they are not allowed to have second jobs or run separate companies, or they have a process for that interest to be declared or, in some cases, they require the member of staff to have approval. Clarity and transparency in this area would avoid speculation.

### **3.1.3 Recommendations**

That the two companies, St Olave's Management Services Ltd and St Olave's Management Services (China), are closed and the IPR of St Olave's is transferred to the Foundation.

That governors review staff contracts with a view to adding a section that makes clear what staff can and can't do in terms of paid employment in addition to their post at the school.

## **3.2 Finance**

There was no specific section in the TOR on finance. It is included here because initially the investigator asked to have an overview look at the school's books to check whether the China projects had impinged on the school's budget.

Subsequently issues and actions in areas that were covered by the TOR frequently related to the school's difficult financial position, but what was being said about that by the Head and the BDM didn't tally with the figures the investigator had seen. The investigator therefore decided to look at the school's finances in more depth and reports in the following section on the financial position of the school and the link with other aspects of the TOR.

### **3.2.1 Narrative**

#### **3.2.1.1 Overview**

The Head joined the school in 2010 and the BDM joined the following September in 2011.

The school being in financial difficulties and needing considerable external funding above its funding via the LA, to provide even the basic educational requirements of a

secondary school, is a theme running throughout this period. To a greater or lesser extent it impinges on virtually every aspect of the TOR of the investigation.

Year on year the BDM presented a budget to governors that showed in figures and stated in words that without a significant contribution from the Foundation (who were contributing £300,000 per annum gross), and from voluntary contributions, (the lion's share of which was the money being paid monthly by parents which since 2013 has been running at between £300,000 to £350,000 pa), the school would have to be setting a deficit budget and was in danger of running out of reserves within a few years.

However, it is clear from looking at the figures that as the years went by the doom and gloom scenario being reiterated was not in fact materialising. Year on year it is clear that the opposite was happening:

- The amount required from the voluntary fund and the Foundation at outturn was far less than the figure that had been put into the budget, to the extent that over the last three years (confirmed by the Chief Executive of the Foundation) the school has not drawn down and spent any of the unallocated money that the Foundation has held for the school to draw down and spend on whatever the Senior Leadership Team deemed to be priorities over those three years apart from, recently, the legal fees for the China project and for the Judicial Review.
- The amount made available every year to the school, from both the Foundation money and the voluntary funds from parents, went up significantly. The Foundation money went up as they sought to distribute the maximum amount available to beneficiaries of the charity. The voluntary funds from parents went up because, responding to the Head's frequent assertions that the school was in a dire financial position, the Parents Association organised the Ensuring Excellence (EEx) campaign to maximize the number of parents paying £50 a month by direct debit to the school fund.
- The decision to increase the numbers in the 6th Form had also considerably assisted the overall financial position, as it had been intended to do.
- The reserves, held by the Foundation and in the school fund's bank account, had been building up considerably year on year to the point that, when the investigation began, together they amounted to nearly £2million in unrestricted reserves.

A summary spreadsheet showing how the school underspent against its original budget each year and how therefore the reserves have built up year on year is attached as an Appendix.

Juxtaposed alongside this are examples of where relatively small amounts of money have been difficult or impossible to secure, for example text books for new courses, money to do safety inspections in the workshop (causing an unacceptable risk

situation, now remedied), and money to mend the Chaplain's sink(now remedied). It is in the DNA of all staff that there is no money, so sometimes people have not even asked. The money for departments that would be used to buy textbooks, equipment etc., has remained the same and not been updated for inflation since 2012/13. All of that could have been easily afforded.

In some areas the sums involved are bigger, for example:

- Spanish and drama were taken out of the curriculum offer on the grounds of non- affordability.
- Support staff have been cut to the bone with resultant increase in workloads, e.g., for HR where there used to be a post holder, the work was added on to the work of the remaining staff and one of the SLT.
- Cheaper trainee teachers have been employed to the point where the positives of employing trainees (of which there many) are in danger of becoming negatives because of critical mass.
- The 6th Form has been expanded substantially, which has had a beneficial effect on income overall, but with little if any increased resources to support that, so classes are very large. This on occasions has been used as an argument for not allowing students with a C to stay in the class because they will take up too much of the teacher's time so they can't afford to let them stay in the lessons or they will be taking resource away from the more able children. As well as that being a dubious moral argument, there was no need for it to be a financial one.
- Admission numbers have been increased in Year 7 which has also increased income but, as with the 6th Form, not with any proportionate corresponding increase in teaching resources.
- The benchmarking exercise required for the governors' Schools Financial Value Standards return showed that teaching staff were required to undertake a significantly higher level of contact time with students at St Olave's than at other schools.
- Natural wastage, i.e., as staff left either not replacing or replacing with cheaper staff.
- A no-spending policy introduced within the school that resulted in almost all requests to the BDM being refused, or staff advised to add them to a list to ask the Parents Association to agree to fund.
- In 2016, around £35K was raised by the Parents Association (PA) from administering and charging for mock tests for boys applying for Year 7. In the PA's view without proper discussion with them, they were told it had to be spent on buying a computer studies teacher, preferably sustainable every year. Their Constitution said they shouldn't be paying for things that statutory funds should provide.

At Premises Committee meetings there were regular references to buckets around the school due to leaking roofs. As well as reserves, the school receives LCVAP money (money only available to Voluntary Aided Schools for capital works, including major maintenance). It cannot rely on receiving that every year but most recently was allocated £250K.

There was and is unspent income hypothecated for individual students. There is money available specifically to be used for supporting disadvantaged pupils. This was held by the Foundation on behalf of the school in a trust called the Headmaster's Fund which was valued in March 2017 at £274K. Most of that is capital and would not be available but accumulated income which could be drawn down is approximately £53K.

A charitable company regularly gave money to the school for disadvantaged children. The Head went to their Board meeting and asked them to increase the amount they gave the school and they then discovered that they should not have been paying it for any pupils who were not from Southwark, with the result that they stopped giving anything at all, but they didn't withdraw the £56K the school already had. The Finance Officer set it up as a Hardship Fund for the Head to use to support disadvantaged pupils who need financial help to support their education.

No money has been spent or given to individual pupils from either of these funds so no children have benefitted when they could have done.

### 3.2.1.2 The budget and the outturn

Apart from 2016/17 when it went only to the full Governing Body, the budget was presented every year to the Finance Committee. The school finance officer had a detailed understanding of all aspects of the budget but it was done by the BDM without the input of the school finance officer.

The budget the BDM produced always showed a potential deficit, not just for the year in question but significantly reaching crisis point by year 3. A school is not allowed to set a deficit budget, so it became a balanced budget by showing a figure each year that would be contributed by the Foundation and the Voluntary Funds to bring it back into balance and the three year projection was used as the basis of appealing for voluntary contributions. However at the end of every financial year the actual expenditure in the outturn report showed that the amount required for balancing the budget from those two sources was significantly less than the amounts entered in the budget papers at the beginning of the year.

A former governor, who is an accountant and was on the Finance Committee, calls this 'pessimistic budgeting' but said that the BDM called it 'cautious budgeting'. In his last year as a governor, he says that outturn between 2011/12 and 2013/14 was a total of £716K better than budget, and that trend continued. He queries the quality of the information being provided to the Governing Body.

Part of that information was a constant message that the school would run out of money because its budget was being cut, and the message continued to be delivered even when, looking back on the predictions, it was clear that they weren't coming true. The figures for 2013/14 were presented to the Finance Committee showing that the reserves would run out by 2016/17. However, two years later, in 2015, the reserves had increased although, in November 2015, the Governing Body minutes refer to governors being told again that reserves would be used up in the next two years.

In October 2016 the BDM was minuted at the Finance Committee as stating that 'this year the reserves will decline'. In fact they increased by £39,758. Two years after the 2015 prediction, the minutes of the 1st February 2017 Finance Committee the BDM was recorded as saying he anticipated that the reserves to cover the deficit would run out in 2020/21.

In May 2017 the BDM was still writing reports to the Finance Committee saying that, without the Foundation and parent money, they would be operating with a deficit of more than £400K.

### 3.2.1.3 The Reserves

Schools are allowed to accrue surpluses into their reserves to some extent and it is not unusual for schools to be saving up for something that they know is unlikely to be funded through any other route. This is usually some form of capital expenditure.

Two unfulfilled capital schemes that the school would like are referred to in the documentation. The first is to have additional Fives Courts, but it is clearly stated that this will be paid for by donation from benefactors involved in what is a very minority sport, rather than from the school funds. The other thing is an all-weather artificial sports facility. However there has been no explicit fundraising campaign targeting that, and there would have been enough accrued money to have paid for one several years ago if that had been the aim. Putting all uncommitted reserves together shows that the school had £1.1 million of spendable reserves in both 2013 and 2014, which is significantly more than the cost of an all-weather facility at the time.

The additional evidence that the money was not being saved to be spent on a specific project is that the parents who were instrumental in raising the money (by increasing the number of parents making significant monthly contributions of £50 a month by direct debit, by doing things in and for the school that saved the school money, e.g., decorating and maintenance, by organising fund raising events) were frequently asking the Head what the money had been or was going to be spent on, and the answer was never in terms of a specific project. They felt they did not get a clear answer.

The references found in the documentation were always very generic, e.g., we couldn't afford to staff the school without it; we don't get enough money from the LA to run the school; we couldn't offer certain subjects without it.

There are rules and guidelines about how much schools should and can have in their reserves. They are premised on the fact that, each year, money is given to a school to spend on those pupils in the school and that on the whole therefore it should be spent every year on those pupils and not carried forward. Because schools do sometimes need to save for things they can't afford in any one year, there is some leeway for them to hold balances but the LA is required by the DfE to set up their own balance control mechanisms. In Bromley, the system is a report to Elected Members each year on maintained schools that have uncommitted balances in excess of 8%, which is in line with the DfE Consistent Financial Reporting Guidelines. Schools are asked to produce an explanation for these balances and outline their plans to reduce them. The complication at St Olave's is that the 8% only applies to the income in the schools main account and reserves are also held in the school fund, which is where the substantial parental contributions went, and by the Foundation on behalf of the school.

The LA had concerns about the level of reserves and what they felt was an 'adversarial position' (a term used by the DCS at the time, in his letter to the Head following their meeting in December 2012) that the school, especially the BDM, was taking in its relationship generally with the finance section of the LA whose job it was to check that the school was compliant with financial processes and regulations.

In February 2013 the LA finance manager wrote to the BDM expressing concern about a number of aspects of the Income and Expenditure report, which included that the reserves carried forward from the last financial year were not showing on the report. She advised that, based on this report, the School Financial Value Standard (SFVS) was not being met.

She wrote again in November 2013 when she received the second quarter monitoring report. The list of issues was much the same as in February, including that the reserves brought forward hadn't been entered on the system and warning that they were likely to go over the recommended limit and this would be reported to Members, so suggesting they consider how they might be reduced and offering software packages on budget planning.

As the LA had predicted, the year end balances did exceed the limit and in May 2014 the LA wrote to the school again to tell them that their uncommitted revenue balance was £837,518 which equated to 18% of their 2014/15 budget share (which didn't include the school fund account where the parental contributions are held).

There was reluctance from the school to fill in the form explaining why their balances were so high. The BDM instead sent a short email saying as they had explained on numerous occasions they were being prudent anticipating government funding cuts

and would be spending on a new science block (but this had not appeared in previous years as committed spending).

The LA responded, insisting that the proper form was completed as it was a requirement, to which the BDM responded that he was aware of their need to tick boxes. The form was finally signed off by governors and returned a month after the original request. It showed that the school was planning to reduce the excess revenue balances by around £674K of planned capital expenditure, bringing the figure below 5%. The LA wrote again in November 2014 saying the budget that had been set for 2014/15 didn't reflect that and showed an increase of £47K in the expected end of year balance, rather than the planned reduction.

The governors then decided that they would stop putting the annual contribution from the Foundation into the school bank account but would keep it in the Foundation bank account but earmarked for the school to be able to draw down whenever it wanted to. In other words, it was as much the school's money as if it had been in the school's bank account. This would appear to have been so that the following year's financial return would exclude the Foundation money as well as the school fund money.

A former Chair of the Finance Committee confirmed that the objective was to show that there was not much money in reserves and the Head said that if it showed too much money it might put off potential donors and the parents from paying their monthly contribution.

The BDM was clearly concerned about this too, as in March 2016 he produced figures to send to a charitable trust from whom he was trying to obtain sponsorship for a grant application for the artificial sports pitch, which said that £1 million in the accounts shown as money in the voluntary fund was "largely a reflection of money paid in by parents for school trips, which will involve associated expenditure in due course. Around £1 million a year passes through the school's accounts each year for these activities." This was incorrect and misleading as the actual figure for School trip expenditure passing through the voluntary fund annually is around £400K.

The Head made the same (inaccurate) point to the investigator, disputing the figure she was giving him for the amount in the reserves and insisting that the investigator must have been including the money being held temporarily that had been paid in by parents and would be spent. She had not been including it.

Two of the governors on the Finance Committee were accountants, one of the parent governors and one of the Foundation governors. They pressed for more openness and transparency, and for the accounts to be published. The parent governor wanted the Foundation funding figures brought together in one place with the LA and voluntary funding figures so that governors could see the total picture in one place. This was implemented briefly but both of these governors were removed at the reconstitution in 2015 before that had happened.

#### 3.2.1.4 The accounts and the auditors

A contemporaneous note written in 2014 by one of the qualified accountants on the Finance Committee said:

“I am a qualified accountant and have worked in finance for 33 years but I have yet to understand the school’s finances properly. The usual presentation given to governors is what I perhaps unfairly dubbed a “cash book”, i.e., money received and paid out. What has been harder to get to is any sort of management accounting numbers for projections for the next 3 years and reserves (accumulated excess of income over expenditure). The BDM has made a start on this and I have proposed a modified approach to him, which is supported by the other two governors who are accountants and which shows in simple form what reserves/surpluses/deficits are and what they are likely to be over the next 3 years. I incorporated EEx numbers provided by the PA, which are higher than the assumptions made by the BDM. Making progress on this front is proving very difficult, but in my view any entity with a £5m turnover needs to have financial planning which can be easily understood by the decision-making body. What I am trying to do, as a good accountant, is to make sure that we have clarity and transparency on the numbers front, but this is not proving easy”

Bromley’s internal audit department audits the school accounts which are the money that the state puts into the school. The last audit was in 2016 finalised on 21.4 2017 and there has been a follow up report during the course of this investigation. There have been some issues raised, mostly relating to forms not being completed on time, and tendering of the IT contract, but the reserves issue has not been highlighted by the auditors because the school fund account, which includes money from parents and money from any other sources than the state, including the Foundation, is separately audited by another firm of auditors and the internal auditors do not have access to the information. The 2016 internal audit had no Category 1 concerns, but the Information Technology Support Contract was given a category 2 and it was stated that it was a requirement to go out to EU tender. On the advice of the BDM, the Governing Body decided no action was necessary so, because of the failure to tender the IT contract in the way legally required, this concern was increased to Category One in the audit conducted while the investigation was in progress.

Neither set of accounts is published. Academies have to publish their accounts. LA schools can, but don’t have to. St Olave’s didn’t but the two accountant governors on the Finance Committee pressed for publication in the interest of transparency and in June 2014 it was resolved by governors that the accounts would be published. However by the November 2014 Governing Body meeting, the BDM reported under matters arising that there was over £800K in the reserves so he hadn’t implemented the governor’s decision as publication could have been detrimental. It was agreed it would be reviewed at the next meeting, where it was reported that other schools

don't publish their accounts. The two accountant governors were removed at reconstitution very soon after that and the issue wasn't discussed again.

Under the 1948 Companies Act hidden reserves are illegal. A question was raised as to whether the accountants who audit the non-LA funds should have signalled in the school fund accounts the amount of money the school had in uncommitted reserves being held by the Foundation in a Foundation account but for the use of the school.

Under the heading Related Party issues, accounting rules stipulate that an organisation must declare to its auditors if they are holding funds in a different account which are contributing to their reserves. It would appear that this didn't happen so the money being held by the Foundation for the school did not show up within the LA audit or the voluntary fund audit. The accountants for the voluntary fund expressed themselves content with that but the Foundation considers that the hidden reserves should be declared.

### 3.2.1.5 Local Authority Funding and the Head's appeals for more resources

The argument that underpinned the need for fund raising and asking the parents for money was that the school did not get enough money via the LA and that looking forward that situation would get considerably worse, and that grammar schools in particular were being penalised.

In 2012 when the Ensuring Excellence (EEx) campaign was launched, the school published figures which purported to show that the LA was about to cut £500K from the St Olave's budget and was encouraging parents to write in to the LA to complain about it.

In November 2012 the then Director of Children's Services (DCS) replied to a letter from a parent, for which the school had provided the figures, that "the figure by which the St Olave's budget stands to be reduced by the LA funding is £40K not £500K ,and was nothing to do with grammar schools, but was due to national adjustments to the formula that had been widely consulted on through the Schools Forum of which St Olave's is a member, so the Head and Chair are entitled to attend." In January 2013 the BDM admits that the correct figure is £40K but says "the position is still pretty desperate".

Throughout his period of headship the Head presented a picture of a school in dire straits financially. As late as the summer of 2017, when writing to parents to thank them for their £50 a month contribution, he was asking them to increase it by £10 a month, saying that was what other grammar schools asked for, naming Queen Elizabeth School for Boys and Wilson's.

Every year he briefed parents on the financial difficulties that the school was facing and explained why he needed them to contribute financially with a monthly donation. This is an extract from the letter he sent to Year 12 parents in 2016 making

reference to what he had said to Year 7 parents in the same year. It is a typical example of what parents were told every year:

“At the Year 12 induction meeting on 7 September 2016 I explained the financial pressures that the school is under and invited parents/carers to make voluntary donations to St Olave’s.

I explained how, over the last five years, £1m has been slashed from an already tight budget as a result of cuts in funding ...

Many of the things that we cherish at St Olave’s are at risk if we cannot raise more money ...

The school budget now depends on voluntary contributions from parents. We are not just talking about smallish items that may be on a departmental ‘wish list’. We are talking about 5 or 6 teachers whose employment depends on your contributions; increasing class sizes and a curriculum which could shrink, losing ‘minority’ subjects and options flexibility.

Currently, contributions from Year 12 parents are the lowest in the school, particularly from parents of new Sixth Formers who have just joined us from other schools ...

By way of comparison, I know of Independent schools whose budgets are 10 times that of St Olave’s but whose prowess does not come anywhere near to ours. Some of you may have previously educated your child privately or considered private education had they not secured a place at St Olave’s. In such cases you would have been paying anything between £15,000 and £40,000 per annum.”

The LA submitted evidence to the investigation to show that over the past 5 to 6 years the St Olave’s funding from the LA has gone up by £278K, not cut by £1million. This isn’t an increase in real terms because of inflation, and also the school has had to fund salary, Employers NI and Employers pension increases from within the budget which amounted to more than 1% each financial year. In real terms it has been a slight reduction over 7 years but not to the extent of making the £1 million figure anything like accurate.

If the school hadn’t taken the action it did to increase the 6th Form and class size numbers, then it would have had to use some of the Foundation or voluntary contributions money, but it did take that action, and therefore could have budgeted taking that into account rather than, in effect, ignoring it and continuing to produce over pessimistic forecasts and continuing to increase reserves and take money from parents that it wasn’t spending.

### 3.2.1.6 The wider implications

#### 3.2.1.7 Governance:

There is a traceable line from 2011, starting with the Head's and the BDM's analysis of the dire position of the school's finances and the gloomy future projections of budget deficits, which then galvanised a group of parents into organising the Ensuring Excellence (EEx) campaign in 2012 and 2013, which raised in excess of half a million pounds. This was followed by the gradual disillusionment with the response of the Head to the parents (which initially at least was shared by the BDM in private emails with the EEx group) and then the deterioration of relationships between the Head and the parent governor (who led the EEx group) when he stood against the incumbent for the position of Chair of Governors and finally his removal as a governor at reconstitution in 2015.

In October 2013, the Head was writing to the parent governor thanking and congratulating him and all the team on their achievements but by June 2014 the parent governor and the LA governor were unhappy about the Head's report to the June Governing Body meeting, which they felt didn't acknowledge the important contribution of the EEx campaign. When the parent governor raised this with the Head, he received a short sharp email in response saying not everything can go to governors, but he would subsume a short paragraph from the parent governor in his Head's report. On the same day the parent governor went to the Chair of Governors who agreed that the EEx report should be reinstated on the agenda.

The following day one of the parents on the EEx team wrote that she had been actively involved in events at the school for 3 years, had secured £7500 of matched funding for Fun Day and the Head didn't even know who she was. She wrote at the time "There is always the feeling that we are an inconvenience, not a group of parents offering to raise thousands of £s in their own time". The parent governor said that the Head was constantly telling parents who were active in fundraising that it was their job to raise the money, not to tell him how it should be spent.

Section 4 (Governance) gives the detail of how things played out in terms of the parent governor and the Governing Body. Much of that was due to the souring of the relationship between the Head and the parent governor and some, but not all, of that was due to their falling out about the EEx, which had only come into existence because of financial predictions that were being made about going into deficit.

#### 3.2.1.8 China

The same connection is the case for the China projects. Section 3.1 illustrates what a great deal of time effort and money was expended on trying to get the China projects off the ground. No other state school had done what St Olave's was trying to do. No other reason for doing it has ever been given than the need to have a permanent and significant income stream in the future because the school couldn't survive without it.

No school would want its head and one of its SLT spending so much time on something that was of no direct benefit to the students, unless there was a compelling reason for doing it and finance was put forward as that compelling reason and accepted as such by the governors

The school finance officer had already raised in writing to the BDM her concern about the time spent by the BDM and the Head on the China project, the need to show it as a cost, and whether it was an appropriate use of public money that was given to run St Olave's. This would be a cost of management time, over and above the £30K already in the budget for the costs of the initial investigative work which included the £16, 500 spent on registering the Intellectual property Rights (IPR). The Vice Chair of Governors had also raised the issue of how much management time the China Project would take up in the future.

The BDM's response was the school needed the money and it was in his and the Head's targets to raise money from external sources.

### **3.2.2 Conclusions**

A sensible initial strategy went too far for too long.

It is understandable that, back in 2011, any school would be concerned about what was going to happen to school funding in the future. There was general talk nationally about budget cuts, austerity, a common funding formula (CFF), changes to 6th Form funding etc., so the strategy to make cuts in curriculum and staffing and to look for other sources of funding was probably prudent.

Bromley was probably not going to be a major loser from the CFF as it historically has not been highly funded because of its relatively low levels of deprivation for a London borough, but initial financial caution would nevertheless have been justified.

The school took action based on those concerns and partly because of those actions, particularly increasing the size of the 6th Form, increasing admission numbers in years 7 and a successful bid to the GLA, all of which increased their income substantially, they have remained within budget every year with only minimal contributions from the extra money available to them from the Foundation and the parents, and that was a positive.

Initially when parents were being asked to increase their donations in 2011/12 there was a genuine cause for concern. The message and the actions however never changed when the strategies put in place started to work and bank balances increased. No one was looking at how at least some of the unbudgeted and unexpected surplus each year could be used to ameliorate some of the cuts and economies that had been made or how the money might be used to improve the provision for children. Every year the surplus was just added to the reserves.

### 3.2.2.1 Why was the strategy not changed?

The investigator has not been able to come to a clear conclusion as to why that was. The only answer forthcoming in the documentation and in the interviews with BDM and the Head was repeating the rhetoric that went out to parents every year that the funding via the LA wasn't sufficient, and was going to get worse. There was not even a suggestion that they were saving for a specific facility to benefit the children that required that sort of money. The message was that they needed parents to keep contributing and even increase their contributions, and they needed to raise even more money from outside sources, hence the China project and the priority in their targets.

Perhaps it was as simple as a fear that parents and charitable foundations would be less likely to give if they knew that the level of reserves was so high, but in which case why not spend them on restoring some of the things listed above that they said they had been forced to do because of lack of money, for example, they could have taken some of the pressure off a loyal and hardworking staff group by looking at contact time, TLRs, permanent contracts, a proper shadow structure, having a Deputy Head, more support staff, increasing departmental budgets etc. Not everything could have been afforded, but at least there could have been some debate and priorities established.

There did not seem to be an awareness of the possible backlash if parents did find out that their money wasn't being spent paying for five teachers, or keeping a minority subject. In any case it is much more difficult for parents to find out exactly what is happening if they are told that they are generally supporting the school's budget rather than raising money for a particular project that they can see come to fruition, which is the more normal use of funds raised from parents' contributions.

### 3.2.2.2 Knowledge and understanding

As has been shown, some of the documentation and some of the material sent to parents seen by the investigator included statements that were incorrect, in some cases bordering on misleading. No firm conclusion can be drawn as to whether there was a lack of understanding of the position, or a belief that financial Armageddon would definitely arrive one day whatever the evidence, so the school had better be prepared for it, or some other reason for the mismatch between rhetoric and reality.

Also no firm conclusion is drawn as to why every year the BDM presented a budget which turned out to have been so inaccurate. He had a very experienced background in finance, although not in the public sector. It may simply be that he budgeted at the top level figures only and did not look at the ledger codes and cost centres which feed into these figures and as a result a lot of income sources were overlooked and the expenditure budgets apart from the salary budgets were not based on any investigation at a ledger code level and could be overstated.

Or it may be that he thought to be able to say that you are spending less than you thought you were going to is a positive because it could mean that the school has been prudent during the year and made some savings, or generated additional income during the year. St. Olave's does benefit from a number of individual and corporate donations every year and it was part of the BDM's role to raise money for the school and it was not always possible to predict the amount or timing of that income.

It was said that the Head was a brilliant mathematician but not that interested in finance. The figures were there for him to see. He would not unreasonably however have taken the view that he employed the BDM to do the details and may just have looked at the words and the conclusions being drawn, rather than interrogating the figures himself. He made several references to his confidence in the experience of the BDM as far as the finances were concerned. However the Head said that he checked the information provided by the BDM and always discussed the figures with him. He was satisfied that the information he sent to parents was correct.

The BDM made the point that it was the Head's decision alone to continue to ask for the high level of parental contributions and in 2017 to be considering a further increase.

Governors also had access to the figures and if they had just looked back over their papers year by year they would have seen what was happening. The BDM did concede at each outturn that it was much more positive than he had put in the budget, but that was always accompanied by a prediction that the next year or years would be worse and there wasn't a robust challenge to that from governors.

By definition it is always more difficult to challenge a prediction, other than by analysing past data and looking at trends, but the governors' role is to probe and challenge, and in a skills audit, a school would always look for someone with finance expertise to be a governor on the Finance Committee who would do that. St Olave's had that expertise (more than many other schools) and there is evidence that before the reconstitution that challenge was happening, but in the last three years, less so. Certainly in that latter period of time there is no minuted evidence of governors comparing outturn to budget each year, checking the validity of the predictions and challenging the BDM on what he is putting in front of them. There has been no accountant on the Finance Committee since they were both removed from the Governing Body in 2015.

### **3.2.3 Recommendations**

That in the interests of transparency, the Governing Body considers again publishing the school's accounts.

That if there is no governor with suitable financial skills, the Governing Body considers co-opting a qualified accountant onto the Finance Committee.

That a review is undertaken of the current and projected financial position alongside spending pressures and priorities, separate from the budget setting, involving the new head teacher when appointed and in consultation with the LA, as to likely future funding trends.

That taking into account the outcome of the review, the level of parental contributions is reviewed, involving parents in any decision to change the level of contributions.

That further work is done, led by the Chief Executive of the Foundation liaising with the auditors of the school's voluntary funds, to establish the position on related party transactions to ensure that the school is not in breach of the accountancy rules on this.

That the LA audit recommendation that the IT contract should be tendered under EU rules be implemented.

## 4 Governance

This section looks first at the specific areas of governance named in the Terms of Reference (TOR):

- Interference in the election of the Chair of Governors
- The reconstitution of the Governing Body in 2015
- Governors' Terms of Office extended contrary to Regulations
- Rejection of proposed LA governors
- Interference with the structure and management of the Parents Association.

It then looks at other governance issues arising during the course of the investigation relating to the general clause in the TOR as to whether the school's governance arrangements are operating correctly and effectively and, taking all the areas covered into account, comes to a conclusion on that point.

### 4.1 Interference in the election of the Chair of Governors

#### 4.1.1 Narrative

In September 2014 one of the parent governors stood against the incumbent Chair for the position of Chair of Governors. This usually only occurs on a governing body when there is dissatisfaction with the some aspect of the status quo. In this case it was primarily with a lack of transparency in how some decisions were arrived at, in particular the use of the funds raised by parents, and with some of the policies that the Head was putting forward and a belief that the Chair always supported the Head and did not challenge or approve of others doing so.

The parent governor was nominated by a Foundation Governor who was also Chair of the Finance Committee and a local Councillor.

Two of the teacher governors said that they were called to the Heads office to be told that they should vote for the incumbent Chair. One said the Head described the parent governor as a 'toilet salesman' and compared this unfavourably with the incumbent Chair's qualifications and experience. The other had responded that they thought the parent governor was more visible and active on behalf of the school than the incumbent Chair and so would not be supporting the Head's preferred candidate.

On 4th November 2014, the former Chair of Governors, who the incumbent had followed as Chair, wrote to the governor who was a Councillor who was proposing the parent governor as Chair, referring to their previous telephone conversation and the Headmaster's views, and asking him to reflect and persuade the parent governor to withdraw because he had 'definite vested interests', wouldn't be impartial and the incumbent Chair who had 'immense stature' was not prepared to stand in an election.

On 5th November the governor who was a Councillor replied, saying:

- It wasn't about personalities and he had respect for the incumbent Chair personally.
- That he had reflected, but felt the parent governor had fresh ideas and represented the valid concerns of a good number of governors.
- That an election would mean a useful airing of concerns rather than discontent festering.
- That he wouldn't in any case be comfortable in breaking his word to the parent governor.
- That he didn't understand what the former Chair meant by vested interests unless that was a reference to him being a parent governor, and there was no legal impediment to parents being Chairs of Governors.
- That as governors their prime duty of care was towards the school and the pupils and the interests of parent governors is closely aligned to that
- That it was up to governors to judge his suitability and experience when casting their votes.

On 8th November the Head replied:

- The governor who was a Councillor hadn't replied after the Head had spoken to him last week.
- His loyalty to the parent governor seems to be stronger than his loyalty to the Chair of Governors and the Head.
- The incumbent Chair, who has an OBE, and the Head have led the school through its most successful year ever, following probably the best 4 years in the school's history.
- The incumbent Chair is a distinguished gentleman, with class, with an academic background appropriate to a school of this prestige, author of 7 or 8 acclaimed literary volumes, member of the Order of the British Empire, and JP reflecting the qualities, background, gravitas and experience that ought to accompany the Chairman of Governors of this extraordinary school.
- 2000 visitors turned up for 6th Form Open Evening desperate to get a place at St Olave's because of what it is and what it represents, so why change it?
- He is very saddened that, as someone the Head greatly respected, the governor who was a Councillor has chosen a course of action that now brings his judgement into question.
- A vote for the parent governor is a vote against the Head and a vote of no confidence in the current Chairman, asked him to reconsider and to withdraw his nomination.

On 10th November the governor who was a Councillor replied:

- Apologised for not replying but had assumed the Head and the former Chair were communicating as the points they were raising were the same so he assumed the Head had seen his response to the former Chair.

- Copied his response to the former Chair into the email.
- Said he was saddened that 'offline' conversations had become vitriolic attacks on one candidate amounting to character assassination.
- Can't believe a man of the incumbent Chair's character and calling has endorsed this approach.
- The Head has raised the question of his loyalty but his loyalty is to the school.
- He is concerned that attempts to get him to withdraw his nomination would be to deny fellow governors their democratic right to choose their chair, so asks that there be no more attempts to interfere in the proper conduct of the ballot.
- He has faith in governor colleagues making the right choice and asked whether the Head does.

On 12th November, at the Governing Body meeting, the vote was taken by secret ballot. The Head had originally said it would be by show of hands. The clerk said it must be a secret ballot and obtained advice from the National Governors Association which concurred. The clerk maintains that the Head hovered around governors as they completed their ballot forms and his attitude felt intimidating.

The incumbent Chair was elected 8 votes to 5.

One of the teacher governors said that after the election they had gone to see the Head to ask him to pass their congratulations on to the newly elected Chair, and they hoped things would now settle down on the Governing Body, and that the Head's response was that he would find out which five members of the Governing Body had voted for the parent governor and that they would lose their place as governors. He would have them out.

#### **4.1.2 Conclusions**

At interview the Head:

- Acknowledged the email exchanges with the governor who was a Councillor and thought it perfectly reasonable to make clear in the strongest terms what he thought about the parent governor and therefore to try to persuade the governor who was a Councillor not to go forward with his nomination. He said the parent governor was a social climber and just wanted to be a Councillor whereas he the Head had the interests of the school at heart.
- On the appropriateness or otherwise of challenging a governor's judgement when he is exercising his right to make a nomination, he said it was totally acceptable and he would have left if the parent governor had been appointed.
- When asked whether his involvement in campaigning in the way that he did, trying hard to persuade governors to vote for a candidate and vilifying the other candidate, was acceptable, he said that he thought it was acceptable. He was a governor as well as Head and so thought it acceptable for him to have a strong view about who should be elected as Chair and as he thought

the parent governor totally unsuitable, he had a duty as a governor to make that clear.

- He also thought it acceptable to get teacher governors in and make that clear. There was an expectation that teacher governors would support the Head.
- That he had described the parent governor as a toilet salesman, but he hadn't done so in public but had in private conversations because how could anyone compare that with a learned scholar who had written many books?
- Denied he had made reference to ensuring that the 5 governors who had voted for the parent governor would no longer be governors.

The Head argued strongly that the role he played in the election of the Chair was entirely justified because he is a governor as well as Head and so had a right to do so. The investigator asked the National Governors Association (NGA) for their view. They pointed out that the governing body of a maintained school must include the head teacher unless the head teacher resigns the office of governor in accordance with regulation 19, whereas in academies, the chief executive or principal is not a Trustee by virtue of the fact they are chief executive/principal, but must be appointed by the Members.

They further advised that although the law covers conflicts of interest in relation to all governors, it does not deal with the situation as at St Olave's (which was not named in seeking the NGA view) where the head teacher justifies behaving in a certain way because he is acting in his role as governor rather than as head teacher.

However, in relation to the chief executive or head teacher also being a governor, the NGA have the following view:

In the NGA's opinion the dual role of the head teacher/chief executive in presenting plans, giving advice and providing information to the governing board while at the same time being a member of the governing board creates an inherent conflict of interest. The NGA does not think that the head teacher/chief executive should be a member of the governing board, but should be required to attend governing board meetings.

Their view was that the scenario described anonymously to them further supports their view that the chief executive/ head teacher should not be a member of the governing board as it can be difficult to manage such situations.

The investigator concludes that what a head can do in their role as governor is a grey area and the fact that the Head had a view and expressed it does not in itself constitute undue interference in any legalistic sense just because he was the Head.

The relationship between a Chair and a Head is a key one. Notwithstanding the dual role of Head and governor, as in any organisation, the chief executive is supposed to accept and work with whoever emerges from the governance process for choosing the Chair.

Realistically however it is not a total surprise that a Head would be concerned at the prospect of a Chair being elected who he felt had not supported him and might informally express that view. Ideally one might hope that the Head and the Chair would have agreed that to have a situation where quite often there was a split in the governors on key issues with a significant minority of governors voting against the Head's proposals, was not a satisfactory situation and didn't result in good governance, and would have dealt with that by trying to build bridges and achieve consensus.

The personalities of some of the key people did not lend themselves to that approach, although the investigator believes it would have been the preferred outcome as far as the Chair was concerned and had the parent governor spoken to him directly about his intention to stand, the incumbent Chair may well not have stood for re-election as Chair. He had his arm twisted to take on the role in the first place and was finding it very demanding both in terms of his work commitments and geographical distance from the school. However, if there had been such a conversation and he had declared his intention not to stand against the parent governor, he would have come under great pressure not to step down, to which he probably would have succumbed, partly out of loyalty to the Head and partly because the experience of resisting the Head's wishes could be very uncomfortable.

So accepting that the Head had a right as a governor to have some involvement, would his behaviour have been acceptable in any governor? The conclusion is that there were aspects of it that would not. The personal attacks, both on the candidate and his proposer were not what would be expected in an election for a Chair of Governors. Contrasting a toilet salesman with someone who had been honoured by the queen smacks of snobbishness and, notwithstanding the academic ethos of the school, being a learned scholar is not of itself a criterion for being a good Chair of Governors any more than any particular occupation or trade means you wouldn't be a good Chair of Governors and clearly five governors did think that this particular 'toilet salesman' would be perfectly well qualified for the task.

While recognising the Head's right as head teacher to act as a governor too, he nevertheless was the head and could not divest himself of that while being a governor and that meant that his behaviour could not totally be looked at in the same light as any other governor. The head teacher telling teacher governors who he wants them to vote for, is not the same power relationship as a parent governor telling the teacher governors who they will be supporting.

In any election there is a point where legitimate lobbying spills over into interfering in the proper conduct of the ballot. The governor who was a Councillor was right to point this out to the Head and to tell him to cease.

The TOR ask whether there was interference in the Governing Body elections. In the case of this election, unlike the reconstitution election, the ballot was properly

conducted, at the meeting and in secret, albeit only because of a last minute change of heart by the Head. Notwithstanding the comment made by the clerk, none of the governors said either at the time or to the investigator that they were influenced by the Head during the vote itself, so the conclusion is there was no interference with the part of the election that was the ballot.

There was however a much higher level of involvement in the 'campaign' before the ballot than would normally be expected from a head teacher, with the use of intemperate and disrespectful language in written communications, which was not untypical of the Head's written style but was nevertheless inappropriate, and in contrast to the polite and restrained tone of the governor who was a Councillor. It was also unwise in that it guaranteed that whatever the result it would be difficult to move on in a consensual and cooperative way, in the interests of good governance. It did not however break any rules.

#### **4.1.3 Recommendation**

The Governing Body adopts a Code of Conduct for governors which includes governors' conduct during elections to the Governing Body.

## **4.2 The reconstitution of the Governing Body in 2015**

### **4.2.1 Narrative**

The composition of a governing body in a Voluntary Aided (VA) school with a Foundation is unusual and different from other VA schools. In a VA school the Church nominees have to outnumber the total of all other nominees so that the church can always be guaranteed control of the governors if there are disagreements. In St Olave's the majority of governors are Foundation governors but these are places allocated to the appointing bodies, e.g., the Rochester Diocese Board of Education, the Bishop, Dulwich Estates etc. The Foundation of St Saviours' and St Olave's itself nominates only 2 governors.

Prior to 2015 there were 22 places on the Governing Body of St Olave's, although they were not always all filled.

To be implemented by August 31st 2015, the government legislated to reduce the size of governing bodies. Certain changes were compulsory, others recommended, but for Governors to decide. The three compulsory changes were

- There was to be only one staff governor.
- There was to be a minimum of two parent governors (but there could be more if the governors decided that they wanted more)
- There was to be one LA governor who would no longer be appointed by the LA but would be nominated by the LA and the governors would decide whether to accept them as a governor.

In June 2014, the clerk first circulated information about the need to make the change and the June 18th Governing Body meeting set up a small working group of the Chair and four governors. The clerk attended the first meeting of the working group but was not invited to attend any more. It would appear that it didn't meet again.

The LA had recommended a new draft instrument. This recommended a reduction from 22 to 16 governors comprised of:

- 3 Elected parents
- 1 LA governor
- 1 Elected staff governor
- The Head teacher
- 1 Co-opted governor
- 9 Foundation Governors (nominated by: the Bishop of Rochester 2, The Rochester Diocesan Board 2, The Chapter of Southwark Cathedral 1, St Saviours' and St Olave's Foundation 2, The Chaplain of the Queens Chapel of the Savoy 1, the Dulwich Estate 1)
- Total 16

The 12th November 2014 Governing Body meeting had the item on the agenda. The clerk explained the legislative background and requirements. A governor challenged the process by which an 'inner circle' had put together the paper they were discussing, with no minutes of their meetings. His complaint was that there had been no consultation nor any alternatives presented and they were just being asked to rubber stamp something. The governors therefore agreed that 'the Chairman to circulate a paper and further proposals on the Instrument of Government in advance of the next meeting'.

A different small group now met, without the clerk and with no minutes, but the Head produced a note and action sheet for the group of the Chair and three governors who had met after the November meeting. This was marked confidential and was only circulated to the small group.

On 11th March 2015 the revised Instrument was brought to the Governing Body for approval. There were a number of differences between what was proposed and the recommended LA model for the school. The proposed model was:

- 2 Elected parents
- 1 LA governor
- 1 Elected staff governor
- The Head teacher
- 3 Co-opted governors
- 10 Foundation Governors (nominated by: the Bishop of Rochester 2, The Rochester Diocesan Board 2, The Chapter of Southwark Cathedral 1, St Saviours' and St Olave's Foundation 2, The University of London 1, The Chaplain of the Queens Chapel of the Savoy 1, the Dulwich Estate 1)

Total 18

There was some concern expressed at the meeting about the process of deciding what had been brought to governors for agreement not being an open and transparent one. After discussion the Instrument was adopted by 9 votes to 6 with one abstention.

On 11th March 2015 the Portfolio Holder for Education wrote to one of the parent governors expressing his concerns about the Instrument that had just been agreed.

On 15th June the termly Governing Body meeting was postponed. The reason given was that the LA hadn't yet approved the Instrument. The meeting did not take place at all, so that year there were only two full Governing Body meetings. The clerk informed the Head and Chair that this was contrary to regulations but they were adamant the meeting would not happen until the LA had approved the Instrument. The Head made it clear to the clerk that he didn't want another meeting without having terminated the appointment of some governors.

On 19th June 2015 the Portfolio Holder for Education wrote to the Chair of Governors asking him to consider some changes to what the governors had proposed, the main differences were to have three parent governors not two, to use the co-opted place to have a second staff governor, to have equal terms of office for co-opted governors, and to confirm that a skills audit had been carried out. He commented on divisions in the Governing Body, as a significant number had voted against the Instrument now submitted to the LA. He invited the Chair of Governors to attend the Education PDS (Scrutiny) Committee on 8th July.

On 30th June the Chair of Governors replied saying the points the Portfolio Holder had raised had been given careful consideration at the Governors meeting on 11th March, (which could not be the case as it pre dates the letter), refusing to consider the issues any more, and saying the LA had no right or powers to challenge the decision of the Governing Body, only to check it complies with the law and that he wasn't coming to the PDS meeting. A first draft of this letter, which the Head had drafted as it was on his computer, was longer and even more hostile.

In August 2015 an email ballot was held, against the strong advice of the clerk, who had written a paper for the Governing Body meeting that didn't happen, making clear what the process was, and that was to make a decision by secret ballot at a meeting. The Chair and the Head had the clerk's paper and the Head instructed the clerk not to send anything out about the process without the express permission of the Chair. The Head, backed up by the Chair, insisted absolutely that the process be done over the summer, by email, and that he and the Chair be sent copies of all the voting replies, which was not in accordance with the regulations as it was not done at a meeting nor was it by secret ballot.

The outcome of the voting was the parent governor who had stood for Chair against the Head's candidate, the parent governor who had challenged over process and who regularly challenged in the Finance Committee, and the two teacher governors were voted off, leaving the support staff governor as the one staff representative. The clerk was instructed to write to the LA governor to tell him he was no longer a governor. The governor who had nominated the parent as Chair came off because his constituency of Guys and St Thomas' was deleted. (This reduction was not obligatory but the stated reason for it was to keep the balance of Foundation places correct and because Guys and St Thomas' were part of the Southwark connections of the Foundation, which no longer applied since the school had moved to Bromley.)

In July and August 2015 the Council continued to discuss the proposed instrument internally. Members took legal advice from their own in house lawyers and counsel, debating whether they had the power to take any action, even considering intervention with warning notices followed by removal of the Governing Body and replacing it with an Interim Executive Board if the changes to the Instrument were not made. However the legal advice they received was that they couldn't intervene in this way because they could only intervene if the Instrument that the governors had put forward was ultra vires, and it was not. They didn't have the power not to approve it just because they didn't agree with it. So, on 31st August 2015 the LA approved the new Instrument of Government

## **4.2.2 Conclusion**

### **4.2.2.1 Using reconstitution to remove targeted individuals**

The Head denied that he had orchestrated the reconstitution to bring about this result, but every one of the governors who had been prepared to challenge the head and some of the policies he was introducing were removed by the reconstitution.

It was suggested and widely assumed amongst those interviewed that he had deliberately organised this outcome and that is a view with which the investigator concurs for the following reasons:

1. The evidence from a letter from the Head to the Chair and former Chair dated 17th November 2014, three days after the governors' meeting at which the election for Chair was held, demonstrates incontrovertibly the connection between the election for Chair and how the reconstitution was managed, to ensure that the person who had stood and his supporters were no longer on the governing body.
  - This letter from the Head referred to the meeting as "one of the nastiest, most hurtful meetings I have ever experienced" calling it "something akin to a medieval torture session".
  - The letter goes on to say that they must manage the reconstitution in a such a way as to get the outcome that they want, including:

- ensuring that they have the absolute minimum of parent governors required by law
  - quickly appointing to 2 existing vacancies just until September, 2 people who they can rely on to vote for the instrument and then vote in a way that ensures the right people stay and the right people are removed from the governors by the reconstitution.
  - ensuring these extra temporary governors are in place before the vote at the meeting in March 2015 and can be temporary and step down in September 2015
  - ensuring a different nominee to the Guys and St Thomas' place if it is retained
  - being very careful with whom they share any confidences.
2. The constituency of Guys and St Thomas' was not reinstated as it was considered to be solely Southwark related and so the governor who had proposed the parent governor as Chair was removed, but the Head went on to write to the Warden of the Foundation to ask that this former governor be removed by the Foundation as a member of their Court. In that letter the Head speaks of his pleasure that the reconstitution had removed five governors who were responsible for "an attempted coup to oust our esteemed Chairman" He goes on to say this governor's continued membership of the Court makes it difficult for himself and his Chairman to be present at the Foundation meetings.
  3. One of the teacher governors said at interview and in a written statement that at the time of the election for Chair of Governors in September 2014, only a few months before the plans on reconstitution were being formulated, the Head had told them that he would ensure all those that voted for the parent governor did not remain on the governors. By the summer of 2015 that was a fact.
  4. The confidential memo from the Head to the Chair suggesting he ring round and tell people who to vote for.
  5. The secrecy of the discussions before the March 2015 governors' meeting where the Head is again confidentially sending notes to the Chair about the need to bring about a particular planned outcome that they want.

#### 4.2.2.2 Errors of process

Evidence from the Clerk to Governors and from a current expert in school Governance, leads to the conclusion that there were errors of process in the implementation of the new Instrument but that the Instrument itself was sound and legal.

The errors were:

1. DfE guidance stated that where there was a need to reduce numbers (as was the case for both staff and parent governors) there should be discussion at the meeting to try to agree which governors to keep based on the overall

- balance of skills and experience in the Governing Body as a whole that would result. Nowhere in the minutes of the Governing Body meetings is there evidence that such a discussion took place. One of the parent governors wrote at the time to the Chair complaining that it had not taken place.
2. The guidance states that if no consensus was reached then there should be a secret ballot at the meeting.
    - a) The ballot was not secret and was not conducted at a meeting. It was done over the summer holidays by email with a copy of all votes going to the Head and Chair. Taken alongside the allegation that pressure was put on people to vote in a certain way, knowing that the Head was going to know how you voted, might well affect how people voted.
    - b) In the election for Chair earlier in the academic year, it was clear from evidence given to the investigator that at least one person voted differently because it was a secret ballot than he would have done if the Head had been going to know how he voted.
    - c) The clerk raised this formally with the Chair and the response he received was “I do not see any reason for a 'secret' ballot. As you will see the voting papers it will not be secret.” As well as contravening the regulations requiring a secret ballot at the meeting, this is disrespectful to the clerk, as was his comment in an email to all governors, by way of explaining why he and the Head had seen all the ballot papers, “I judged it prudent for the headmaster and myself to provide additional verification rather than leave it exclusively in the hands of the clerk”. It is the clerk’s job to be the independent returning officer administering the ballot, and this is implying he can’t be trusted to do it.
  3. The guidance says there should be a skills audit when drawing up the new Instrument to assist in looking at how a full range of skills will be available to the new governing body and also to assist in the discussion that tries to reach a consensus. Although there is some reference to needing a range of skills in the documentation, and how the number of co-optees would make that possible, there was no formal skills audit conducted.
  4. By not having a summer term meeting to have that discussion and to conduct the election, the reason given for which was that the LA had not yet ratified the Instrument, the Governing Body did not meet the statutory requirement to have at least three full Governing Body meetings in an academic year. It had been made clear to governors by the clerk that the third meeting was a statutory requirement and should have been convened in the summer term 2015.
  5. The parents and staff governors who remained were told that their term of office started afresh for another four years. According to the governance expert this was incorrect. They should have just completed their original term and then new elections should have been held. The clerk felt the guidance was not absolutely clear on this point so when the Head said he had received legal advice to the contrary the clerk did not pursue it.

6. The clerk was instructed by the Chair of Governors, on the written advice of the Head, to write to the LA governor and say he was no longer a governor. According to the governance expert this was incorrect. There had been no reduction in the number of LA governors and where there had been no reduction, the status quo prevailed until the end of their term of office. Given a written instruction from the Chair to remove the LA governor, the clerk had not felt able not to (see section 4.6 below)

The Head said his role was simply to do the research for the reconstitution. It was the Chair who decided to have an email vote. He said he did not believe the clerk had advised a meeting and a secret ballot and asked whether it was in writing. It is. He said he had no recollection of being copied into the actual votes and he would not have thought that was appropriate, and he was only told the outcome.

The investigator concludes that the Head was copied the emails with the individual vote. There was an email instruction to the clerk from the Chair telling him to send a circular email to the governors, excluding those not allowed to vote, inviting them to reply by email giving their vote and it ended by telling the clerk, as he received the votes, to copy them to the Head, himself and the Vice Chair. The investigator has seen an email from the clerk to governors carrying out that instruction and an email vote that was submitted. The investigator concludes also that based on the way that the relationship between the Head and the Chair worked, the Chair is unlikely to have taken that decision, which was against the advice he was getting from the clerk, without reference to the Head.

#### 4.2.2.3 How serious were these errors of process when taken together and could the LA or Diocese have intervened?

They were potentially serious enough for intervention and the LA did try to intervene through the Cabinet Member and the PDS Committee. However, the intervention was focussing on the things the Members disagreed with in the Instrument itself, which were perfectly legal and so the LA had no locus to alter. The irregularities were in the processes.

When his informal advice was ignored, the clerk could have formally instructed the Chair and Head in writing on these procedural matters and if they either took no notice or instructed him to take actions that he knew were against the regulations, he could have formally reported that to the LA and/or the Diocese and asked for their support and intervention.

The clerk reporting such a matter to the LA would have gone to senior officers, rather than Members, who then, in consultation with the Diocesan Director of Education, could have raised the issues formally with the Head and Chair in writing, or attended a meeting in person. If formal written legal advice to the governors on how they must proceed to remain within the law was ignored, there may have been a case for a formal written warning. If that had been ignored it would have been sufficiently

serious to make an IEB a possibility on governance grounds, but if they had been faced with legal advice that they were about to act illegally, the governors would probably have backed down, as they did over having a secret ballot for the election of chair.

However, these procedural matters were not referred by the clerk to the LA or the Diocese, and the Head, and on his advice the Chair of Governors, felt they could ignore the clerk's advice and instruct him to do what they wanted, and the clerk was intimidated by the Head into complying, and so did not feel able to take things further.

#### **4.2.3 Recommendations**

That legal advice is sought on the appropriate period of office of the current staff and parent governors following reconstitution in 2015.

That the role of the clerk is recognised by the Governing Body as being the authority on process and education law.

### **4.3 Governors' Terms of Office extended contrary to regulations**

#### **4.3.1 Narrative**

In September 2015, amendments to the Constitution Regulations 2012 came into force which allows governing bodies of maintained schools to set different terms of office for different individuals within the same category of governor. Previously it was only possible to have different terms of office for different categories of governors. Governing bodies can amend their Instrument of Government to allow them to establish terms of between one and four years for any category of governor, and they are also able to amend their Instrument to allow the term of office to be set by those appointing the governor at the time.

One of the governors said that he had legitimately been on the Governing Body for 25 years because there had been several reconstitutions and the clock started ticking again after each one. The Head said that he couldn't see anything wrong with someone being on the Governing Body for 20+ years if they were good governors.

It has proved difficult to track back exactly what has happened historically on the St Olave's Governing Body as the original appointment of some of the governors pre-dates the current clerk and there have been changes in the regulations and changes in the appointing body of some individuals. Where someone took up a new appointment, e.g., a former Chair going from Kings College to Queen's Chapel of the Savoy as his appointing body, his four year term started again.

Governors should resign and come off the Board after they have completed 8 years but the Head and the Chair wanted to keep the same people and insisted on their reappointment. When a former Chair was up for reappointment even though his appointing body knew that he had come to the end of his term, being over 8 years,

he had been a trustee at the Dulwich Estates previously and knew people at the organisation, so the Head in conjunction with the Chair, managed to persuade them to reappoint him.

### **4.3.2 Conclusion**

The Head claims that he had nothing to do with Terms of Office and that was only handled by the clerk. It is correct that part of the clerk's role is to ensure that it is known by all when terms of office are about to expire and if the governor has served the maximum term they should be told that, and a new nomination sought from their nominating body.

The Instrument of Government and new regulations are quite clear that two 4 year terms should be the normal maximum, with a further extension only in exceptional circumstances, where there is a particular skill which governors are trying to replace but haven't been able to at the time that the person's term comes to an end. This is in accord with all best practice for charities.

However if the bottom line legal position is that it is not an absolute and exceptions are allowed in certain circumstances, and if the Chair, Head, nominating body and the person themselves all want that person to continue, it is likely that the governors will agree it and it is difficult for the clerk to prevent that happening as they can't simply over rule on the grounds of it being ultra vires.

Given that St Olave's had a number of governors who had been there a very long time, the clerk was asked how assertive he had been in managing the process and ensuring it happened. His response was that he did attempt to do so but did not always succeed. He felt the atmosphere he was working under was not conducive to pushing things further than he did because it was not illegal for people to serve as governors for more than eight years, just poor practice, so if a nominating body made a nomination and the governors accepted it, the clerk had no power to stop it happening.

### **4.3.3 Recommendation**

That the clerk reviews the situation regarding the length served by all the current governors and issues a timetable showing when the period of office for each one is due to be renewed or to cease, using the recommended 2 terms (8 years) as the normal maximum, with the case for any exceptions to go to the full Governing Body, from which the governor under discussion should withdraw for that item.

## **4.4 Rejection of proposed LA governors**

### **4.4.1 Narrative**

An LA governor, like all governors, is not there to be representative of their nominating body, or electorate in the case of staff and parent governors, and does not come to meetings mandated by them. All governors must be their own person,

coming to their own views based on the information they are given and always have to act in the best interests of the school.

The LA governor who was in place when the new head arrived in 2010 was originally a Councillor and joined the Governors in 2003 but by the time of reconstitution was no longer on the Council. He had a long association with the school, having had sons at the school and having served on the Parents Association Committee. After the new Head started in 2010 the LA Governor, along with some other governors, felt there was an over emphasis on achieving the highest position in the exam League tables and they were not in sympathy with the gradual ratcheting up of the entrance requirement for Year 12 and the progression bar between Years 12 and 13 and associated developments. The LA governor prepared thoroughly for Governing Body meetings and could exercise his right to speak on all topics to a point that meetings were sometimes longer than the Head and some of the other governors would have liked them to be.

The change in regulation which came into force on 1<sup>st</sup> September 2015, gave the Governing Body the right to say whether they accepted onto the Governing Body the person nominated by the LA. Before 2015 the LA governor was appointed by the LA onto the Governing Body who had no choice in the matter. Since 2015 the Local Authority Governor is nominated by the LA and is appointed as a governor by the Governing Body having, in the opinion of the Governing Body, the skills required to contribute to the effective governance and success of the school and having met any additional eligibility criteria set by the Governing Body.

There was no change required to the number of LA governors at reconstitution as, unlike some governing bodies where there were two LA governors that had to be reduced to one, St Olave's only had one. The LA had not given any indication that they wished to change their nominee. He was due to come off at the end of this term of office, as he would have completed his 8 year term, so the LA would have been expecting to make another nomination. However this process was accelerated by the decision of the Head and the Chair to terminate the service of the incumbent LA governor from day one of the reconstituted Body on September 1st 2015 .He and the LA had expected him to be allowed to serve out his term of office as provided for in the regulations, so the LA was not prepared with a new nominee. However that alone does not explain the two year period that ensued during which there was no LA representation on the Governing Body.

It took the LA nearly a year before the LA made a nomination. This was a former Education Portfolio Holder. His nomination was first considered in September 2016. He was not appointed as no CV was available. The clerk informed the Council, but nothing was received in time for the November 2016 meeting. At the March 2017 meeting, his CV had still not been received, but it was presented at the June 2017 meeting.

That meeting records concerns of the Head regarding the qualities that the Councillor would bring to the Governing Body, specifically that the Head “had met the Education Portfolio Holder on a number of occasions and expressed some reservations regarding the promises that had been made but which had not been delivered”. The decision was made by the governors not to appoint him, recording in the minutes that he did not appear to have the qualities required for appointment to the Governing Body.

The action was to write to the LA after the minutes had been confirmed at the next meeting, which was in September 2017. The formal letter informing the LA that their nominee had been declined was therefore only sent to them on 25th September 2017, over two years since the vacancy arose and there still wasn't an LA governor.

#### **4.4.2 Conclusions**

In terms of how the process should work for the appointment of LA governors to maintained schools, the Governing Body should do a skills audit and tell the LA what skills would be a good fit and the LA's process for appointment should be such that it can ensure that their nominee meets the needs of the Governing Body and has the required skills.

For the reconstitution, the Governing Body should have matched current governors to the relevant skills and identified any gaps. The Governing Body should have then requested the LA to nominate a person with the identified skills needed. In 2014 Lord Nash, the Schools Minister, sent letters to every Chair of Governors and every Director of Children's Services, highlighting how important identifying relevant skills, and the selection of appropriately skilled potential governors was. If the potential governor, who had been nominated by the LA, is deemed not to be suitable, the Governing Body should feedback why and should clarify what their requirements are, in order for the LA to nominate another, more suitable person.

The LA was justified in asking for more detail on why their nominee had been declined, and that it should be expressed in terms of the skills and experience that the governors were looking for. That question wasn't immediately answerable by governors as no exercise had been done to establish the skills gap they were trying to fill.

The reference to promises made but not delivered, would appear to relate to discussions that the Head and the Portfolio Holder had had about 6th Form expansion in conjunction with Newstead Wood School. This would have involved the LA identifying some capital resource for St Olave's. The proposal came to nothing. The Head's view was he had been promised capital investment for the 6th Form and hadn't received it. The Portfolio Holder's view was that it had been tied to this particular scheme with Newstead Wood which the Head did not want to do and so the capital investment wouldn't be made.

The reason given for not accepting the nominee was not satisfactory and the LA was right to query it. One might have thought it was the Head who was slowing down the process to the point that there was no LA governor for 2 years as behind the scenes he was trying to persuade the LA to nominate another Councillor who was a staunch supporter of the head. However the delay was largely the responsibility of the LA because of the initial year it took to make a nomination and then because of their failure to submit a CV.

This delay and two year gap with no LA governor was potentially significant because this covered the two year period when the 3Bs policy to progress to Year 13 was being implemented and previously the LA governor had been a key link between the school and the LA, which meant that for two years this formal and regular link between the LA and a maintained secondary school was no longer there.

#### **4.4.3 Recommendation**

That the LA nominates to the longstanding LA vacancy on the Governing Body taking into account the skills being sought by the Governing Body.

### **4.5 Interference with the Parents Association**

#### **4.5.1 Narrative**

The Parents Association (PA) at St Olave's was a very active and successful one. Historically, it saw its core role as fundraising to support the school. From the time the Head and then the BDM arrived, a constant theme had been that the school was in a precarious financial position and that projecting forward it was going to get worse and that unless there was a large injection of funds from the parents and the Foundation, the school would not be able to make ends meet. The PA responded to the request for help and in 2013 launched a drive to increase the number of parents contributing by making regular monthly payments to the school's voluntary fund through a campaign called Ensuring Excellence (EEx). It also organised teams of parents to undertake cleaning and maintenance work that otherwise would have incurred a cost.

The person who was Chair of the PA in September 2017 had been part of both of those campaigns to support the school. The PA, including the Chair, had started to query and to ask for more information about what the money it contributed from different sources was spent on, and specifically whether it should be spent on core items such as staffing which would normally be funded from the school's budget. There was also some feeling that the Head did not appropriately thank the PA members who gave up so much of their time to help, e.g., after Spruce Up Saturday, when a group had done a great deal of cleaning maintenance and decorating work in the school, there was no mention in the next Head's newsletter.

Although fundraising was the highest priority, the PA was also a means of communication between parents. In 2011, at the instigation of a former parent governor, a system of Class parent representatives was set up. They communicated

with all the parents in their class and both disseminated information and collected views.

This meant that from time to time the PA did become either officially or unofficially a vehicle for receiving and communicating the views of parents. The investigator was given written submissions that individual parents had sent in to the Chair of the PA from time to time commenting on changes that were being introduced, for example there was a petition against the dropping of drama from the curriculum in 2014 and 8 letters of disagreement when the admission arrangements for entry into the 6th Form was to be changed to 64 points in 2017. These were all submitted after the consultation had ended. There had been virtually no response during the formal consultation period which parents in their letters to the PA blamed on what they saw as inadequate consultation and communication from the Head about the change, although the consultation met statutory requirements.

During the summer of 2017 the son of the Chair of the PA was one of the pupils who received a letter on 16th July saying he had got C in his history internal exam and so wouldn't be allowed to continue to do A Level history and, as he was still short of one B overall, his progression into Year 13 was jeopardised and dependent on his achieving a B or higher in his AS results. On 18th August results day, her son found out that he hadn't achieved the required B grades but was subsequently sent a letter that said in spite of that, the headmaster has chosen to exercise discretion and allow him to return on condition that he signed a contract, which was attached, and which said that he agreed to attending additional support sessions and working independently in the library and if in any subject he didn't achieve a B in the mocks in January of Year 13, he would not be entered for that subject.

His mother's response was twofold. Firstly, she was embarrassed that her son had been allowed to return when some of his friends were devastated that they had not. She had witnessed the scenes in the car park on 18th August described by a number of parents, where girls and boys were distressed and crying and trying to comfort reach other. She knew the circumstances of some of these children and could not understand why discretion had not been exercised in their favour when it had with her son.

The Head said he had intervened personally so that her son was allowed back. He did not give a reason why he had done so. However the Assistant Head, Director of 6th Form said that when the AS results came out in August 17, if the three Bs criteria had been applied there would have been 34 Year 12s altogether who would not have been allowed to return. The head wished to reduce that number because it was much higher than in previous years at the same stage.

He therefore decided, in discussion with the Assistant Head, Head of 6th Form, to allow back all pupils who had missed by only one grade, i.e., had one C grade. The

Chair of the PA's son's grades were BBC, and this was the reason he was allowed back, not through the intervention of the Head treating him as a special case.

Secondly, all pupils who had missed by one grade were only allowed back if they signed a more stringent contract than the previous year's pupils who had been allowed back without the full grades. This spelt out that they would not be allowed to take the exam in any subject in which they failed to obtain a B in the mocks. This message was to be delivered by the Assistant Head in August, to give it more emphasis as the previous year the three pupils who had not been allowed to continue with a subject had not been forewarned that would be the case. The Chair of the PA did not feel that these conditions were reasonable or acceptable, and made that view clear to the Assistant Head.

So by the time of the PA meeting on September 14th the events of the summer had played out and the Chair of the PA had made clear to the school that she was not happy with what had happened with Year 12 pupils generally not allowed to return, and with her son specifically, even though he had been allowed to return because his return was conditional upon him signing a contract that she had concerns about.

The Head admits that that he did not wish the Chair to continue to be involved as he now saw her as identified with the 'cabal' who opposed him. He called a meeting of the PA Committee on 12th September to which he did not invite her. It was in effect a pre meeting for the 14th September full PA meeting but the Head did not raise the issue of the Chair's eligibility to chair the meeting. The Vice Chair attended this pre meeting and reports that the Head asked for assurances that the meeting would be chaired appropriately and those assurances were given.

There was an exchange of emails, (undated but seemingly sometime around the meeting on 14th) where the Chair suggests to the Head that not inviting her to the pre meeting may just have been an oversight on his part and the Head responds that it was deliberate as it wasn't a PA meeting and he can invite who he likes. He goes on to say he understands her son is not returning to St Olave's, but if he were to return and if she was going to make a positive contribution, she can come to his meeting. He also thanks her for all her support for the school in the past. She responds by thanking him for his thanks and tells him the advice from PTA UK, and that she will remain as Chair and an account signatory until the AGM in November.

The evening of Thursday September 14th was the date of the PA meeting. The Chair of the PA arrived first to set out the room. The Head arrived next. The first part of the conversation between them was unwitnessed. They were joined part way through by the Vice Chair of the PA. The Head asked the Chair whether she was sending her son back to St Olave's. She didn't answer. The Head said to the investigation that he knew that she wasn't because he had contacted another school where her son had already started attending.

The Chair of the PA reports that she contacted the other school at the time who said they would never disclose this sort of information to a third party. The school confirms that her son remained on the roll of St. Olave's until September 25th. She had never withdrawn him and so he was still a pupil on the school roll at the time that the PA meeting took place on 14th.

The Head told her he was invoking Clause 4 of the Constitution of the PA which says "Membership of the Association shall be open to parents and guardians of pupils attending the school, staff employed at the school and other persons subscribing to the objects of the Association as the Committee may at their discretion determine".

In response the Chair referred to Clause 6 which says "The officers and Committee shall be elected at the AGM and shall serve until the commencement of the next AGM" and told the Head that she had taken advice from PTA UK who had said she was entitled to continue up to the AGM even if she didn't any longer have a child in the school.

The Head said to the investigation that the Chair of the PA didn't have that in writing and he didn't see why he should believe her as she had lied about her son, so as President of the PA he decided that clause 4 took precedence over Cause 6 and asked her to leave. The investigator has seen the written communication from PTA UK on giving that advice to the Chair of the PA, who had emailed the Head on September 11th informing him of the advice she had been given.

The Chair, supported by the evidence from the Vice Chair, says the Head came up very close to her, invading her space, but short of touching her physically, and ordered her to leave. Both she and the Vice Chair say they felt intimidated. The Chair said she told him to back away and that he replied that it was his school and he would stand where he liked. The Vice Chair said that the Head said it was his school and he would decide who is allowed to stay. The Chair subsequently made a complaint to the police, who did not take any action as no physical assault had taken place. She also submitted a complaint to the Chair of Governors.

The Head said that the Chair ignored his requests to leave so he had to keep telling her to leave. He absolutely denied approaching too close to her or being intimidating and referred to the unofficial website, You Tube and social media posts which he felt were intimidating towards him. When he reported the incident to the governors in September he said the Chair had walked out.

Eventually the Chair and the Vice Chair did leave and by now other parents were arriving for the meeting and there was quite a commotion outside. The Vice Chair says she tried to persuade the Head that they should all go back in and allow the Committee to decide on the interpretation of the rules, but he said as President it was his decision.

The Chair, and those who felt she should be allowed to Chair the meeting, therefore decided to hold the meeting in the Vice Chair's house, which is opposite the school, and encouraged those arriving to go with them saying that was the legitimate meeting. The Head and SLT members encouraged parents to go into the school where they would hold the meeting. Also some parents had gone straight into the meeting into the library from the chapel, where they had been attending another event and so were unaware of what had gone on or what was happening outside.

Broadly speaking the parent body divided into parents of younger pupils numbering about 30 going into the school to hear the Head and about 40 parents of older pupils going to the meeting in the Vice Chair's house. The meeting in the school mainly consisted of the parents asking the Head questions about the recent events. The notes of the meeting say that the Head blamed "a small number of organised people who are attempting to get rid of the Governors, the Headmaster and members of SLT"

The meeting in the house ended up with a vote of no confidence in the Governing Body and the Head being put to the meeting and voted on. The motion went into some detail, including stating support for the staff and asking for an enquiry. It would appear to have been prepared beforehand but many of the parents at the meeting did not know in advance that this was going to happen and were surprised by it. The vote of no confidence was passed but not progressed (sent to the Council or the Diocese) because it was decided the next day that as it had not been on the agenda and the meeting had been split, that it was not appropriate to do so.

Some parents in one meeting were in communication with parents in the other and at least one person in each meeting was recording it.

The day after the meetings a report of the meeting in the school was written by one of the PA committee, the Interim Secretary, who had chaired the meeting in the school. The report was circulated to parents. The Chair and Vice Chair, who had been at the other meeting, objected, claiming that theirs had been the official meeting. Also the Head as President said that from now on anything going out officially from the PA must be cleared by him. Ultimately it was agreed that no formal minutes of either of the meetings would be circulated.

After the event some parents who observed the scene outside after the Chair had left the library, put their account of what they observed in writing. One said they spoke to the Head on the night suggesting that given so many parents did recognise that the Chair had the right to continue until the AGM, that it would be wise for him to defer to her, to which they said he replied that her participation was not in the interests of the school. Another parent complained to the Chair of Governors about the Head's behaviour towards the Chair saying that he had chastised and humiliated her in front of others when he should have attempted to reconcile.

To complete the narrative, the AGM was finally held after the Head had been suspended, but the rift between the two groups had worsened rather than healed. There were two 'slates' of candidates, one from the long serving PA group and one from the new parents of mainly younger children. The meeting broke up in disarray after a disputed vote by show of hands, and the Acting Head ruled there should be a written ballot. In the event this was not necessary as a number of the candidates stood down and so a new Committee has been elected who say they will prioritise restoring relationships between the different groups of parents, and returning to their core role of supporting the school through fund raising activities and acting as a means of communication between the parents and the school.

#### **4.5.2 Conclusions**

The Head certainly attempted to manage the PA meeting of September 14th by arranging a pre-meeting that excluded the Chair and then telling her on the night that she could not Chair the meeting and had to leave the premises. He said that this was not unconstitutional because he was President of the PA. The Constitution of the PA does not make any reference to the President having the power to intervene in any circumstances.

The Head said he only asked the Chair to leave and at the governors meeting of the 20th September 2017 he was describing what occurred as the Chair walking out, which was not correct, as it implies she was choosing to go, and even on his account to the investigation he was asking her to leave. The Chair's version of events is supported by the many witnesses to how the evening played out and the key point in the Head's evidence is that although he claimed at the time this was about him believing that the Chair was ineligible to Chair the meeting because her son was no longer on the roll of the school, when asked why he did not just let her Chair the meeting, in the interests of avoiding dissension and division amongst the parents, he didn't answer in terms of her ineligibility but said it was because she was one of the 'cabal' and he didn't want her there.

He chose therefore not to believe the Chair of the PA when she said she had checked and she was eligible, but three days before he had already had an email from her telling him that she had checked and what advice she had been given. Also he would have known that the same is true for parent governors who are entitled to complete their term of office even if their child has left the school. He said he didn't believe her because she had lied about her son not being on roll, but in her account she says she just did not respond to the question and that he was still on the roll of St Olave's, which was confirmed to the investigator by the school.

So the conclusion is that the Head did unconstitutionally interfere with the management of the PA but probably as important as the legalistic point on the niceties of the constitution is that tactically from his point of view it was not a wise thing to do as it galvanised support around the Chair who had given loyal service to the school and was now being ordered off the premises. Had there been one

meeting, it is possible that parents wouldn't have felt emboldened to present and vote for a no confidence motion in a meeting where the Head was on the platform.

### **4.5.3 Recommendation**

That the PA constitution be reviewed with a view to making it clear that the role of the Head as President of the PA is not an operational one.

## **4.6 Other Governance issues arising during the investigation**

### **4.6.1 Narrative**

#### 4.6.1.1 Head's performance targets

For several years the Head's performance management meetings which included his targets and pay, were conducted without the involvement of an external adviser which was a statutory requirement. The clerk to governors advised that it was, after which an external adviser was used. No information was taken to the full Governing Body meetings about the outcome of the Head's performance management meetings, conducted by a small group of governors, other than to say that he had met his targets and that his pay had been agreed. In all schools pay decisions would not normally go to the full Governing Body. Targets can do, but don't have to. The clerk reports that discussion about the Head's targets was requested by certain governors, but was declined. The numerical targets of 95 % and 90 % that the school was aiming for were not reflected in the Head's targets.

#### 4.6.1.2 Difficulty of contacting governors

The address of all St Olave's governors was listed as the school. It is not unusual in schools for governors' home addresses not to be publically available and for them to be contactable through the school. However since the use of email has become much more commonplace, many schools now set up a dedicated school email address for governors.

Reference was made by a number of interviewees about the difficulty of contacting governors. Part of that was simply pragmatic. People now use email much more than hard copy letters and so not having an email address to write to made communication more difficult, particularly if you wanted to send something to all governors.

However in a well-managed and governed school, with good communications and opportunities for people's voices to be heard, you would not expect individual members of staff or parents to be wanting or needing to circulate all governors. Staff consultation would normally take place through the management structure of the school, including staff meetings, and where appropriate through the trade unions.

Staff governors, like all governors, are there as individuals not as mandated representatives, but, apart from the confidential section of the agenda, it is legitimate

for them to talk with and listen to staff and take the temperature of staff views on policies etc.

It is not quite so structured for parents but schools normally have some form of Parent Association or Forum, and St Olave's has a well-developed system of parent representatives for every class. Parents can also approach parent governors, who are in the same position as staff governors in that they can pick up feelings in the parental body and feed them into the governors as a whole, while not acting as direct representatives.

Another route into the governors would be via the Clerk, although for the same reasons as above, you wouldn't expect people to be using that generally, but individual governors might on occasion.

In the absence of an email address, some parents googled governors to try to find a work email address. The school does not disclose individual contact details and in all cases enquirers are asked to forward a letter in a sealed envelope addressed to the Chairman or relevant governor c/o St Olave's Grammar School. Once received, the Head's PA has a set of labels and then forwards the correspondence, unopened, to the relevant governor. Letters can also be handed in at Reception and, again, these will be forwarded, unopened, to the addressee. Sometimes more than one letter has been handed in at Reception by the same person, with each envelope addressed to a specific individual which, on occasions, may have included a copy for the Head, but this would have been individually addressed to him. The Head would not automatically have been given a copy of any correspondence addressed to other individuals.

Initially the Head's PA forwarded all correspondence addressed to the Chair of Governors who became Chair in 2013 directly to him, unopened, but was later advised by the Head that the Chair had requested that his correspondence be handed to the Head, again unopened, and they would then meet and discuss the contents prior to Governing Body/Sub Committee meetings. On one occasion only, the Head, by chance, noticed some letters for governors on the PA's desk that she was preparing to send and he subsequently removed these, stating that as he and the Chair would be meeting shortly, he would pass these letters to the Chair himself for circulation to governors. The PA was taken aback and told the Head that she did not agree with his actions but, as Head, he said that he had removed the responsibility from her.

For expediency, there have been a few occasions where the PA has handed unopened correspondence directly to the Chair or a governor if they are due to be in school shortly after the correspondence arrives.

It would appear that the correspondence which was addressed to the Chair but given at the Chair's request to the Head, and probably also correspondence that was given to the Chair, was either dealt with by the Head or discussed between the Head and

the Chair and the response then drafted for the Chair to sign. This is not totally unusual. Where it becomes problematic is if the communication is a formal complaint, where this informal conversation and response would not be an adequate process to be in a complaints policy and especially if the complaint is about the Head himself.

At St Olave's there were a number of occasions when, despite it not being normal practice, parents and teachers were trying to reach the full Governing Body, and in some cases were doing so to ask them to raise something at the governors' meeting, either orally or by circulation of papers that staff or parents had written. In those cases they also sometimes wrote to the clerk to ask for something they had written to be circulated to governors. Two examples of this were a paper discussing the proposed increase of the progression bar to 3Bs written by a senior Faculty Head and a paper from the Chair of the Staff Association on the Year 13 single subject policy. In both those cases the clerk was told not to circulate the papers. Whichever route was used, the decision rested with the Chair but in practice the Chair took the advice of the Head. The Chair speaking to the Head in these circumstances is also not unusual and not problematic if there is confidence that the Chair will look at the issues with a degree of independence and come to their own conclusions, rather than just rubber stamping the Head's view and signing a response written by the head.

Where individuals have sent in an e-mail with a request that this be forwarded to the relevant governor, the e-mail would be sent to the intended recipient only and it would then be up to the Chair or governor to respond themselves or via the school, if preferred. Other individuals may also have been copied in to the original request.

In cases where individuals have been quite insistent on obtaining specific or group governor contact details, the PA contacted the Clerk to the Governors, at the Foundation offices, and he has asked her to pass on his office email address so that they can contact him directly.

#### 4.6.1.3 Non availability of Governing Body minutes

The school said that the minutes of Governing Body meetings were put up in the staff room. It may be that they were not there for very long because not being able to see them was an issue brought up by both staff and parents. The Head said they were there for weeks.

The most transparent and open way of dealing with the Governing Body minutes is to post them on the website. As long as staffing and other confidential matters are kept in the confidential section, in the interest of open government and the Nolan principles, the minutes should be accessible to all who want to read them.

#### 4.6.1.4 Papers for governors being censored /amended

### Link governor report

In March 2012, two link governors for humanities made a visit to the faculty. They wrote a report referring, amongst other things, to a crisis in staffing which they felt there was, having spoken to teachers who were leaving, and four out of the five heads of department in the faculty agreed that was a correct description. The clerk confirms that it was not circulated. The report that the same governors wrote the following year was circulated.

The previous year a former parent governor had written a report in similar vein, with some statistical analysis comparing historical St Olave's figures and national averages. Governors did discuss the issue of why what seemed like a large number of staff were leaving. The Head said the private sector schools were poaching people and no staff were leaving who were fed up, which the governor said he knew was not true.

A higher than normal staff turnover is not uncommon when a new head teacher arrives but there are no detailed figures and no exit interviews at St Olave's, so it is not possible to reach a firm conclusion on whether discontent with the new regime led to a higher turnover than might be expected. Three of the four senior staff who left quite soon after the head arrived gave evidence that it was not directly connected with the change in regime, and the fourth declined to be interviewed. Former staff who put themselves forward for interview or who were named by existing staff and therefore interviewed were staff who had left because of the Head's behaviour towards them and/or the policies he was introducing.

In December 2014 the link governor for support staff wrote a report on his visit. It included a number of concerns that the staff he had spoken to had raised, including SLT communication, low staff morale and lack of visibility of the governors. He cleared the report with the lead SLT member for support staff who did not agree with everything the staff had said, but agreed that the governor should have the right to submit the report and that the issues could be discussed. The report was not circulated by the clerk on the instructions of the Chair and the Head.

### Staff Survey

Reading the staff survey for 2016/17 that went to governors, it was a much more positive document than reading what was originally written for the SLT by the manager responsible for the staff survey.

The head made considerable changes to it without consultation with the author.

### Amending minutes of Governing Body meetings

On a number of occasions, the Head complained about the minutes, saying that they should consist of decisions and actions only and that they were too long and that the head had to rewrite them. They are not the Head's, belonging to the Clerk and the

Chair, but the Head would frequently make significant comments back on them and expect the clerk to change them.

#### 4.6.1.5 Role of and relationships with the Clerk to the Governing Body

The role of a Clerk to Governors is to be the guardian of the processes and procedures. A clerk would be expected to know, or to know where to find out, any information that a governing body might need to know in any circumstances about how to manage its business in such a way that its processes and procedures were always legally compliant. The clerk would also be expected to administer the meetings in such a way as to ensure they ran efficiently and effectively.

A clerk will often be in the position of advising a Chair of Governors, who would not be expected to have the detailed knowledge of process and procedures that the clerk has. For that reason, and because of the clerk's role, the clerk's ruling in these matters should be accepted by the Chair and all other governors, including the Head.

The current clerk took up post as clerk in September 2013. He is the Chief Executive of the Foundation and, as such, clerks the governing bodies of both the Foundation schools, which is of mutual benefit to the school and the Foundation, as he can join up the knowledge he has about how both institutions work and relate to each other.

In terms of the efficiency of the organisation of meetings and papers, and the associated record keeping, administration and communication, the clerk is generally held in high regard and is well respected by the governors. Some long serving governors commented that previous to this clerk, there had been some issues with the quality of the clerking and that the current clerk was by far the best the school had had.

The clerk's perspective was that while he was treated as a valued and knowledgeable professional by the majority of governors that was not the case with the Head. During his time at St Olave's, he had always been wary of the welcome that he has had, feeling it to be conditional on doing what was wanted by the Head. On the occasions, during meetings, when he has made recommendations as to what might be required or an approach, his suggestions have rarely been taken up or considered and usually put down. For example, work he did on better standing orders for the Governing Body, and a Code of Conduct for governors were presented to the Head and Chair and then dropped. He encouraged signing up to the Bromley governor training programme but the Head gave the opposite message, that it was a waste of money and couldn't be afforded, with a result that little or no governor training has taken place.

At the autumn 2014 meeting, where the contested election for Chair took place, the clerk advised that the election should be undertaken by secret ballot at the appropriate point in the meeting and that the Clerk, should oversee the ballot. He was informed by the Head that it would be done by a show of hands, right up until the clerk's arrival for the meeting where the Head backed down.

When the June 2015 Governing Body meeting was postponed and never rearranged, the clerk notified the Head and the Chair of Governors that this was a breach of requirements as it meant that only two Governing Body meetings had been held in that academic year.

When the Governing Body was reconstituted in 2015 there were therefore a number of points of procedure where the clerk's advice or view was not accepted, the most serious being over the conduct of the ballot to reduce the number of staff and parents. The clerk informed the Head and the Chair that this process should be done at the next GB meeting and that it should be done by secret ballot. The Head insisted that the vote take place over the summer holidays, by email and that he, the Chair and Vice-Chair be copied in to responses. The Head made it clear that he did not trust the clerk to undertake the count of the results and, in the clerk's opinion, the Head was using having an electronic vote, into which he was copied, as a way to influence the voting and, on top of that, the Head sent an email around blaming the clerk for it being difficult, due to him being on holiday and moving office, whereas the clerk had supported the Head and the Chair throughout the process regardless of being on holiday.

Believing that government regulations had been breached and that he had been put in a difficult position, as this was part of his job as Chief Executive of the Foundation, the clerk raised the matter formally in his line management appraisal meeting.

There were also issues over the minutes. The clerk had been trained in minute taking for governing bodies where the general advice has always been to ensure that fairly full minutes are taken as it is necessary to demonstrate the support and challenge that governors are providing. The clerk's view was that challenge has always been suppressed, and like others he made the connection with the governors who did challenge, being got rid of through the new Instrument of Government in 2015.

The clerk felt that the Head's way of communicating with him was curt and aggressive on a number of occasions, with inappropriate comments. The investigator saw a number of written communications from the Head to the clerk that supported the clerk's view, and notes the style and tone of them was similar to the way that the Head often wrote to others with whom he disagreed or was dissatisfied. At interview with the Head the investigator made specific reference to two of the more extreme of the Head's letters (which were not to the clerk) and the Head's view was there was nothing wrong with either what he said or the way he said it as he was just being direct.

To what extent the Head's written style was an issue partly depends on the person receiving it and the frequency with which the letters were sent. If it is someone outside the organisation with whom the Head doesn't have an ongoing relationship, it may matter less. The recipient may just have thought him rather rude.

However if an employee receives such a letter it can have a different impact. The clerk was not an employee of the school but was certainly someone to whom the Head felt he could issue instructions and expect them to be complied with. When the outcome of that is that the clerk feels bullied and intimidated to the point that he doesn't do what he should have done, which was not to accept instructions that he knew meant rules and regulations were being broken, then it is a problem.

It is clear from the clerk's evidence that he did not believe the Governing Body of St Olave's was functioning in the way a good governing body should and he was concerned enough about that and the way he felt he was being treated to suggest to his line manager at one point that he should cease being the clerk. That wasn't the outcome and he stayed in post and worked at trying to improve the relationship, and he had a good relationship with the staff and most of the governors. However, because he felt vulnerable, and possibly because he didn't feel confident that anyone could or would do anything about it, he didn't feel able to take the Head on in matters of law or regulation, where he could have gone to the LA and/or the Diocese formally.

While in most matters neither have a strong statutory basis for intervention, if a clerk to governors formally tells them that a governing body is ultra vires, and that is confirmed by their own legal advisers, they would be in a position to write formally to advise the governors of the fact and ask them to correct it. Very few Heads or governing bodies would not take notice of being told they were acting illegally, and if they didn't take notice, it considerably strengthens the case for LA intervention on governance grounds, even if educational standards are not a concern.

Part of the reason for lack of action for so long over the 12 to 13 progression issue, was that those who opposed or had concerns about it were challenging it on grounds of disagreeing with it on moral or educational grounds. Once the letter had been sent saying it was illegal, and what laws it was breaching, it stopped very quickly.

Mainly it isn't realistic to try to correct any errors of process that the clerk was unable to prevent but it isn't too late to take legal advice on the point of whether the terms of office of the staff and parents who were chosen to continue, should be for the rest of their remaining term or whether that term started again in 2015, because if the former, then elections could be held now rather than in 2019.

#### 4.6.1.6 Relationship of Head and Chair of Governors

The Governing Body's role is to set and own the overall strategy for the school, to get right the balance of support and challenge they give to the head teacher in achieving the strategy, and to be accountable for the outcomes for the children in the school that are achieved as a result of that strategy.

The head teacher is the lead professional and will have the expertise to carry out their operational role of running the school and in that sense is the expert, but since the introduction of Local Management of Schools in 1988, the governors, rather than

the LA, are the accountable body, so the governors are expected to question and challenge at a strategic level, not getting involved in the operational detail. Their performance will be judged by OFSTED as part of the leadership and management grade they give to the school.

Within that framework, the relationship between the Head and the Chair is a key one, particularly in respect of the challenge and support balance.

There were three Chairs of Governors while the Head was in post but the third was only for two months prior to the Head's resignation.

The first Chair, who chaired this Head's appointment panel, is a very long serving governor with a business and property background. He also chaired the Premises Committee.

Both the Head and his first Chair felt that they had got that balance right. The majority view of those interviewed was that it wasn't right, with very little challenge from the Chair, and that he tended not to encourage challenge from others. This Chair gave many examples of his support for the head, both the policies he was bringing to governors and for the way he was running the school, but said that he did challenge behind the scenes, for example he expressed his concern about the reductions in staffing levels that the Head introduced. He was supportive of the 12 to 13 progression policy, referencing as the Head did, the two Admission Appeals that the governors had won. He did not think the policy had anything to do with League tables. Governors were showing concern and asking where the children would be placed and felt that going elsewhere was probably best for them. The SLT members who were implementing the policy were very caring. The Head was a "strong chap" but he did not think there was any bullying going on because, if staff were being bullied, they would have told him. It was the job the Head really wanted and he was very successful at it both in improving results and in other areas of school life.

The only exception to his total support for the Head was that on one occasion he wrote confidentially to the Head saying he didn't agree with how the Head had handled the issue of evicting the Scouts from the Scout Hut. He also was prepared in 2011 to meet with a parent who had been a parent governor before the Head came and who was concerned about staff morale and staff turnover.

The second Chair was an Anglican priest working in Central London. He had been a governor since 2009. He took over as Chair in 2013 when the previous Chair wanted to stand down, having done five years as Chair. He had been Vice Chair 2012 to 2013 and had to be persuaded to be Chair. The Head supported him taking over as Chair.

This Chair felt that the situation on the Governing Body when he took over was that the Head was under attack from a group of governors, with the result that the atmosphere in Governing Body meetings could be venomous and spiteful. His

natural inclination, therefore, was to defend the Head. His style was more open to allowing discussion and debate than his predecessor, but his basic position of support rather than challenge was similar. However, as his period of office went on, there was an element in the relationship that made it more difficult for him to challenge. The Head was a strong character. The Chair described him as a powerhouse who didn't like opposition. There were two occasions when he felt he should be assertive and was, which provoked a strong response from the Head, which made the Chair feel uncomfortable and less keen to question and challenge the Head. When he acquiesced and went along with whatever the Head suggested, as he did the rest of the time, possibly subconsciously, this was at least partly out of fear of the reaction that challenge provoked in the Head. The Chair was by nature uncomfortable with conflict and confrontation. The Head constantly reassured him that everything was fine and that he was sorting any problems, so he felt he didn't need to do anything differently. The evidence of OFSTED, SIAMS, and his own trusting nature as a member of the clergy lent weight to that.

It would not be inaccurate therefore to conclude that this Chair was intimidated by the Head.

The Chair felt the burden of the role acutely, having a very demanding full time professional job combined with being the governor who was furthest from the school. When they were in school for formal occasions, or meetings, governors did not mix with parents or staff. As Chair, he did not have a link role with any area of the school in the way that some of the other governors did. So a combination of physical distance and time pressures meant that it was difficult for him to pick up easily on the mood in the school, although he did observe that attendance at the Head's annual garden party in the summer term, to which all staff were invited but attendance was voluntary, seemed to be dropping off year by year.

Therefore when the storm broke in the summer of 2017, it took him completely by surprise. His reaction was that the school should suspend the policy immediately and then review it. The Head advised him that if they stopped the policy altogether the school's position in the league tables would go down.

Having already been concerned at the amount of time the role of Chair was consuming, which would clearly increase at least in the short term following the events of the summer, on September 5th 2017 he resigned both as Chair and as a governor.

#### 4.6.1.7 Head's control of the Governing Body

A range of the governance related issues that came up throughout the investigation are related, as the interviewees perceived it, to the Head wanting to exercise power and control over the Governing Body, to what many felt was an unhealthy degree in terms of good governance.

A member of SLT wrote to the parent governor standing for election when commenting on his draft election address: “Although the Chair must have a close working relationship with the Headmaster and other members of the school leadership team, he/she must also be capable of maintaining a professional distance in that role, and not simply become a ‘mouthpiece’ acting on behalf of the Headmaster (as has unfortunately been the case throughout my time at St Olave’s with both of the incumbents) stifling the very type of independent analysis that a school’s governors are supposed to provide”. One governor summed up his view as “The Head ran the Governing Body. To question was disloyalty”. Another said “I have worked with and served on many Boards and Advisory Committees in the business and private worlds over several decades, the Governing Body of St Olave’s was without doubt the least effective one I have ever encountered”.

There was a contradiction in the Head’s responses because there is some evidence to support his view that he liked the intellectual cut and thrust of being challenged by able colleagues, but there is also evidence which supports the view that he did regard disagreement as disloyalty.

The flip side of this coin is also relevant: did the Governing Body contribute to this by allowing themselves to be unduly influenced by the Head so that their procedures and decisions have not been as robust or as rigorous as they should have been? Governors in most schools now understand that their role is about challenge as well as support, and good governance is getting that balance right. Many of the governors at St Olave’s were experienced and able in their own sphere, but not necessarily up to speed on the changed role and accountabilities of governing bodies meaning they were expected to do more than rubberstamp what the Head brought to them. This situation was exacerbated after the removal of the five governors when the Governing Body was reconstituted.

## **4.6.2 Conclusions**

### **4.6.2.1 Were the school’s governance arrangements operating efficiently and effectively?**

All the additional governance related issues raised during the investigation, as well as the specific areas highlighted in the TOR, contribute to the conclusion that there was poor governance during the period under investigation. The Head exercised far too much control over both individuals and the Governing Body as a group. The Chair and the clerk should be operating with a degree of independence, which at St Olave’s neither of them really had. Roles and relationships were not as they should be. The balance of challenge and support wasn’t there. At times the Governing Body was factionalised and dysfunctional and the Head was contributing to that rather than using his influence to achieve consensus. The Chair who resigned in September 2017, unlike the Head, was by nature someone who preferred working through consensus, not conflict but wasn’t able to assert that approach against the inclination of the Head. With the imbalance of power went a lack of openness and

transparency, for example the difficulty people had in contacting governors, the non-publication of Governing Body minutes on the website, the separation of governors from the rest of the school community.

As early as 2011 a newly appointed governor, who is no longer a governor but is not one of the group who were removed at reconstitution, commented on how surprised he was at the way the Governing Body operated, with no induction, no constitution, no training, no role definitions, no knowledge of the considerable amount of material that existed on good practice in corporate governance in the public sector, which this governor had come from.

Add to that a head who has no real interest in developing those formal systems and structures that underpin good governance, who knows he wants the school to end up as top of the grammar school league tables, who aligns his governors in general terms in support of that aim, and then expects support for whatever he thinks needs to be done to achieve it.

When some of the governors begin to query some of those steps, and even whether perhaps the aim is too extreme and a slight moderation of it would prevent some of the collateral damage that was happening en-route to achieve it, the Head is not willing to compromise and responds negatively to not only what they are saying but to how they are saying it and after one of them puts himself forward as Chair, personal animosity in both directions is added to the mix.

Add to that a clerk who feels bullied into carrying out the wishes and instructions of the Head and Chair even if he knows they are against regulations and a Chair who finds it difficult to challenge the Head.

The result is a divided, and sometimes toxic, Governing Body with a small group of vociferous critics of the Head and a group of quieter supporters of the Head whose numbers included some governors who might have been inclined to query some of the policies and practices but were pushed into the Head's camp (a word the Head used when asking his Chair to deliver on votes) because they were put off by the adversarial, determined and persistent approach of one or two individual governors who made all the running in terms of challenge in the meetings.

The atmosphere changed after the reconstitution and was calmer but also quiescent.

The overarching question on governance in the TOR was to investigate whether the school's governance arrangements are operating correctly and effectively. The answer must be they were not.

#### **4.6.3 Recommendations**

That the clerk undertakes a skills audit of the Governing Body to identify any gaps on the Governing Body which should be filled either by co-option to the full Governing Body or by adding non governors as co-optees on sub committees if specific areas of expertise are required.

That the Governing Body commit to a programme of in service training, from external providers, to ensure that governors are up to date with matters pertaining to how they should be carrying out their role and specifics related to current educational policies and practices.

That the school subscribes on behalf of the governors to membership of the National Governors Association and the governors section of The Key, and arranges for governors to receive their regular email updates on governance related matters.

That the governors consider appointing a School Improvement Partner (SIP) as an external critical friend to the Head and to the Governing Body.

That all governors are given a school email address which is made public on the website.

That non-confidential minutes of the Governing Body are published on the school's website.

That governors review the position of external adviser on the Head's performance management and ensure that the full Governing Body receive a report on targets and to what extent they have been met.

That the Governing Body adopts a protocol for governors' visits to school as guidance for the way in which visits are carried out and reported.

That the Governing Body introduces a process of annual self-review.

## 5 Safeguarding

### 5.1 Pupils

#### 5.1.1 Narrative

The school's written Safeguarding Statement, Safeguarding Whistleblowing Guidance and Safeguarding Policy are all in place, and fit for purpose. They were agreed and last updated by governors in October 2017. The update was only of the named safeguarding leads. The policies were unchanged and so were in place during the period under investigation. There is a school Designated Safeguarding lead, a Deputy Designated Safeguarding lead who is also the Designated E safety Coordinator, a member of SLT responsible for safeguarding and a Named Governor for Safeguarding. Safeguarding is a standing item on the Curriculum / Personnel Committee of the Governing Body. Governors review the safeguarding policy annually.

The school's designated safeguarding lead is experienced and well qualified and keeps up to date through ongoing training. She has also been the SENDCO for 14 years and 8 years ago took on the Child Protection, now safeguarding, responsibility.

The policy covers in detail the meaning and definitions of all forms of child abuse and neglect, how to deal with allegations against staff and other pupils, the responsibilities of both designated and all staff, the need for safer recruitment process, meeting the training needs of both designated and all staff, appropriate record keeping, how to support children and staff, extremism and radicalisation, forced marriage and Female Genital Mutilation (FGM). It gives detailed instructions on what procedures and processes, including external referral procedures, should be followed in all the different circumstances in which a safeguarding issue may arise.

Day to day and year to year there is evidence that the policy in general as described above was implemented as it should have been. With individual referrals, procedures were followed, children were supported and protected. Both OFSTED and SIAMS commented favourably on the way this was done and the officers in the LA, who worked with the school when appropriate, confirm that their relationship with the safeguarding leads was good and that the school knew, understood, and implemented policies and procedures on safeguarding as required by legislation and guidance.

Notwithstanding the general picture, issues of wellbeing, mental health and emotional abuse have been raised during the investigation in two main respects. Firstly the general point that the constant emphasis on and defining success by A\* and A grades and progressing to Oxbridge to do medicine can have an adverse effect on children who either are not on course for or achieving all A\*s and As and/or

who do not have an ambition to go to Oxbridge and do medicine, but who might for example aspire to do an engineering degree.

This first general point is harder to evidence and quantify than individual cases raised by the parents who came forward, but there is some evidence that the impact went beyond these most badly affected cases. The School Chaplain who has been at the school for only the last two years, reports having seen some 30 plus pupils not in the most extreme category, but who have been concerned enough to seek out a confidential conversation about how they were being affected by what they were constantly being told and gave examples of children who felt failures because they were being predicted A\* AA or AAB, and felt they had let the Head and the school down by not achieving straight A\*s. Additionally some parents made a point of asking to give evidence not because their own child had issues, but because the effect that they or their child had observed on other pupils of what they saw as a disproportionate emphasis on academic results and Oxbridge, even for a grammar school.

Secondly, the effect on some of the individuals pupils who went through the whole process of being at risk of being made to leave at the end of Year 12 and then actually being made to leave when they received their summer results, it is claimed by parents has either caused or exacerbated mental health issues with their child to the point of requiring medical intervention, and in a few cases have been so severe as to include the child being medically diagnosed at risk of suicide.

All schools would have an ambition for their students to do well in exams and in a selective grammar school that overall level of performance would be expected to be higher than in a non-selective school, and in a super selective grammar school, or one of the top grammar schools in the country which is the description the Head regularly used in relation to St Olave's, it would be higher still.

The formal published targets as agreed by the Governing Body were 95% A\* and A at GCSE and 90% A\*, A and B at A Level. Targets can be aspirational and used in a way to provide a positive challenge. When used in this way, there would normally be an understanding that they might not be totally achieved, and that they are whole school targets which don't translate literally as the target for every single pupil and there would not be adverse consequences for pupils or staff if they were not 100% achieved, particularly if there was year on year evidence that the actual level of achievement was being raised by having aspirational targets to aim for.

In St Olave's the evidence is that policies and practices put in place to meet the grades required by the very high institutional targets, went further than being aspirational and resulted in policies and practices that did affect what happened to individual pupils. The most obvious way that manifested itself was that policies appear to be designed to remove or minimise the risk that anyone remaining on roll and entered for exams in Year 13 would get a C in any subject at A level, hence the

3Bs criteria to progress from Year 12 to 13 and the policy of having to achieve a grade B in the January mocks in Year 13 to be allowed to be entered for that subject by the school (see Section 2).

Evidence of the dominating influence that these targets and the emphasis on Oxbridge had on the life, ethos and culture of the school as a whole, was given across the whole range of submissions, both oral and written, to the investigation. Nearly all the examples given were of what was said both publicly and privately by the Head to parents, pupils and staff. These examples ranged from assemblies where he told all pupils that even a B at A Level was not good enough, (one parent referencing this as early as 2010 immediately after the Head joined the school), one to one conversations with a pupil who was told by the Head in front of his parents that he should be ashamed of himself for getting a C and one set of parents who were told by the Head that the exclusion from exam entry of their child who hadn't got the required B was their fault because they shouldn't have sent her to St Olave's.

So as far as the pupils were concerned, especially from Year 11 onwards after the entry criteria for admission to Year 12 was increased to 64 points (see Section 2), there was a constant reminder and pressure of the extremely high levels they were expected to achieve and of the extremely severe consequences they would suffer if they didn't achieve them. Many parents felt that the only pupils talked about and 'fêted' both informally and at the more formal events were the ones going to Oxbridge, and frequently made the point that rather than denigrate or humiliate or criticise pupils who were falling short of the target grades, they would have expected the Head to be encouraging and supporting them to improve.

Many made a distinction between the staff, who on the whole did do that and the Head, who they felt did not, but the power of the message from the Head was what set the overall tone and even resulted in reports of staff in lessons reciting the mantra, "Remember boys and girls, 3Bs or you are out". Staff referred to the fact that subjects that were not able to be taken to degree level at Oxbridge, were treated as second class and in the case of Art, their success in placing pupils on Foundation Art Courses at St Martins School of Art wasn't included in the booklet for prize giving which included the pupils' destinations, which gives a negative message to the students studying them.

Some parents supported this extreme emphasis on Oxbridge and A grades and felt it was what the school was about, was what they wanted for their children and saw no problem that the Head constantly reinforced that message. Also some pupils took all this in their stride. Some thrived on pressure and were under equal pressure from their parents and put pressure on themselves to achieve these levels, especially the ones who were confident that there wasn't much doubt but that they would achieve them.

Others, who were less confident, reacted differently. They were partly stressed by the fear of the consequences if they didn't measure up (not getting into Year 12 or having to leave at the end of it) but equally parents and staff spoke about the effect it had on the child's self-esteem, self-confidence and feeling of self-worth, which was their main concern. They felt as if all the other ways that their children had contributed to the life and success of the school, through sport the arts, volunteering etc. counted for nothing and all that mattered was not getting a C. (Some anonymised examples have been included in Section 2.)

The Head did not feel that he put an overemphasis on results and Oxbridge and medicine, believing that it was appropriate for a top grammar school and that parents knew what they were signing up for and could remove their child if the child was unsuited for what St Olave's expected and that he was transparent about the policies which were the governors' policies not his. He believed that the emphasis on academic results was not to the exclusion of everything else and that being a musician himself his ideal was the all-round 'Renaissance man'.

In terms of the safeguarding policy the section that could be deemed to be relevant is the definition of emotional abuse which says "Emotional abuse is the persistent emotional maltreatment of a child such as to cause severe and persistent adverse effects on the child's emotional development. It may involve conveying to children that they are worthless or, inadequate, or valued only insofar as they meet the needs of another person".

These are similar to the terms in which a number of parents spoke of the experience of their child but none was dealt with as a referral under the safeguarding policy. In the case of parents not raising it formally as a safeguarding issue, there may be a number of possible explanations for that. For non-professionals this is a less obvious and known about aspect of safeguarding and when parents went to an external agency to express their concerns about what had happened to their child, they were being advised by the LA, by the Diocese, by their MPs, by the DfE to go down the route of making a more general complaint to governors about the 12 to 13 or Year 13 processes, rather than a specific complaint in relation to safeguarding.

For the summer of 2017 group of Year 12 parents whose children were initially not allowed to return to Year 13, the legality aspect of the policy was what they were being advised by their legal representative to focus on, rather than the safeguarding aspect, although the effects which fit the definition of emotional abuse do appear in the paper work for the Judicial Review and had it progressed, may well have emerged as a safeguarding issue. Had things not developed in the way they did in the autumn term 2017, with the advent of a new Chair of Governors in September, the setting up of the investigation and the resignation of the Head, some parents may have chosen to pursue the safeguarding route to make a complaint and more than one parent made the point that they were reserving their position as to whether

they would pursue individual action against the school, including on the issue of the damage done to their child's mental health.

As well as no parental referrals claiming emotional abuse, there were no referrals by staff, even though in their interviews a number of staff expressed concerns about the effect on the wellbeing and mental health of the pupils of the policies and the way they were implemented and said they had held those concerns at the time. The way the staff could have raised it as an issue was through the Whistleblowing Child Protection Policy but no one did. The policy includes the statements "No action will be taken against you if the concern proves to be unfounded and was raised in good faith" and "Your employer has a responsibility to protect you from harassment or victimisation".

### **5.1.2 Conclusions**

There was an over emphasis on failure being defined as not achieving A grades, which was not conducive to the self-esteem or wellbeing of pupils who were not achieving or predicted to achieve all A Grades but which did not constitute emotional abuse generally.

Some individual cases may have been deemed to be if parents had specifically referred them as such. Some parents did make a general complaint to OFSTED which included reference to their child's wellbeing and mental health and OFSTED referred a number of these to the LADO (Local Authority Designated Officer) but she ruled that they didn't meet the criteria for referral and investigation

While no member of staff said specifically that they hadn't raised a safeguarding issue under the whistleblowing policy because of fear of the consequences from the Head and governors if they did, that was raised more generally as a reason why staff didn't whistle blow or involve their trade unions more than they did.

### **5.1.3 Recommendations**

That, if any parents feel that their child's case should have been referred as a safeguarding issue because of the effect on their mental or emotional health and wellbeing, the local authority should provide a contact person with whom they can get in touch to discuss their case.

That the governors consider increasing the amount of time available for pastoral support, both internal and external.

That the school acknowledges and apologises to the parents and pupils who were wrongly and illegally not allowed to progress into Year 13 for the three years that the 3Bs policy was in place.

## 5.2 Adults

### 5.2.1 Narrative

The terms of reference specify that allegations have been made and should be investigated of intimidation and threatening of staff. Some people interviewed used the word bullying. All three cover similar behaviour and, in some cases, are used interchangeably.

The first piece of circumstantial evidence that might suggest there was an issue is that during the Head's first year in 2010/11 the Staff Association met and resolved formally that they would ask the Head to agree that no member of staff should have to meet with the Head without being accompanied, to which he agreed. This could be taken as an indication that staff had been to see the Head unaccompanied and were not happy with those meetings. The Head said it was only one or two members of staff. This could have been because of the way they felt they had been spoken to or treated but it may just have been that they felt outnumbered if the Head had one or more of the Senior Leadership Team (SLT) with him. The staff who came forward reporting that they had been intimidated /bullied /threatened were largely not from as early as 2010 /11.

The second piece of circumstantial evidence that has been claimed in support of there being a culture of intimidation from the beginning is the number of staff, particularly teachers, who left at the end of the Head's first year and again at the end of his second year. A parent, who had been involved in the school through her older son for several years before the Head was appointed, was concerned about the number of staff who left at the end of his first year and she wrote a paper for governors suggesting they review the Head's first year and the reasons for the high turnover. She included figures in her paper that put the turnover that year at 15 teachers as opposed to the 5 to 6 that had been the average before that. She made percentage comparisons with national (11%) and regional (13%) turnover figures as compared to St Olave's (22%).

There are no Human Resources (HR) records that allow those figures to be checked. Her report recommended that a system of independent exit interviews, conducted by HR, should be introduced but her report did not get sent to governors, although they did discuss the issue of the numbers of staff leaving. Exit interviews were not introduced and soon after the only HR post was deleted and the responsibility given to the new School Business and Development Manager.

The total number of staff interviewed was 49 of which 41 were teaching staff and 8 support staff. Both groups included former staff who no longer worked at the school. With the exception of the previous SLT members, the former staff who came forward, had left because they were not happy with the way they had been treated themselves, or in a minority of cases it was disagreement with the policies and the way the Head was running the school generally, rather than any issue or incident

they themselves had been involved in. Of the more than 100 existing staff, only two came forward to express support for the Head and regret that he had left. The rest wanted to talk about a range of things that they had experienced or observed in their time at the school, that they had been unhappy with. The majority did not come forward until after he had resigned, some stating explicitly that they were too scared to do so until they were certain he would not be returning

Most, but not all of these accounts related to the Head directly and exclusively. Most, but not all of the accounts contained some reference to the way the Head behaved. This included how he related and spoke to individual staff, to the way he spoke to staff as a group, to the way he spoke to pupils as a group, to the culture and ethos he created in the school. Not all of these concerns were about bullying or intimidation. Some were about professional or educational disagreement with policies and processes and procedures that he introduced. However the connection that many staff made was that the way the Head responded to staff wanting to be consulted, wanting to have a discussion, wanting to be able to put forward alternative views for consideration, was extreme so that very few people were prepared to publicly challenge or even ask questions at staff meetings, because on the few occasions that did happen, the individuals were either put down and felt humiliated in front of their peers, or called into the Head's office or written to afterwards in a way that made it quite clear that it wasn't acceptable to query the Head's judgement. Disagreement was taken as being opposed to the Head and disloyal. This became particularly pronounced in the autumn term 2017 in the way middle managers were spoken to in their meeting, the staff as a whole in the subsequent staff meeting and the parents and staff at the Induction meeting.

Staff spoke of feeling that if they expressed a contrary view, it would affect promotion prospects, or even their job. One of the teacher governors reported in terms that when they tried to canvass the views of staff on a key policy decision that was going to the governors they were told by the Head that their role was to support him and the policy and they wouldn't be considered for promotion if they didn't. A member of staff reported being threatened by the Head that he would go to the governors and get them sacked because they had gone to their union and another told of their union advising them to leave rather than ask the union to take up their case with the Head as they wouldn't win in the end.

A teacher had opposed stopping the Year 13 pupils who didn't get a B in their mocks from doing the exam in that subject and ended up getting a letter from the Head accusing her of undermining him and affronting his personal integrity and demanding an apology.

Some staff did feel able and did ask to see the Head one to one to discuss a concern, but the general staff view was that he was always so sure that he was right, that he never changed his position and so it wasn't worth even trying. One Head of Department (HOD) felt they had been given impossible targets for GCSE of 90% A\*

and A because their subject was a practical one and the fact that the boys excelled at maths and science did not mean they would in their subject, whereas at A Level where those that chose it did have the skills and aptitude, they were achieving that percentage of A Grades. They were supported by the exam moderator, but the Head wouldn't give in and they felt they couldn't argue with him.

One long serving member of staff, who wasn't intimidated, on two occasions wrote papers arguing against both the 64 points policy and the 3Bs policy. They wanted the papers to go to all governors but thinks they only reached the Head who called them in and gave them a dressing down for having the temerity to question the wisdom of his decisions.

Staff spoke of the power the Head had and the way he exercised it such that people did feel intimidated and helpless to resist. They used phrases such as "he thought he was untouchable", "he did things just to show you that he could". An example of the latter was given by a Head of Department who had asked the Head not to bring visitors in to their lesson as there was a mock exam going on with the piece counting for A Level. There was also a sign saying that an exam was underway. The Head walked his whole group of visitors in who then distracted the pupils. They felt it was to prove he could do anything he wanted to do.

He also, with no consultation with the teacher or student, removed a piece of art work sculpture because, entitled Culture Clash, it was about the tension between drive for exam results and importance of creative and emotion based subjects.

Issues about the Head's approach also arose in a number of cases when staff said they were going to apply for other jobs and wanted a reference.

Staff who hadn't had any issues themselves spoke of colleagues who had. One said "He was never unpleasant to me in any way but I want to tell you he was a bully at the top end of bullies". (This related to a colleague in the department who had asked the Head for a reference.)

Staff, both current and former, spoke about the effect on the health of staff of working at St Olave's during the period of this headship. Three staff testified first hand that their health problems, all stress related, were as a direct result of their interactions with the Head.

Some staff felt that women were more vulnerable to bullying by the Head than men. Reports of staff in tears were women. It was said that when young women went and asked to go on a course the Head said he was relieved as he thought they might be pregnant. One teacher said she never expected to be treated fairly or equally by the Head and felt intimidated by him. He talked down to her. She said that a number of women have stepped down.

Some staff also remarked that the Head did not have any idea of the effect he had on people. He could switch from being normal and pleasant to summarily dismissing someone from his presence.

Other comments were that:

“The Head sees himself as higher than anyone else.”

“This was a perfect school for him because no one opposed him. He wins every vote in governors.”

“He doesn’t need to pander to parents like he would in a private school as there are always children to replace the ones that leave and the same is true for staff.”

Staff complained that they were not consulted or even informed in advance of decisions that affected them directly. In most instances these related to the pupils that were to be either excluded from a subject or not allowed to return to school. If they were consulted, and did not think a child should be asked to leave because they thought they had potential to improve their results, their opinion was often over ruled by the Head.

One HoD only found out that a warning letter had gone out to a Year 11 student about being made to drop this HoD's subject, when parents brought it to the parents evening. Other Heads of Department reported only finding out when the Head spoke at a staff meeting that their subjects were at risk of being taken out of the curriculum offer in the same way as Drama and Spanish had been.

Staff that were reporting meetings with the Head where they felt he had crossed a line and was speaking to them inappropriately, talked about feeling intimidated, undermined, bullied, being falsely accused of being unprofessional, being spoken to like a naughty child by its mother, being treated with a lack of respect. They referred to shaking and crying after they had come out of meetings. They referred to the Head’s physical size and him being unable to manage his anger. One teacher reported that they felt bullied in a meeting with the Head, who had two SLT members with him, so she refused to continue in the meeting and left. The two SLT members present independently confirmed the teacher’s account of the meeting.

Five staff interviewed had stepped down from more senior positions but stayed in the school on a reduced salary. Their individual cases differed but not wanting to continue having to work closely with the Head in a management capacity was a significant factor.

Staff felt that if they did not have an Oxbridge degree they were regarded as second class. One understood that as the reason why they were told by the Head that they were unsuitable to continue in the management role they had been in. A female science teacher says that the Head said to her “What I would really like is a young male Oxford graduate as head of chemistry”. As a woman she found that insulting.

From staff reports, confirmed by the current Acting Head, there was no overall published structure of posts in the school with the associated responsibility allowances. Temporary contracts were used extensively for long periods of time both for main scale and promoted posts, with no transparency as to why that was the case for some posts rather than others and why some posts were paid at a different rate to others. One member of staff described it as follows “The Headmaster has a practice generally of making non Oxbridge people feel inferior by advertising their jobs saying he is looking for ‘someone better’ and then when he doesn’t get anyone, expecting them to do the job, often on less money and a temporary contract”. When staff or occasionally their unions queried this, it was often what sparked the disagreements that ended in the situations described above where the member of staff felt they had been badly treated.

Only one member of staff took out a grievance and that was a member of the support staff against the BDM. It was originally about an issue that had come up before the BDM came into post, but it developed into an accusation of bullying and a claim of constructive dismissal, which the school settled just before it was due to be heard at the Employment Tribunal.

Key evidence was submitted by the Clerk to governors, who, while not a direct member of staff, nevertheless of necessity interacted with the Head, even though his main line by job description was to the Chair of Governors. Details of the relationship between the Clerk and the Head and the consequences for the overall governance of the school are set out in detail in section 4.6 but of significance in terms of intimidation of staff is the fact that the clerk in terms states that he was bullied by the Head.

There was little evidence presented of parents themselves being bullied or intimidated .This was for two reasons. The overriding concern of the parents was their child and the effect of what had happened on their child, rather than on themselves, although in some cases they did speak of the effect on the family as a whole.

Secondly, relatively few parents actually had any direct interface with the Head himself, as the face to face delivery of the hard messages about having to leave were left to SLT to deliver. Some parents remarked specifically about the lack of visibility of the Head on results day and others reported they had had to really insist before they obtained a meeting with him.

For those that did, their descriptions of the meetings varied, ranging from both shouting at each other with the parent giving as good as she got, through to one parent saying she had to agree not to speak in order to remain in the meeting. What they had in common with the accounts from staff of their experiences was that, however the meeting went, the Head virtually never changed his mind in the light of what was being said to him.

### 5.2.2 Conclusions

As with the pupils, some of the evidence received relates to the overall culture in the school as it seemed to be for the staff and parents and some relates to individual staff talking about the way they felt they were treated.

By the nature of allegations of intimidation and bullying, if it happens, it very often occurs in an unwitnessed one to one situation and the Head's position is that he denies totally that he had ever intimidated, threatened or bullied anyone and made a counter accusation that he had been bullied, specifically by the NUT representative. In many cases therefore it was the word of one person against another and in those circumstances it was necessary and appropriate to take into account the volume, totality and consistency of the evidence being presented, not just by those directly affected but by others who had in some cases been present as a third party at a meeting between the Head and the member of staff or had witnessed the effect of a meeting they had not been at, on the member of staff who had. There was also in a few cases written evidence in the form of emails or letters from the Head to the member of staff.

There were also events reported which one might normally associate with a school where there are issues in the relationship between staff and the Head and / or the senior management of the school.

There was the credibility of the witnesses themselves in terms of how they presented their evidence to the investigation and responded to questioning. Intimidation particularly, very much relates to whether a person feels intimidated by another person and it is theoretically possible, a point with which the Head agreed, for a person to feel intimidated when that was not the intent, but the intimidation is real none the less.

However where these were unwitnessed conversations and the Head either does not recall them or says he didn't say what the member of staff claims, they cannot be verified and conclusions can only be drawn on the number of such claims and the balance of probability. The Head claims conspiracy against him which would imply that some of the alleged conversations are false, but several of the staff who gave this evidence have no connection to the group who the Head thinks planned to remove him right from the time of his appointment. The head also claims that staff who gave evidence are not representative and there are many who support him. The numbers interviewed were such that they could not be said to be a small minority and all staff had ample opportunity to come forward and give evidence.

On balance, the allegation that some staff were intimidated by the head and that there wasn't a culture in the school that encouraged open and honest consultation and discussion is found to be correct.

### **5.2.3 Recommendations**

That there should be a shadow structure of posts and their remuneration which is known to all staff.

That consideration is given to setting up a small working group to look at formalising in writing the consultation mechanisms for the school, including through management meetings, staff association, unions and staff governors, with a view to staff feeling consulted and part of decision making.

That there should be a teacher governor co-opted onto the Governing Body to join the support staff governor so that staff do not feel they have to try to approach individual governors or the Governing Body as a whole to be heard.

That the school review its arrangements for HR support and introduce a system of exit interviews.

## 6 The role of the Local Authority

### 6.1.1 Narrative

The first reference to the Local Authority (LA) knowing of the practice of having to perform at a certain level to progress from Year 12 to 13 is in 2011 when the then LA Governor wrote to the then interim Director and Portfolio Holder to tell them about what he believed to be the deliberate delaying tactics of the school in re-admitting a Year 13 pupil who had won his admission Appeal. The Appeal hearing was in November 2011. The mother knew that she had won the appeal as she was present at the hearing. The Head first claimed he had not received the email from the clerk formally telling the school the outcome and then said he would not accept an email and wanted a hard copy letter. The outcome of the delay was that the boy had been in another school for a whole term and so decided to stay there. The Director's response to being told about this was "this is a continuation of St Olave's having prevented students continuing from Year 12 to 13". So the LA was aware of the practice as early as 2011

In 2013 at the political level the LA Governor prepared a paper called 'A Catalogue of Errors?' addressed to the Conservative Group of the Council and the then Portfolio Holder. It is a long list of items that the LA governor has taken issue with: some are about actual issues, e.g., evicting the Scouts from the Scout Hut, appointing a Deputy Head without involving governors or LA; others are concerns about the way the Head relates to governors and the Governing Body. At that time the 12 to 13 progression was still 3Cs so it was just noted that it was being imposed more harshly than before. The admissions to Year 12 were mentioned because it was going up to 6As and 3Bs.

After that the dealings between the school and the Local Authority largely focussed on different issues. The LA was aware of the controversial election for the Chair of Governors in November 2014 (see section 4.1) because the proposer of the parent governor who stood against the incumbent Chair was a Councillor, although not the LA governor. Informal discussions were held between Councillors but there was found to be no locus for the LA to take any action because at the last minute the Head decided to comply with the regulations and have a secret ballot at the governors' meeting and legal advice was that the burden of proof that governors had altered their votes as a result of being threatened by the head was too onerous to make it viable to pursue.

The next substantial issue between the school and the LA was in 2015 when the government passed legislation which required the re-constitution of governing bodies (see Section 4.2). The LA produced a model which they recommended the school to use but the school didn't want to follow that model and ultimately the legal advice to the LA was that they had to approve the model that the school governors had agreed.

The Governing Body's interpretation of the reconstitution resulted in the termination of the term of office of the long serving LA governor and the subsequent failure to appoint the person that the LA nominated to replace him, due to the governors accepting advice from the Head that he was not a suitable candidate, and there followed an extremely long drawn out process over two years during which time there was no LA governor.

The other major issues between the school and the LA concerned possible academy status and expansion. The LA 's policy was to encourage its schools to apply for Academy status and it did so with St Olave's, but issues with the Head and Governors not being prepared to accept the model for Voluntary Aided Schools (see section 7) prevented that from happening and the LA accepted that. On two occasions there were discussions about the possibility of expanding St Olave's numbers. The first was when the then Portfolio Holder put forward the possibility of expanding the 6th Form numbers substantially in conjunction with Newstead Wood and using the John Rigby site. The Head does not recall this proposal.

The second was discussed at a meeting in February 2016 with the Portfolio Holder where the Head raised the possibility of the LA providing capital to allow expansion to 5 Forms of Entry (150 pupils taken into Year 7 age 11 ) on the current site. The Head noted that the Portfolio Holder felt there would be planning issues and would also have to look at the analysis of places that they were going to be doing over the next 6 months.

They also discussed the issue of St Olave's becoming an Academy, with the Portfolio Holder saying there was no pressure on St Olave's to convert.

So in terms of the 12 to 13 progression issue, there is no evidence that the LA was raising it with the school, apart from the LA governor at Governing Body meetings, until it became an issue due to the parents' actions in the summer of 2017.

There is some evidence that the 12 to 13 progression issue was known about and being discussed within the Council, but not in any formal or substantial way.

There is a letter from a parent governor to the then Director of Children's Services on 11th November 2014 after they had met briefly at the Local Authority Governors' Conference the day before the St Olave's governors' meeting at which the election for Chair would be held. This letter specifically refers to the issue of the Head's correspondence with the Councillor who was proposing the parent governor as Chair (see section 4.1) urging him to withdraw his support and questioning his judgement when he refused to do so. The parent governor writes that the Director had invited him "to let us know what is going on and we will help" and the parent governor in his letter refers to "a whole host of issues with this Governing Board" and "that as an LA you need to be informed of many areas of concern. xx(Portfolio Holder) and xx(Director of Education) are aware of some of the issues and have been extremely

helpful in their approach". However he does not specify what any of these issues are, although they could have included the 12 to 13 issue.

There is no record of any reply to this letter and the then DCS says that he does not recall having a conversation with anyone about the 12 to 13 issue and that the notes of his one to one meetings with the Portfolio Holder make no reference to it.

The then Portfolio Holder says that he was aware of the 12 to 13 issue and that there were internal discussions about it but nothing was written down. He recalls talking to the then lead in the legal services department who retired in 2017, who says that he was aware of what the school was doing to the Year 12s but was not sure who had told him or how he knew. He said it was being discussed in relation to other schools as well. He says he knew that it was illegal and would have said so if he had been asked. He thought the issue may have come up at a Council subcommittee about 5 years ago where he said verbally the policy was illegal, but a search of all the Council minutes has not provided any record of this.

The Portfolio Holder also recalled deciding to speak to the Chair of Governors about it rather than the Head as he thought he was more likely to listen. They met informally so there is no record of the meeting. Both recall the meeting but the Chair of Governors does not recall the 12 to 13 issue being raised.

On 25th July 2017 a parent wrote to the Director of Education about her son who, as a result of his internal examination grades, had his place in Year 13 withdrawn by the school. The parent queried whether it was right that the school should be doing this and why there was no appeal or complaint process that she could follow. She did not in terms query the legality of withdrawing the place.

On 26th July 2017 the Director of Education wrote to the Head as a result of receiving that letter from the parent and a phone call from an ex member of staff saying there was disquiet amongst staff about how such decisions are managed. The letter focussed on why there was no appeals process or opportunity to discuss the Year 12 outcomes and no support for the family that finds itself in that position. It did not query either the justification for the policy itself or its legality. So as late as July 2017 the LA officers appear not to be aware that the policy of preventing progression into Year 13 on academic grounds is illegal.

In August 2017, faced with a notice in advance of action for a Judicial Review, the LA decided to seek counsel's opinion about the 12 into 13 policy. This was obtained on August 31st and said that the school's policy was illegal.

On September 11th 2017 the former Portfolio Holder attended a meeting of the Staff Association of St Olave's to which parents had been invited. At that time the LA had not been told formally that the former Portfolio Holder had been rejected by the governors as the new LA governor. The record of the meeting reads as follows:

"XX introduced himself and stated that the legal department of Bromley Council had advised the Headmaster 5 years ago that the results -based exclusion policy was illegal. XX said that he should be able to obtain copies of that legal advice from Bromley Council."

The Head strongly denies that he was ever sent such advice. A thorough search of the Council and school records have not found any evidence that such advice was issued to the Head or anyone else at the school. The then legal lead officer is clear that he did not send such advice and would not have done so in any case, because if the LA had been going to issue such advice it would have come from the Chief Officer, not from legal services.

On 25th September 2017 there was a full Council meeting at which a number of questions on St Olave's were asked. One of those was whether the Council was aware of the policy on withdrawing places to children entering Year 13, before the recent publicity over the policy. The answer given to this question was "A formal letter was sent by the Director of Education to the head teacher asking him to explain his position and also putting across the views of concerned parents and staff. The Local Authority is clear that the policy of the school was wrong and validated its views by seeking Counsel's opinion on the matter"

### **6.1.2 Conclusions**

The part of the LA who would have seen and known the detail of what the school was doing on admissions was the Admissions Team of Children's Services. As the experts on admissions law, they might have been expected to have known that, when the school proposed to add the 12 to 13 policy to the school's admissions policy in 2009, it could not be part of the admissions policy under the Admissions Code because secondary schools could only have admissions policies for Year 7 and Year 12, therefore it was illegal for a child who was on roll in Year 12 to go through an admission process into Year 13. The LA organised the circulation of admissions consultations on behalf of the school. They should also have been looking at the policy and responding to the consultation. At no point did the Admissions Team raise any issues with either the school or internally within the LA.

The LA knew and had known for some years at both officer and Elected Member level that there was a policy which resulted in some Year 12 pupils not being allowed to progress from Year 12 to Year 13 for academic reasons. Such discussions as there had been were political, amongst Elected Members, rather than with officers. After the original comment by the DCS in 2011, his successor cannot recall discussing the issue at all. The Director of Education who took the lead after he left in 2015, was contacted by parents and did raise issues on their behalf with the Head but, before the summer of 2017, they were issues about the pupils who had not been entered for one of their A Levels in Year 13, not the 12 to 13 issue which she was only contacted about in July 2017, when she clearly wasn't aware it was illegal as she was still saying there was nothing the LA could do about it. Only after the action

before JR letter had been received and taking counsel's opinion in August 2017 did the LA change that position once they did know it was illegal.

However, in September 2017 the former Portfolio Holder said at a meeting at the school that he and the then lead education lawyer on the Council, now retired, did know it was illegal and had told the Head that 5 years ago. The lawyer confirmed that he did know but he had not told the school because he would never have direct contact with a school and would go through the officers in Children's Services but no one had asked him.

The former Portfolio Holder had not taken any action because, given the success of the school in terms of results and popularity in terms of oversubscription, he did not think he would be able to command the political support to pursue it.

Therefore the position in relation to the LA on the key issue of the Year 12 to 13 progression is:

- Nobody apart from the lawyer and the former Portfolio Holder knew it was illegal.
- Neither of them took any action based on that knowledge. If they had the practice might well have been stopped earlier.
- The former Portfolio Holder's statement at the staff and parent meeting was unsubstantiated and misled parents and staff about what the Head, the governors and the LA knew.

One of the issues raised with the LA and during the investigation was why the LA did not intervene more generally and earlier and use the 'nuclear option' power of removing governors and putting in an Interim Executive Board to run the school. They did not have the grounds to do so. The school did not meet the criteria for intervention that are about low standards, failure to recruit, parents withdrawing their children, breakdown in discipline, the school being unsafe.

The only aspect of the school's functioning which might have justified intervention was dysfunctional governance to the point of either a breakdown in governance or that the governing body was persistently acting ultra vires. Governance was weak, but there wasn't a break down in governance. On occasions it was ultra vires, but then it would need to have that formally pointed out to it and be given the opportunity to comply. On the potentially serious ultra vires issues, the strongest case would have been the illegality of the 12 to 13 progression arrangements, and had the LA formally taken that up with the governors earlier, the evidence points to the fact that the governors would have complied if presented with clear legal advice that they were acting illegally, as they did when it was the parents' lawyers who were pointing it out, and their own and the LA legal advice concurred.

Such discussion and activity as there was within the Council about what St. Olave's did between year 12 and 13 was largely between Elected Members whose inclination was to discuss matters themselves with the Head or Chair of Governors

rather than through their Chief Officer. Curriculum and organisation matters would more normally be routed through officers to do the liaison with the Head, especially if what was needed was to advise a Head when they are not following due process or breaching the regulations because most heads and governing bodies faced even with informal oral advice, but certainly if faced with formal written advice from the Director of Education or Director of Children's Services, would comply. If they didn't the LA would then be justified in issuing a formal warning notice. In the case of St Olave's, neither the informal discussions, nor the formal written communication happened between senior LA officers and the Head.

So the LA could have intervened in a less extreme way than an Interim Executive Board, by pointing out informally and then formally when the school was not complying with the law and regulations. If the Governing Body then knowingly continued to break the law, that in itself would justify upping the ante and moving towards an IEB, but the conclusion is that the Head and governors faced with formal written legal advice that a policy was illegal, they would have drawn back from it.

### **6.1.3 Recommendations**

That the LA responds formally to schools' consultations on admissions arrangements, including the LA's confirmation that the arrangements comply with the Admissions Code of Practice.

That the LA ensures that its method for nominating governors happens in a timely manner and takes into account the skills being sought by the Governing Body (see also recommendations relating to rejection of proposed LA Governors and other governance issues).

That the LA works with the school to appoint a School Improvement Partner to carry out an annual school performance review of this maintained school which draws on information about the whole life of the school, i.e., not reliant solely on examination results.

That the Diocese Director of Education, LA Director of Education and Chief Executive of St Olave's Foundation review the implementation of these recommendations and their impact on the life of the school, after 6 months and 12 months.

## 7 The Role of the Diocese of Rochester

### 7.1.1 Narrative

St Olave's is a Church of England Voluntary Aided (VA) school coming under the Rochester Diocesan Board of Education (RDBE). The governance arrangements are different than for a standard VA school because the school also has a Foundation (see section 4). The Diocese therefore cannot command a majority on the Governing Body.

Relationships between the Head and the Diocese were not good. The Head mostly did not try to hide the fact that the Christian nature of the school was not a priority for him either personally or professionally. He made that clear in a number of ways, ranging from telling the Chaplain to amend her assemblies as they were too Christian to telling the former Diocesan Board Education Director on a number of occasions that St Olave's was not a Church of England school with a Christian ethos because the ethos was one of academic excellence.

Notwithstanding this, the school received an outstanding grade from the SIAMS inspection report in May 2017, which is an inspection of the religious aspects of the school. The inspection was well managed with visible signs of being a church school put up just for the occasion, including the placing of the altar cross, normally kept in the Chapel not the school, in the Head's office for the duration of the inspection and removing it as soon as the inspector left. The Chaplain, who was concerned about the overall ethos, the extent of the pressure on children and the bullying of staff, was not permitted to be alone with the SIAMS inspector and did not feel able to speak freely to them in the presence of the Head.

The Head's overarching imperative was academic results. When others pointed out that the lengths he was going to in pursuit of those results could be taking him and the school down a path that could be said to be at odds with the Christian values of a church school, this was not something that caused him concern and was always justified in terms of what you had to do to be one of the top 5 grammar schools in the country.

But many interviewees in this investigation, including those from the Diocese, were very aware of the potential contradiction between being a Church school, and the "unchristian" behaviour that many felt was the outcome of the policies that the Head recommended to governors and that the governors approved and that the Head implemented.

A major source of tension and disagreement between the Head and governors and the RDBE surfaced quite soon after the Head came to the school in 2010. Most Bromley secondary schools were by then already Academies, and they now all are apart from St Olave's. Bromley Local Authority supported the policy of schools

becoming academies and supported St Olave's in seeking academy status, which the Governing Body resolved to do. There are two models for academies, the secular model and the model for church schools and the latter allows the Dioceses to retain the same level of representation in the governance arrangements as they have in a Voluntary Aided school. This was unacceptable to the Head and Governing Body and not to use the non-secular model was unacceptable to the Diocese.

The argument went up to the highest political level in the DfE with the Diocese being questioned as to why they were blocking academisation. Ultimately the school remained a VA school within the LA because the Head was not prepared to accept the Diocesan model and was supported in that by the Governors. The relationship between the Diocese and the school after this was at arm's length on both sides, the Head and Governing Body not wanting any interference in how they ran the school and the Diocese giving advice but knowing that it wouldn't be taken.

The Diocese however had ways of finding out about the practices in the school that are the subject of this investigation. There was a School Chaplain who was in a unique position being on the staff of the school but with accountability to the Diocese as well as to the head teacher. In her role as Chaplain she could be and was spoken to in confidence by both staff and pupils. She estimates some 35 to 40 pupils, mainly Years 11, 12 and 13 spoke to her of their concerns about not making the cut academically at St Olave's, either by not meeting the 64 points for Admission to the 6th Form, or not meeting the 3 Bs to progress from Year 12 to 13.

Pupils spoke to her about not knowing how they could face their parents and friends, of being a failure and of letting down the Head. Likewise she estimates that about a dozen staff have been to see her during that period who felt threatened and didn't know what to do and she was concerned for them. She specifically referenced an incident in a staff briefing when she felt that the Head inappropriately made a verbal attack on a teacher including reference to her religious beliefs which left the teacher shaking and the Chaplain very concerned for her welfare. This corroborates the account that the teacher in question gave to the investigation.

Although they did not have a majority on the governors, there are governors appointed by the Diocese who were able to keep them informed, although the evidence presented to the investigation suggests that those governors, while being aware of the policies because they had agreed them, may not have been totally in touch with what was going on in the school, in terms of how the staff were feeling both about the policies themselves and the general climate of fear that a number of people have made reference to, particularly after the reconstitution in July 2015 when there were no longer any teacher governors. Governors were not encouraged to mix with staff or parents, who both described how governors were kept separate in pre event refreshments, processing into the event as a group and not mixing with staff or parents.

Symptomatic of the lack of communication by the school with the Diocese was that in December 2016 the Diocese only found out once the public consultation went out, that the school was proposing to change its Admission policy. This is contrary to the law which stipulates that a VA school must consult with the Diocese in advance of publication of its Admission policy. The then Diocesan Education Director requested that the proposed admissions policy be taken down from the website to allow for that consultation to happen, and he pointed out that pre public consultation with the Diocese is a statutory requirement. He was given the response from the Chair of Governors that the public consultation had begun and so would continue.

### **7.1.2 Conclusions**

The Diocese could have reported the fact that the school did not consult first with the Diocese before it went out to public consultation on its Admissions Policy, in the form of a complaint to the Adjudicator who could have forced the school to comply with the statutory requirement. The Diocese did discuss doing this, but decided against it.

Both the former Diocesan Director and the current Interim Diocesan Education Director are clear the Diocese did know about the practice of not allowing Year 12 to progress to Year 13, not least because a number of parents wrote to them about it, and the former Diocesan Director says he expressed those concerns in a meeting with the Head in 2017 at which the Archdeacon (who subsequently became the Chair of Governors in September 2017) was present, although the Archdeacon does not specifically recall that item at the meeting. The former Diocesan Education Director says he spoke to the Head in terms of the policy being morally and ethically wrong and potentially the unrest it was causing being damaging for the school. He says the Diocese were not aware it was illegal and did not discuss it in terms of its legality or otherwise. The Head did not accept their arguments and said the overriding factor as far as he was concerned was achieving academic excellence.

The former Diocesan Director of Education reports that he also had conversations with the LA Director of Education sharing concerns not just about the 12 to 13 issue, but about governance generally, about the Head taking executive action beyond what the remit of a head to do so should be, and what he felt was the general dysfunctionality of the way the governors operated.

The Diocese had very few powers it could exercise in relation to St Olave's, because it didn't command a majority on the Governing Body. It therefore had to work largely through influence, and that was not easy given that the Head did not care to involve the Diocese where he did not have to. However when it found itself in a position where the school had not followed the regulations in consulting the Diocese first, when it wanted to change the Admissions Policy into the 6th Form, by making the bar higher for St Olave's boys wanting to stay on, the Diocese was divided but in the end decided not to pursue it through the Schools Adjudicator. Like the LA they stopped short of formal challenge even when that was an option open to them, largely because of the fact that St Olave's was to all intents and purposes an

extremely successful school and they weren't prepared to challenge it when they should have done.

### **7.1.3 Recommendations**

That the Diocese maintains a closer relationship with St Olave's school than has been the case since 2010.

That the Diocese Director of Education, LA Director of Education and Chief Executive of St Olave's Foundation review the implementation of these recommendations and their impact on the life of the school, after 6 months and 12 months.

## 8 The Role of the Senior Leadership Team

### 8.1.1 Narrative

There were originally four posts in the Senior Leadership team (SLT) but when the Deputy Head left, they were not replaced so for most of the period of the investigation there were three core SLT posts in addition to the Head. These were two Assistant Heads and a Business and Development Manager. In terms of the implementation of the policy that led to the legal action, and the associated policies, the two posts that were in the forefront were the Assistant Heads. This was particularly the case because the Head's style was to leave them to front the interaction with parents and students, only seeing the parent himself either if the parent insisted or if the lead Assistant Head asked him to, in cases where they felt the pupil should be made an exception but had not managed to persuade the Head.

Both post holders understood that there had to be cabinet responsibility both in their dealings with staff and parents. One of the Assistant Heads said that professionally as a member of SLT, he was required to support and implement the policies that have now come under scrutiny as the Head specified regularly that these policies had been agreed by the Governing Body and it was his corporate responsibility to implement them.

The other Assistant Head also focused on the importance the Head attached to corporate responsibility, and said he faced annual results day in August with a sense of dread at having to enact decisions and witness and absorb the understandable upset, frustration and often anger of the pupils and parents affected, often pupils and parents he had worked with closely and supportively over a period of time and in whose eyes he knew he would irrevocably become the uncaring face of the school. He nevertheless described his working relationship with the Head as characterised by kindness, fairness and mutual respect.

The emphasis on corporate responsibility meant that the SLT were closely identified with those policies and the negative outcomes of them and that could have an adverse effect on their relationships with the people they were working with. For example the middle leaders meeting in September 2017 at which the Head, with SLT present, ended up attacking staff and questioning their loyalty which several of those present felt was done in an inappropriate way.

After the Year 12 to 13 policy had changed, there was a new Chair Governors, the head had left and one of the Assistant Heads was Acting Head, so they were no longer constrained and, working with the new Chair of Governors, they began to create a very different feel in the school and the Acting Head has been instrumental in driving through in a short time some key policy changes. Some parents thought that the SLT members, who administered the system on the Head's behalf, had not been sympathetic or understanding of what the children were going through. The

SLT members say that is not the case and they are pleased and relieved that they will not have to do it again, as the policy has now been stopped.

The two Assistant Heads felt confident that they could talk freely in SLT meetings and to the Head, sharing their own views and those of others, including parents and students, and did this on a regular basis. They were able to challenge decisions and give their professional judgement, but the Head usually decided to move ahead with these decisions despite their arguments. An example of this was the dropping of A Levels from three to two in Year 13 if a B grade wasn't achieved in the mocks, and changing the progression criteria from 3Cs to 3Bs, when the Head said in an SLT meeting in response to one of the Assistant Heads putting arguments against the policy, 'You are not thinking like someone who works in a grammar school like ours should'. He felt it was a very personal comment directed at him and made it clear that this topic was no longer up for debate.

The one area where there is evidence that their intervention did change some of the Head's decisions was with students who did not meet the progression criteria and on a number of occasions the Head allowed students to move into Y13 despite them not achieving the required grades following their intervention. There were still however a number of cases where the Head would not change his mind, in spite of their representations. The difficult task they then had was to deliver that news to parents without revealing that they didn't agree with what they were implementing. Sometimes parents felt they absolutely did believe in what they were doing, and were very critical of what they saw as lack of sympathy and harshness. Other parents said they realised they were just the messengers for the Head and that the decision was his.

Only one of the three felt that the head had tried to bully him, but that was when he first started at the school and he made it clear he would not tolerate it and it did not happen anymore. He was privately critical of the head in writing to the parent governor who stood for election as Chair, who he assisted by critiquing for him his proposed presentation for the election. He had worked closely with him and other parents on the money raising EEx campaign and had been critical of the Head's attitude and responses to it. In September 2013 the Head did not support this SLT member's recommendation for continuing the part time employment of the member of the support staff who had been crucial in supporting the money raising. In reporting that to the parent governor, he said the Head didn't appreciate the efforts the parent governor and the parents put in because he had no idea of what was involved because he does very little himself and gets others to do things for him. In other emails to the parent governor and two other parents he referred to the Head as intransigent, arrogant and controlling and, although he wasn't bullied, he did think the Head's behaviour was bullying as he wrote to the parent governor "I have absolutely no doubt that the points to which he refers are his own rather than the Chair of Governors and are symptomatic of bullying tactics which he is inclined to resort to get his own way".

### **8.1.2 Conclusion**

SLT Members were able to express their views freely to the Head. On matters of major policy no example was found of where their intervention resulted in a change of policy but they did bring about changes in decisions about whether individual students could continue into Year 13. Corporate responsibility exists in all school leadership teams, not just at St Olave's, so SLT members were in the same position as in any other school, which is if they disagree with school policy to the extent that they feel they can't lead on implementing it without revealing those disagreements, their position becomes difficult and they would usually look for another post elsewhere. That choice remained open to the SLT at St Olave's, although understandably, many staff, not just SLT did not want to leave the school to which there is a strong sense of loyalty and where the opportunities to obtain a post in a similar school would be restricted.

Four members of SLT did leave during this period; some very shortly after the Head arrived. Three of the four have been interviewed. One didn't want to be involved. None of those interviewed left because of the Head or his policies. One was promoted to headship, one had already been appointed to a senior post in another school, and one retired.

The third member of the SLT during the period under investigation has now also left. The two Assistant Heads remain, one as Acting Head, and are working hard and, on the whole, succeeding in restoring their relationships with staff previously damaged by what staff saw as their identification with the policies and practices of the Head.

## 9 The Head's response

### 9.1.1 Narrative

The Head's responses on specific events (made after he left the school in the autumn term of 2017) have been included in the previous sections. His overall position to which he frequently referred when answering specific questions is summarised as:

1. That St Olave's is a highly selective grammar school, one of the top 3 in the country, therefore everything that happened in terms of the 12 to 13 pupils being told to leave and the Year 13 and Year 11 pupils not being allowed to continue with a subject should have been expected and was justified
2. That he made no decisions on policy. All policies were governors' policies. He only advised and implemented
3. That he didn't bully or intimidate anyone. He was just direct in the way he spoke to people. He was bullied by the former teacher governor and current union rep.
4. It was a witch hunt .There was a 'gang of thugs' focussed around the parent governor who stood as Chair and the other governors who were voted off, who had Guardian related links with hostile parents at his previous school, and had a personal vendetta against him from before he started, and that was what was behind everything that had happened and had been said to the investigator.
5. That he now accepts that the 12 to 13 policy was illegal. That he would not knowingly have done anything illegal. That many agencies knew what the policy was and no one ever told him it was illegal and many other schools do it, including Bromley schools.

### 9.1.2 Conclusion

#### 9.1.2.1 On "what you would expect in a highly selective grammar school"

The Head's detailed references to how being a top grammar school justified the policies and their implementation, included agreeing that there should be a balance between the interests of the children and the interests of the school, but in answering the question, what about the welfare of the children, and in answer to other questions, he was clear the priority was the school and it performing as a top grammar school should, rather than the child.

He presented the statistical model (that had been presented to governors) which showed all St Olave's pupils should be able to get 3 Bs in Year 12. When it was suggested that statistical models can't be applied to individuals and there will always be some achieving less than 3 Bs, because of individual circumstances, the Head's view was that most them were lazy and hadn't worked and aren't suited to a school

like St Olave's, so the parents shouldn't have sent them in the first place. He agreed he had told parents it was their fault, because he believed it was.

While the Head's view about it being right to prioritise exam results and the League table position of the school was clearly a genuinely held belief, and as he pointed out he didn't invent League Tables, it should not have been taken to the extreme that it was in terms of endeavouring to be a school where no one got a C grade because statistically they shouldn't have and it was not acceptable if they looked as if they were going to get a C, to say that they either shouldn't have been there in the first place or hadn't worked hard enough and so should leave.

At no point is there any evidence that the Head thought the school might bear some responsibility for what he clearly regarded as the underperformance of very able children or any reference to what school improvement measures might be put in place. Both an analysis of the maths results, and the evidence given by the teacher who was Head of the maths department in 2016/17, show that the maths results dipped that year and for many of the parents interviewed, the issue had been their child's maths teaching and /or maths results. In a school that specialises in maths to the extent that St Olave's does, with extremely high numbers of 6<sup>th</sup> Form pupils doing the A level maths courses, any poor performance in that department will have a significant impact and in effect for the pupils who were told to leave when they only missed the criteria because they got a C in maths rather than a B, it would not be overstating it to say that the school was responsible rather than the pupil.

The school had admitted these children in the first place, either at Year 7 (where the school wrote the tests) or at Year 12 and should have felt a responsibility for supporting and nurturing these children (which the Head said they did take seriously) so that they achieved to the best of their ability as related to them as individuals, in their real context, even if that did not fit the statistical model, which would only be as good as the data put into it, so would not have allowed for the fact that for example some of the tests may have given a false positive result, and GCSE was not always a totally accurate predictor of A Level performance. The Head was aware of that, but his response would be that if that meant the child shouldn't have been there in the first place, then it was acceptable that they left. Legalities aside, it should not have been an argument for them leaving after one year in the sixth form, or from preventing them in Year 13 taking a subject just because they might have got a C.

The parents seen who were not in the Year 12 to 13 cohort in the summer of 2017, but had experienced the bar in previous years, reported that in many cases their children ended up achieving above a C at A level and in some cases got an A in the subject they got C in at the end of Year 12. This isn't particularly surprising as you would expect uplift in performance in the second year of a two year course

#### 9.1.2.2 On the issue of who made the decisions

The overwhelming body of evidence is that the Head was the controlling force in the Governing Body and that while technically he was only advising the Chair, in practice he exercised a controlling influence over the Chair to an extent that militated against a healthy challenge and support relationship between the governors and the Head that is found in schools with good governance

#### 9.1.2.3 On bullying and intimidation.

He said he had received anonymous hate mail since September 2017 and there was an unpleasant video on you tube. Clearly hate mail in any circumstances is not acceptable.

The other claims he made about being bullied were that the NUT representative bullied him (he didn't give specific examples other than meeting with the Chair of the Staff Association to discuss getting rid of him). He made reference to bullying students being the children of the gang of thugs and that their bullying parents go round to the homes of other parents.

The Head would have been under a lot of stress from the potential court case and the ensuing press coverage, and the St Olave's Unofficial website were throughout the autumn term commenting on events in a way that was highly critical of him, which cannot have been very pleasant for him and any hate mail or threats are to be condemned.

Bullying is partly about whether a victim feels they are being bullied, as well as about whether there is intent to bully on the part of the perpetrator, so is sometimes a difficult area for a third party to judge . However a bully exerts power over their victim and not only is there no evidence at all that the NUT representative either tried to or did bully the Head, unless she had some potentially damaging information about him which would have given her some kind of hold over him (which she didn't) there is no way she would have been in a position to bully him.

On the contrary, as seen in section 5, she and other staff claim that they were bullied and intimidated by the Head. There is substance in those claims, as in some cases there is evidence that they changed their behaviour as a result of being bullied or intimidated. The head did not see it as bullying and intimidation but rather as assertive leadership by someone who is convinced of the rightness of his own opinions and feels he has an entitlement to tell people what to do in a manner that doesn't expect them to argue back. However for the individuals who came forward, bullying is what it was.

#### 9.1.2.4 On the witch hunt and conspiracy theory.

The Head's previous post was Head of Fortismere School in Haringey. There was a group of parents of children at the school who had special educational needs, who opposed the reductions he made to the provision for children with special educational needs in the school.

The Head maintained that as soon as he had been appointed there was contact between individuals in this group and individuals at St Olave's. He named the Haringey person who he believed had led this, who is a Guardian journalist.

The Haringey parents had got together and taken legal advice and when the Head left in 2010, they were in the process of going to Judicial Review on behalf of their children who were not receiving the support through their statements that Haringey had put into the school to meet their needs.

The person named by the Head has said that neither he, nor to his knowledge any of the group of parents who were taking legal action against the Head, had any contact with the people at St Olave's, and that he did not initiate the August 29th article in the Guardian. They were pleased that he was leaving Fortismere and thought St Olave's a more suitable school for him as their perception was that he was concerned with academic high fliers, had wanted to make Fortismere more selective and did not think it worth putting resources into Special Educational Needs, but they didn't make any attempt to contact St Olave's. This was confirmed by another member of the parent group.

At St Olave's the Head named the parent governor who stood for Chair, the other 4 governors removed at reconstitution, the NUT representative, a former parent governor from the previous head's time and the Chair of the PA as the 'gang of thugs' who were conducting the witch hunt. He also implicated the new Chair of Governors who he said was one of them and part of it, and was surprised the investigator hadn't worked that out.

While it is true that apart from the current Chair of Governors, who had had very little involvement with the school before September 2017, all of those named would have cause to be pleased when the Head left but that does not mean that there was a conspiracy from the beginning to remove him or that the issues the former governors, parents and staff were raising were therefore just a smokescreen to achieve that.

What comes through from the totality of the evidence is a genuine disagreement by a substantial number of governors, by a substantial but quiescent number of staff, by at first parents whose children were directly affected but then by many parents whose children hadn't been directly affected, with what they saw as an over emphasis on the school's League table position, which drove the ethos and culture generally and all the policies specifically to a point that they were not right morally and educationally and were damaging to some individual children.

It did not begin in 2010 as a movement to get rid of the Head. In 2017 it was a movement in the first instance to get the outcome that a group of parents wanted for their own children and also to get a policy change so that other families in the future wouldn't have to go through the same thing. Had there been any sign that that could

have been achieved with the Head still in place that could well have been the outcome.

There is now no option but to accept that the policy approved by the Governing Body was illegal, but there was an initial reluctance to do so. It is correct that no one told the Head it was illegal, but he should have known, It can't be known how many schools were doing the same thing and if they were, they will have stopped now, but the indications are that where pupils were not progressing from Year 12 to 13, it was not as a result of the school writing to them and withdrawing their place.

#### 9.1.2.5 Conclusion

The head's perception of the situation is very different from that of most other people who have given evidence to the investigation. He does not think he has done anything wrong under any of the sections of the Terms of Reference. He does not think he is responsible for the illegality of Year 12 to 13 policy because he was implementing the policy of the Governing Body and no one told him it was illegal and other schools do it and anyway governors make all decisions. He does not think his manner is intimidatory or bullying. He believes there was a witch hunt and conspiracy against him.

The investigator concludes he should have known what he was doing was illegal without being told, most other heads don't write letters withdrawing children's places as they know it is illegal. He had a duty of care and a responsibility for every individual child and their wellbeing and safety which could not be subordinated to exam result targets for the school, His manner both in person and in writing has been intimidatory and on occasion bullying, and there is no evidence of an organised conspiracy against him arising from parental opposition at his previous school in Haringey.

#### **9.1.3 Recommendation**

That the Governing Body and SLT review the performance information presented to the Governing Body to ensure that Governors have a full and accurate picture of all aspects of the life of the school to evaluate the impact of their policies.

## 10 Parental support for the Head

### 10.1.1 Narrative

Out of the total of 30 parents who asked to speak to the investigator, 9 wanted to express their support for the Head and a further 9 wrote to the LA in support.

They were mainly parents of younger children at St Olave's and wanted to say that they regretted the resignation and departure of the Head.

Unlike the other parents, their comments were not mainly about their own child but were more general, about the school and about the Head. They supported selective education and grammar schools. A common theme in the reasons they gave for their support of the Head was that parents knew what they were getting when they applied to St Olave's, which was academic excellence and that was what the school delivered under the Head's leadership.

A number felt that parents of children who had been made to leave should not complain because they knew what they had signed up for at the school and if their child didn't make the grade, they should make way for someone from outside who could, and that teachers didn't have the time to spend with those who couldn't keep up. The Head's wife, writing under her maiden name, submitted a letter making those points.

This group of parents did not think putting pressure on the children was harmful.

Some wanted to write about one or both of the PA meetings (see section 4.5) saying that at the first one the Head had given a satisfactory explanation about the events of the summer as far as they were concerned and they condemned the other group of parents who had held the meeting offsite, which they felt had taken the PA outside its non-political constitution. At the second, which was the PA AGM, after the Head resigned and left, they felt that the group who had met offsite behaved badly and tried to prevent the Head's supporters being elected to official posts within the PA.

They were critical of the unofficial St Olave's website. One called it a hate site and several felt aggrieved that it could name people and there was no right of reply.

They were concerned there had been a breach of security when all the Year 7 pupils were emailed by older pupils criticising the Head and also objected to leaflets being given out outside the school.

One parent claimed she and her daughter had been intimidated as a result of their support for the Head. The Head said he had received hate mail and threats and one of the Assistant Heads submitted to the investigation a threatening letter he had been sent. The email address that it came from was the same as the one that the email to all the Year 7s came from, which the police had tried but failed to trace.

### **10.1.2 Conclusion**

Whether for or against the Head, every parent interviewed supported grammar schools and selective education, making it unlikely that the driver for the parents who took legal action was to campaign against Grammar Schools as the Head had suggested it was.

The two PA meetings referred to have not been helpful for the school or the parent body. The responsibility for the first one being split into two meetings, with both claiming to be the legitimate PA meeting, rests with the Head. In spite of him saying at the 20th September Governing Body meeting that the Chair had walked out of the meeting, witnesses confirm, and the Head now agrees, that he kept on asking her to leave. This exacerbated the polarisation into two groups of parents, one pro and one anti and both groups blamed the other for the chaos and disorder at the second meeting. It is particularly concerning that the parents were largely split by ethnicity.

Both groups now recognise that healing needs to take place and parents need to put the divisions behind them and come together in the interests of their children, who will eventually pick up on splits in the parent body if they continue for long enough.

While the unofficial St Olave's website was a key means of communication for parents when information wasn't getting through to them, there is now a new regime of openness and transparency and channels where views can be expressed and information obtained, so it should no longer be necessary. All the time it is there, it will remain a symbol of the divisions and tensions of the last 9 months.

### **10.1.3 Recommendations**

That every effort is made by all groups of parents to draw a line under the splits revealed at the Annual General Meeting of the PA and to work together as a unified group in the interests of the pupils.

That in the interests of restoring harmony in the school community and focusing on the future, the organisers of the St Olave's unofficial website are asked to close it down.

## 11 The views of pupils

### 11.1.1 Narrative

Pupils at St Olave's were used to expressing their views and there was a system of class and year representatives that fed into the School Council. From time to time groups of students used blogs or 'petitions' to lobby on particular issues, although they were always aware that if they antagonised the Head and the senior management by doing that, there could be consequences.

When drama was cut out of the curriculum offer in 2014 a student organised a "Save Drama at St Olave's Group" and had gathered 300 signatures on a petition when the Head found him collecting them and was at first very angry and threatened to take it away from him, but the boy stood his ground and persisted in asking reasons why. The Head said it was because the school had had three quarter of a million pounds cut in its budget. The boy persisted and asked why the pupils hadn't been told about it and said what they wanted was a discussion.

After a number of exchanges, including the Head saying the boy should have obtained permission for the petition and the boy saying it wouldn't have been granted, the Head did not take the petition away and agreed at some point to have a discussion with the pupils. The boy made a contemporaneous note of the conversation, which was made available to the investigation.

The Head's response to this example of pupils organising against a school policy decision, reading between the lines, seemed to be to quite admire the boy's articulate presentation of the case and willingness to stand his ground and argue back. This was in contrast to his response in 2017 to the student website set up over the Year 12 to 13 issue, which he said was run by parents and he threatened to involve the police. He also claimed that a student survey of Year 13s' views about this issue specifically and the broader situation in the school was not genuine. Three Year 13 students gave evidence that parents were not involved and that the website the pupils set up was not connected to the St Olave's Unofficial Website. Pupils were also discussing boycotting assemblies but did not as it was made clear there would be serious consequences if they did.

Some former pupils wrote describing their experiences at the school including one man from the time before the 3Bs policy, who went as a post grad to Cambridge on a scholarship, became an inventor, set up multiple companies and is a millionaire but would have not been allowed into Year 13 under the current arrangements.

Some pupils and some parents said that the pupils did not respect the Head, citing the cheering in Assembly when the news of his departure was announced, but it would not be possible to conclude, from the small number of pupils interviewed, what the overall view of pupils was. A former School Captain thought that the Head had

not got the measure of St Olave's boys, talked down to them and often mispronounced their names because he hadn't made a point of learning the pronunciation from form tutors as his predecessor did.

Not surprisingly the strongest student response to the events of the summer of 2017 was from Year 13, who were the cohort in the spotlight. They organised an anonymous survey of about 50 Year 13 pupils and used the unedited comments of individuals, some of which expressed very strong opinions and it is necessary to bear in mind that anonymity can mean that people can say things for which they are not accountable and that should be taken into account in using it as evidence of the feeling in Year 13. However, even allowing for some exaggeration in the way things have been expressed, taken as a whole it would be reasonable to conclude that there were concerns about pastoral care and wellbeing, about not being heard, about their best not being good enough if it wasn't a top grade that resulted, and a feeling they are a statistic and don't matter as people.

The covering letter to the Head which they sent with the survey said they were angered by the Head's assembly when they returned in September when he attacked and blamed the media coverage as unfair. This supports the view that a significant factor for the Head was how he responded, with pupils, parents, staff and governors, in those first few weeks in September, attacking the media, the parents who went to court, and the former governors.

The Head's letter to parents in September 2017 sought to reassure them by committing to review the pastoral arrangements and set out in some detail what the school provided. The pupils also did a response to this, welcoming it in principle, but comments included that the referral route to the counsellor through staff was off putting, reference to Christian values in the Assembly programme was recent, disingenuous and box ticking (but they have the utmost respect for the Chaplain), that the UCAS support system is very good but is not what they mean by pastoral care, that a façade was created for the SIAMS inspection so it doesn't give a true picture, and that it's not appropriate to include first aid and fire escape routes as examples of measures taken to ensure wellbeing in a school, as even prisons have to have those.

### **11.1.2 Conclusion**

It is not surprising that once the 12 to 13 issue became public in August 2017, the St Olave's pupils would want to find a way to express an opinion. Apart from the threat to go to the police over their website, the pupils as a group do not appear to have been intimidated by the Head specifically or the ethos more generally, in getting together and expressing their opinions, albeit in the case of the Year 13 student survey they took refuge in anonymity.

The overwhelming culture of the pupils was to be proud of their school. One of the parents of a pupil who was asked to leave said of her son that he had always been a

proud Olavian, which made his rejection by the school he loved even more painful. The pride and loyalty continued even after pupils had left as there was a thriving Old Olavians group. The events of 2017 did cause some disillusionment among some pupils, especially the older ones, about what they thought of the school, but the underlying culture of support and of appreciation for what their teachers do for them is strong enough for the discontent expressed about the events of last year not to have a long term effect on the positive attitude of the pupils to their school. What they were unhappy about was very much focussed around the Head and the ethos he had created for Years 12 and 13 and, during the investigation, they observed that the ethos is changing already.

### **11.1.3 Recommendation**

To review the arrangements for student voice such that students' views are routinely fed through to and heard by senior managers and governors of the school, so that one off protest actions are not deemed by the students to be necessary to get their views heard.

## 12 A concluding comment

One final comment that embraces all aspects of the terms of reference is that two key factors in a school that could have been positives were taken to extremes and became negatives:

### 12.1.1.1 Strong Leadership

The ability to be a strong leader is one of the things that governors look for in appointing a head. Decisive, assertive, confident, of strong character are words that have a positive connotation in respect of what parents and staff, as well as Governors, would be looking for in a Head.

Where this crosses into negative territory, and becomes more than just a matter of management style, is when key stakeholders feel at best there is no point in expressing a contrary view because they will not be heard and at worst feel intimidated or bullied.

The former head was not always sensitive to the effect he had on people, both in his oral and written communications. He did not see his behaviour as in any way bullying or intimidation and was genuinely surprised that others should be deeming it so. However some people did, especially staff who were the ones most directly affected.

### 12.1.1.2 High academic performance

High academic performance is a legitimate aim for most schools. No school can afford to ignore League tables. For selective schools high academic performance is rightly an expectation. More challenging is to excel with value added and progress measures. An emphasis on the importance of scholarship is also a worthy goal as is maximising the opportunity for pupils to have access to Oxbridge and Russell Group universities.

Where all of the above crosses a line into negative territory is when they are presented in such a way as it appears to be that they are the only things that really matter to the exclusion of all else. That didn't happen at St Olave's by not providing any of the broader extracurricular, non-exam focussed activities because outside of lessons, there was a rich provision of sporting, cultural and international events activities and opportunities which were enriching of themselves and also provided the kind of broader life experiences and skills which would assist students in their Oxbridge interviews.

However when the chips were down, as many parents observed, all of those counted for nothing because, regardless of how much and how well the pupils had participated in the non-academic side of the school, the school was prepared to reject pupils half way through their A level courses when, unless they had the

income to afford certain kinds of independent providers, they would almost certainly have to repeat their Year 12.

Negative territory becomes harmful territory when it impacts adversely on the self-esteem, self-confidence and sense of self-worth of some of the pupils. It isn't a defence to say it was only minority of the pupils. A school has the responsibility to do its best by all of the pupils. Occasionally a school is justified in acting in a way that doesn't serve the interests of an individual child if it is done to protect the interests of the majority, for example if a pupil is excluded for endangering the safety of other pupils. There was no such justification in this case. Not withdrawing the places of pupils at the end of Year 12 would not have impacted on the exam results of the other pupils. The effect was on the results of the school as an institution. It was putting the institution above the pupils when in fact the institution is the pupils. Parents of the pupils affected were right to say their children were being treated as collateral damage. It should not have happened.

## Appendix

	2010/11		2011/12		2012/13		2013/14		2014/15		2015/16		2016/17	
	Original Budget	Actual												
<b>Public Funds</b>														
<b>Income</b>														
Government Funding	4808580	4853914	4782671	4796545	4722192	4796440	4764483	4791608	4656116	4665157	4870001	4884186	5009915	5036966
Donations & Voluntary fund Note 1	83382	176686	106234	122506	60500	208132	153080	133084	269000	60029	495340	189570	325000	69123
Other Income	70750	206952	35000	217419	84000	180733	95000	199117	51000	364029	140000	227221	120000	310690
<b>Total Revenue Income</b>	<b>4962712</b>	<b>5237552</b>	<b>4923905</b>	<b>5136470</b>	<b>4866692</b>	<b>5185126</b>	<b>5012563</b>	<b>5123809</b>	<b>4976116</b>	<b>5089214</b>	<b>5505341</b>	<b>5300977</b>	<b>5454915</b>	<b>5416778</b>
Capital Income	0	458058	0	29385	23998	74240	144341	187051	622000	651757	289000	274095	110000	131339
<b>Total Income</b>	<b>4962712</b>	<b>5695610</b>	<b>4923905</b>	<b>5165856</b>	<b>4890690</b>	<b>5259366</b>	<b>5156904</b>	<b>5310859</b>	<b>5598116</b>	<b>5740971</b>	<b>5794341</b>	<b>5575072</b>	<b>5564915</b>	<b>5548117</b>
<b>Expenditure</b>														
Revenue Expenditure	4961768	5197688	4988383	4981605	4866517	4905090	5072978	4849970	4976069	5475858	5505341	5290933	5453788	5377020
Capital Expenditure Note 4, 5 & 6	0	1000002	0	333914	58533	66357	230000	211656	622000	669569	289000	274095	110000	131339
<b>Total Expenditure</b>	<b>4961768</b>	<b>6197690</b>	<b>4988383</b>	<b>5315519</b>	<b>4925050</b>	<b>4971447</b>	<b>5302978</b>	<b>5061626</b>	<b>5598069</b>	<b>6145427</b>	<b>5794341</b>	<b>5565027</b>	<b>5563788</b>	<b>5508359</b>
<b>In Year Surplus/(deficit) Note 2</b>	<b>944</b>	<b>-502080</b>	<b>-64478</b>	<b>-149663</b>	<b>-34360</b>	<b>287919</b>	<b>-146074</b>	<b>249233</b>	<b>47</b>	<b>-404456</b>	<b>0</b>	<b>10044</b>	<b>1127</b>	<b>39758</b>
<b>Balance b/fwd from Previous Year</b>	<b>969920</b>	<b>969920</b>	<b>467840</b>	<b>467840</b>	<b>318178</b>	<b>318178</b>	<b>606097</b>	<b>606097</b>	<b>855330</b>	<b>855330</b>	<b>450874</b>	<b>450874</b>	<b>460919</b>	<b>460919</b>
<b>Final Surplus/(Deficit)</b>	<b>970864</b>	<b>467840</b>	<b>403362</b>	<b>318177</b>	<b>283818</b>	<b>606097</b>	<b>460023</b>	<b>855330</b>	<b>855377</b>	<b>450874</b>	<b>450874</b>	<b>460918</b>	<b>462046</b>	<b>500677</b>
Public Reserves (B02) At year end		467840		318178		606097		855330		450874		460919		500677
Plus														
<b>Non Public Funds</b>														
Voluntary Fund (VF) Balance in bank Note 3		158244		135384		229778		484387		812038		1012021		1188141
Less VF Committed balances (School trips)		N/A		N/A		N/A		-372230		-397290		-419296		-354209
Block Grant held by Foundation note 7		0		0		0		0		137480		309062		499413
Headmasters fund available balance note 8		39306		45072		51011		57094		63784		65864		72157
<b>Total funds available to the School at year end</b>		<b>665390</b>		<b>498634</b>		<b>886886</b>		<b>1024581</b>		<b>1066886</b>		<b>1428570</b>		<b>1906179</b>
N/A = not available														
1. 2013/14 onwards SBM's policy was to use this line to balance the budget. Outturn income included transfers of parental donations in 2010/11 of £4492.30, 2012/13 of £3000, 2015/16 of £134000 & 2016/17 £17400														
2. Deficit budgets were set? Some caused by capital budgets being set where income did not match expenditure? Revenue budgets did not show deficits														
3. Parental contributions increase to around £300k a year from 2013/14														
4. 2010/11 Sports Hall redevelopment														
5. 2014/15 New science laboratories														
6. 2015/16 New Boiler & New Gym roof														
7. Funding held by the Foundation available to the school														
8. Cumulative income available to the school														
<b>Loan Account paid by Foundation from Grant to school</b>														
Minimum repayment £13,200 per quarter				-648885		-604801		-560087		-482438		-403773		-323388
Currently repaying £21,250 per quarter														
If current repayment of £85000 continues it will be repaid in 2020/21														

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Report No.  
ED18059

London Borough of Bromley

PART ONE - PUBLIC

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**Decision Maker:** EDUCATION, CHILDREN AND FAMILIES BUDGET AND PERFORMANCE MONITORING SUB-COMMITTEE

**Date:** 18<sup>th</sup> July 2018

**Decision Type:** Non-Urgent Executive Non-Key

**Title:** BUDGET MONITORING 2018/19

**Contact Officer:** David Bradshaw, Head of Education, Care & Health Services Finance  
Tel: 020 8313 4807 E-mail: David.Bradshaw@bromley.gov.uk

**Chief Officer:** Deputy Chief Executive & Executive Director of Education, Care and Health Services

**Ward:** (All Wards);

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1. Reason for report

- 1.1 This report provides the budget monitoring position for 2018/19 based on activity up to the end of May 2018.
- 

2. **RECOMMENDATION(S)**

2.1 **The Education, Children and Families Budget and Performance Monitoring Sub-Committee are invited to:**

- (i) Note that the latest projected overspend of £1,619,000 is forecast on the controllable budget, based on information as at May 2018;
- (ii) Note the full year effect cost pressures of £1,421,000 in 2019/20 as set out in section 4;
- (iii) Note the funding release request of carry forward funding as detailed in section 5 of this report;
- (iv) Note the comments of the Department in section 8 of this report; and,
- (v) Refer the report to the Portfolio Holder for approval.

2.2 **The Portfolio Holder is asked to:**

- (i) Note that the latest projected overspend of £1,619,000 is forecast on the controllable budget, based on information as at May 2018;
- (ii) Agree to the release of the carry forward funding as set out in section 5.

### Corporate Policy

1. Policy Status: Not Applicable
  2. BBB Priority: Health and Integration
- 

### Financial

1. Cost of proposal: Not Applicable:
  2. Ongoing costs: Not Applicable:
  3. Budget head/performance centre: ECF Portfolio
  4. Total current budget for this head: £50.321m
  5. Source of funding: ECF approved budget
- 

### Staff

1. Number of staff (current and additional): 1,139 Full time equivalent
  2. If from existing staff resources, number of staff hours: N/A
- 

### Legal

1. Legal Requirement: Statutory Requirement
  2. Call-in: Applicable
- 

### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): The 2018/19 budget reflects the financial impact of the Council's strategies, service plans etc. which impact on all of the Council's customers (including council tax payers) and users of the services
- 

### Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments:

### 3. COMMENTARY

- 3.1 The 2018/19 projected outturn for the Education, Children and Families Portfolio is detailed in Appendix 1a, broken down over each division within the service. Appendix 1b gives explanatory notes on the movements in each service. The current position is an overspend of £1,619k. This position assumes that further management action will be taken throughout the year to maintain the current position. If this does not take place and cannot be evidenced then the position may change. Some of the main variances are highlighted below.
- 3.2 Senior officers meet on a regular basis to scrutinise and challenge the expenditure position and formulate management action to address any issues.

#### Education

- 3.3 Overall the position for Education is a predicted £95k overspend. The main areas of overspend are in Adult Education where there are pressures in staffing and on income generation from fee paying courses causing pressures of £155k. This is partially offset by underspends in other areas of the division mainly to do with staffing and vacancy levels

#### Dedicated Schools Grant (DSG)

- 3.4 An element of the Education Budget is classed as Schools' Budget and is funded by the dedicated Schools Grant (DSG). Grant conditions require that any over or under spend should be carried forward to the next financial year.
- 3.5 The Schools budget is predicted to overspend by £392k in year. This will be deducted from the £1,180k carried forward from 2017/18. £188k of the brought forward balance has been allocated to support the central DSG services in year. This gives an estimated DSG balance at the end of the financial year of £600k.
- 3.5 The High Needs element of the DSG received additional funding of £1m in 2018/19 from Council resources. The overspend includes this contribution.
- 3.6 A summary of the main variations is provided in the table below, and further details of the variations can be found within Appendix 1B.

				Variations	
				£'000	
Primary Support Team				Cr	62
Behaviour Support					98
Other Small Balances					7
SEN:					
- Placements					950
- Support in FE colleges				Cr	366
- Transport					119
- High Needs Pre-school Service				Cr	138
- Sensory Support				Cr	95
- SIPS				Cr	26
- Darrick Wood Hearing Unit				Cr	7
- Outreach & Inclusion Service				Cr	74
- Other Small SEN Balances				Cr	14
Total					<b>392</b>

#### Children's Social Care

- 3.7 The Children's Social Care division is currently overspending by £1,524k (net of management action of £985k). The main areas of over/underspend are highlighted in the paragraphs below and in Appendix 1B.

- 3.8 Placements for children continue to be a pressure area. The overspend before management action stands at £2,492k overspent. The number of placements has increased above budgeted levels, particularly in Residential homes, independent fostering arrangements and special guardianship arrangements. This is in part due to the increase in the number of children reaching the threshold for secure placements and no secure placements being available. This is a national issue but the Council is experiencing an element of it.
- 3.9 There is also a small overspend predicted on staffing across the division of £58k. This is being monitored closely and it is hoped that further strides are made to move away from agency staff during the year. There is also a small overspend in expenditure on 'Staying Put' of £24k and an underspend in accommodation of £65k in Leaving Care.
- 3.9 This overspend has been partially offset by two areas of management action. Senior officers meet on a regular basis to scrutinise and challenge the expenditure position and formulate management action to address any issues. Strategies have been put in place to reduce the overspend where possible such as increasing the use on in house foster carers and the development of supported lodgings. This has led to an estimated management action of £480k.
- 3.10 There are also ongoing discussions with the Bromley Clinical commissioning Group (BCCG) regarding their contributions that they make to placements. Management action has been assumed of £505k of additional funding from the BCCG will be forthcoming during the year. The Department have been in correspondence with the BCCG and favourable terms have been agreed for 2018/19. We are awaiting final written confirmation.
- 3.11 With the management action the overspend is predicted to be £1,524k.

#### **4. FULL YEAR EFFECT GOING INTO 2019/20**

- 4.1 The cost pressures identified in section 3 above will impact in 2019/20 by £1,421k. Management action will continue to need to be taken to ensure that this does not impact on future years. Further details are contained within Appendix 1.

#### **5. RELEASE OF CARRY FORWARD AMOUNTS HELD IN CONTINGENCY BY THE PORTFOLIO HOLDER**

##### Delivery Support Fund – £69,100

- 5.1 The Early Years Quality and Funding Team, part of the Education Division, successfully bid for money to help benefit the delivery of 30 hours free childcare from the Department for Education. This funding was only confirmed in March 2018 and was received just before the end of the financial year. There are 9 small projects within the bid that the money must be spent on. The money needs to be spent by the 31st August and any money not spent must be returned to DfE.

##### High Needs Strategic Planning Fund - £13,019

- 5.2 Phase 2 of the send4change contract has been agreed for £32k, £19k of which was spent by 31st March 2018. This leaves a remainder to carry forward of £13k. The level of work that is still required to be carried out means that we will need the funding in 2018/19 to provide some scope for additional work where required - this is likely to cover contingency around the review of satellite provisions (Phoenix/Griffins), the efficiency and sufficiency strategy, together with the development of an EHC online portal in Bromley, which were endorsed at the SEND Governance Board on 25th January 2018.

### SEND Reform Grant - £20,013

5.3 The 2018/19 SEND reform grant has now been announced (£189k) and this funding is critical to staffing and urgent work that Bromley continues to require in terms of restructuring and immediate changes to services. All remaining funding was therefore requested to be carried forward to pull together 2017/18 and 2018/19 funding to maximise what is available as we implement the action plan that was endorsed at the governance board on 25th January 2018.

### 5.4 School Improvement Grant - £46,500

Grant payment received late into the autumn term so insufficient time to plan and implement all interventions. Funding was required to be carried forward for continuing support to 3 maintained primary schools and two school conference events planned for later in the year focussing on narrowing the achievement gap in schools with underperforming pupils.

### 5.5 Tackling Troubled Families Grant - £497,885

This grant is to fund the development of an ongoing programme to support families who have multi faceted problems including involvement in crime and anti social behaviour with children not in education, training or employment. This support is delivered through a number of work streams cross cutting across council departments and agencies. The sum represents the underspend in 2017/18.

### 5.6 Pathfinder Grant - £16,489

The money will be used to deliver training and complete some of the unfinished work of 2017/18 during which time cross-borough evaluations have highlighted the key SEND priorities across London for 2018/19.

### 5.7 Early Years Grant - Supporting early education of disadvantaged children - £14,800

This funding relates to the purchase of software for the early education of disadvantaged children. The carry forward is required to purchase and implement further IT solutions. There may be a need to use some of the money to fund additional hours for a member of staff to steer this activity through to completion.

5.8 It is requested that the Portfolio Holder agree to the contingency funding release.

## **6. POLICY IMPLICATIONS**

6.1 The Resources Portfolio Plan includes the aim of effective monitoring and control of expenditure within budget and includes the target that each service department will spend within its own budget.

6.2 Bromley's Best Value Performance Plan "Making a Difference" refers to the Council's intention to remain amongst the lowest Council Tax levels in outer London and the importance of greater focus on priorities.

6.3 The four year financial forecast report highlights the financial pressures facing the Council. It remains imperative that strict budgetary control continues to be exercised in 2018/19 to minimise the risk of compounding financial pressures in future years.

6.4 Chief Officers and Departmental Heads of Finance are continuing to place emphasis on the need for strict compliance with the Council's budgetary control and monitoring arrangements.

## 7. FINANCIAL IMPLICATIONS

- 7.1 A detailed breakdown of the projected outturn by service area is shown in appendix 1(a) with explanatory notes in appendix 1(b). Appendix 1 (c) shows the latest full year effects. Appendix 2 gives the analysis of the latest approved budget. Other financial implications are contained in the body of this report and Appendix 1b provides more detailed notes on the major services.
- 7.2 Overall the current overspend position stands at £1,619k (£1,421k overspend full year effect). The full year effect will be addressed in 2018/19 and 2019/20 in due course.

## 8. EXECUTIVE DIRECTOR COMMENTS

- 8.1 The Children, Education and Families Portfolio has an overspend of £1,619,000 for the year.
- 8.2 The Education Division has an overspend of £95,000. Pressures in Adult Education are currently being partly mitigated by Early Years and SEN and Inclusion.
- 8.3 Pressures also continue in the Dedicated Schools Grant (DSG) element of the service. In 2018/19 there will be an in year overspend of £392k of DSG. Whilst this can be absorbed by carry forward DSG balances, there continues to be ongoing pressures in the DSG, especially in the High Needs Block, for 2019/20 onwards. The introduction of the National Funding Formula (NFF) means there are severe restrictions in how the grant is spent and in what areas. High Needs are experiencing increases in demands. Although there has been funding of £1m from the Council in 2018/19 and £1m top sliced from Schools DSG funding, for 2019/20 there is likely to be further increase pressures in this area that further funding streams will need to address.
- 8.4 In Children's Social Care the overspend of £1,524k due to the increased number of children in care. The table below (table 1) sets out the position in respect of the number of CLA in Bromley, National and Statistical Neighbours. Post Ofsted, we saw a nominal increase per 10,000 as set out below. However, we are still below our statistical and national neighbours (an area that Ofsted has asked us to explain). Regardless, we have 36 more children (223) (in year/projected) above an agreed (financial baseline) of 187 children in independent fostering, in-house fostering and residential care (see table 2).

Table 1

Rate of CLA	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
Bromley	41	41	39	37	39.6	39.3	41.7	40.5
Statistical Neighbours	48	47.5	50	49.7	50.7	54.3	TBC*	TBC*
National	59	60	60	60	60	62	TBC*	TBC*

\* TBC 30th June 2018

Table 2

Code	2018/19 Approved Budget		2018/19 Forecast		2018/19 Variation	
	£	Full Year Equivalent	£	Full Year Equivalent	£	Full Year Equivalent
<b>RESIDENTIAL (all types)</b>	<b>5,325,720</b>	28.21	<b>7,009,336</b>	35.08	<b>1,683,616</b>	6.87
<b>FOSTERING</b>						
Fostering IFA	2,617,790	60.56	3,244,761	70.17	626,971	9.61
Fostering In house	2,873,890	98.53	2,689,769	118.48	(184,121)	19.95
<b>Total Fostering Placements</b>	<b>5,491,680</b>	159.09	<b>5,934,530</b>	188.65	<b>442,850</b>	29.56
<b>TOTAL RESIDENTIAL/ FOSTERING PLACEMENTS</b>	<b>10,817,400</b>	<b>187.30</b>	<b>12,943,866</b>	<b>223.73</b>	<b>2,126,466</b>	<b>36.43</b>

- 8.5 The extension of the statutory age of children in care to 25 is another factor that is impacting on our budget.
- 8.6 Bromley now have 23 unaccompanied minors in the system. Bromley is one of 16 LAs left that have not met their quota. The implication of this is that we expect more children to be allocated to Bromley as part of the Pan London agreement
- 8.7 Management action has been put in place of £480k to reduce the overall financial position of Children's Social Care to £1,524k overspent. Further management action will be explored to mitigate the overspend as far as possible. Discussions are ongoing with the CCG regarding their financial contribution and it is expected that this will increase. This has already been assumed in the overall projections.
- 8.8 Agency staff continues to be a cost burden although this has been managed within the overall staffing budget. Work continues to recruit further permanent workers and a further estimated 40+ social workers will be joining us in September 2018.
- 8.9 The risks in the Education, Children & Families Portfolio are:-
- i) Loss of permanent staff/inability to recruit permanent staff/recruitment and retention of social workers.
  - ii) Limited supply and increasing costs of residential placements.
  - iii) Increased complexity of children (SEND).
  - iv) Impact of Social Work Act 2017 implementation.
  - v) Income from partners reducing.
  - vi) School place issues.

vii) Increases in the number of Children Looked After (CLA).

<b>Non-Applicable Sections:</b>	Legal Implications Personnel Implications Customer Implications
Background Documents: (Access via Contact Officer)	2018/19 Budget Monitoring files in ECHS Finance Section

## Children, Education and Families Portfolio Budget Monitoring Summary

2017/18 Actuals	Service Areas	2018/19 Original Budget £'000	2018/19 Latest Approved £'000	2018/19 Projected Outturn £'000	Variation £'000	Notes	Variation Last Reported £'000	Full Year Effect £'000
	<b>EDUCATION CARE &amp; HEALTH SERVICES DEPARTMENT</b>							
	<b>Education Division</b>							
Cr 360	Adult Education Centres	Cr 525	Cr 525	Cr 370	155	1		130
418	Schools and Early Years Commissioning & QA	524	524	481	Cr 43	2		0
5,583	SEN and Inclusion	5,820	5,820	5,789	Cr 31	3		0
95	Strategic Place Planning	96	96	96	0			0
6	Workforce Development & Governor Services	5	5	5	0			0
Cr 167	Education Services Grant	0	0	0	0			0
185	Access & Inclusion	165	165	179	14	4		0
Cr 1,312	Schools Budgets	Cr 1,348	Cr 1,348	Cr 1,348	0	5		0
102	Other Strategic Functions	1,038	1,038	1,038	0			0
<b>4,550</b>		<b>5,775</b>	<b>5,775</b>	<b>5,870</b>	<b>95</b>		<b>0</b>	<b>130</b>
	<b>Children's Social Care</b>							
1,248	Bromley Youth Support Programme	1,479	1,479	1,479	0	6		0
686	Early Intervention and Family Support	1,093	1,093	1,093	0			0
4,912	CLA and Care Leavers	5,066	5,066	5,025	Cr 41			242
13,592	Fostering, Adoption and Resources	13,638	13,638	16,130	2,492			2,514
0	Management action - Additional CCG Income	0	0	Cr 505	Cr 505			Cr 505
2,833	Referral and Assessment Service	2,909	2,909	2,909	0			0
2,176	Safeguarding and Care Planning East	2,159	2,159	2,159	0			0
3,874	Safeguarding and Care Planning West	3,810	3,810	3,810	0			0
4,290	Safeguarding and Quality Improvement	4,260	4,260	4,318	58			0
	Planned savings from management action	0	0	Cr 480	Cr 480			Cr 960
<b>33,611</b>		<b>34,414</b>	<b>34,414</b>	<b>35,938</b>	<b>1,524</b>		<b>0</b>	<b>1,291</b>
<b>38,161</b>	<b>TOTAL CONTROLLABLE FOR EDUCATION &amp; CHILDREN'S SERVICES</b>	<b>40,189</b>	<b>40,189</b>	<b>41,808</b>	<b>1,619</b>		<b>0</b>	<b>1,421</b>
3,257	<b>Total Non-Controllable</b>	2,006	2,006	2,006	0			0
7,309	<b>Total Excluded Recharges</b>	8,126	8,126	8,126	0		0	0
<b>48,727</b>	<b>TOTAL EDUCATION &amp; CHILDREN'S SERVICES PORTFOLIO</b>	<b>50,321</b>	<b>50,321</b>	<b>51,940</b>	<b>1,619</b>		<b>0</b>	<b>1,421</b>
	<b>Memorandum Item</b>							
	<b>Sold Services</b>							
29	Education Psychology Service (RSG Funded)	Cr 107	Cr 107	Cr 60	47	7		0
7	Education Welfare Service (RSG Funded)	Cr 32	Cr 32	Cr 32	0			0
3	Workforce Development (DSG/RSG Funded)	Cr 4	Cr 4	Cr 4	0			0
43	Community Vision Nursery (RSG Funded)	49	49	51	2			0
75	Blenheim Nursery (RSG Funded)	76	76	97	21			0
<b>157</b>	<b>Total Sold Services</b>	<b>Cr 18</b>	<b>Cr 18</b>	<b>52</b>	<b>70</b>		<b>0</b>	<b>0</b>

## **REASONS FOR VARIATIONS**

### **1. Adult Education - Dr £155k**

The Adult Education service is currently projecting to overspend by £155k. The main pressure areas for the service are staffing costs to provide the required courses (£102k) and preparing for the OFSTED inspection that is due in the near future. There is also an under collection of income of £58k as compared to the baseline budget

The income overspend may change once the enrolment for the new academic year is known. The enrolment process has only recently been opened.

There is a small underspend on the running costs (£5k) that is offsetting the on-going pressures.

### **2. Schools and Early Years Commissioning & QA - Cr £43k**

The in-house nurseries are currently in the process of being restructured to bring them to a profitable position. This year is expected to be part year under the existing structure and part year under the new structure. This has had the effect of expecting the nurseries to overspend by £23k for the year. This could change depending on when the new structure is finally adopted.

These cost pressures are being more than offset by the current staffing underspends of £66k that are mainly due to vacant posts.

### **3. SEN and Inclusion - Cr £31k**

The staffing in this area is currently forecasting an underspend by £35k. This is due to changes to how posts are being funded - removing some from grant funding and including others.

The Education Psychologists are currently in the process of recruiting to the vacant posts in their team. This is causing the statutory service they are required to provide to be underspent by £43k and the Trading Service they offer to the Schools to be overspent by £47k - due to the use of expensive agency staff to provide the service. This is a net underspend of £4k.

### **4. Access & Inclusion - Dr £14k**

The Education Welfare Service Trading Account is currently expected to under collect on its income by £50k due to the loss of a number of school contracts. The provision of the service will need to be reviewed.

With the service currently working on a staffing restructure, there are a few vacant posts that are causing an underspend of £29k.

There is currently expected to be an underspend of £7k on the cost for transporting mainstream children to their school.

### **5. Schools Budgets (no impact on General Fund)**

Expenditure on Schools is funded through the Dedicated Schools Grant (DSG) provided by the Department for Education (DfE). DSG is ring fenced and can only be applied to meet expenditure properly included in the Schools Budget. Any overspend or underspend must be carried forward to the following years Schools Budget.

There is a current projected overspend in DSG of £392k. This will be deducted from the £1,180k carried forward from 2017/18. £188k of the brought forward balance has been allocated to support the central DSG services in-year. This gives us an estimated DSG balance of £600k at the end of the financial year.

The in-year underspend is broken down as follows:-

The Behaviour Support service is currently expected to under spend by £98k based on expected costs for the year. This forecast may change once more information is available about the costs for the new academic year.

There is an underspend of £62k in the Pupil Support Services area. This is due to vacant posts and the under use of agency and consultancy costs to provide the service.

SEN placements are projected to overspend by a total of £950k. The overspend are being caused by the Maintained Day (£886k), Independent Day (£337k) and Alternative Programmes (£211k). These overspends are then offset with underspends on Independent Boarding Schools (£200k), Maintained Boarding Schools (£272k) and the costs of Matrix Funding (£12k).

The SEN placement budget pressure is coming from increased pupil numbers, this is in spite of the increases in in-borough Special Education places at the schools. The forecast currently shows additional 12 pupils attending Independent Day places and an increase of 45 full time equivalents at Maintained Day from September as the places in borough are already filled. There is also a 53% increase in pre-school referrals for assessment. There is an increase in volume of children being accessed and going on to receive an Education, Health and Care Plan.

SEN Support for clients in Further Education Colleges is expected to underspend by £366k this year. The reason for this is due to the underspend in the cost of placing clients at Independent providers.

The DSG funded element of SEN Transport is projected to overspend by £119k due to the new routes that were established in the last year. The level of spend in this area has been lower in previous years. Due to the current funding regulations LBB are not permitted to increase this budget from the previous years allocation.

The High Needs Pre-School Service is currently holding a number of vacant posts resulting in a £138k underspend. There are not currently any plans to recruit to these posts as there is currently an on-going review of the service.

The Sensory Support Service is underspent by £95k. This is due to staffing costs expected to be lower than the budget in year.

The SIPS, Darrick Wood Hearing Units and Outreach & Inclusion Services are all currently projected to underspend. Most of the underspend relates to lower than expected staffing costs, but there is also a small amount that relates to running costs that are not expected to be incurred during the year. The total of all of these underspends is a £107k.

There is also a total small balance of underspends of £7k. This consists of £14k underspend in the SEN heading, and £7k overspend from the non-SEN headings.

	Variations £'000	
Primary Support Team	Cr	62
Behaviour Support		98
Other Small Balances		7
SEN:		
- Placements		950
- Support in FE colleges	Cr	366
- Transport		119
- High Needs Pre-school Service	Cr	138
- Sensory Support	Cr	95
- SIPS	Cr	26
- Darrick Wood Hearing Unit	Cr	7
- Outreach & Inclusion Service	Cr	74
- Other Small SEN Balances	Cr	14
Total		<u><u>392</u></u>

There will continue to be pressures in the DSG from 2019/20 onwards, especially in the High Needs Block area. More children are coming through the system which will put pressure on DSG resources. In 2018/19 DfE agreed that LBB could top slice £1m from the Schools DSG to underpin the High Needs budget. A further request will have to be put forward to DfE if this is going to be transferred again. From 2020/21 this will no longer be available as the 'hard formula' National Funding formula kicks in and funding blocks are even more rigidly fixed

### **6. Children's Social Care - Dr £1,524k**

The current budget variation for the Children's Social Care Division is projected to be an overspend of £2,004k. Despite additional funding being secured in the 2018/19 budget, increases in the number of children being looked after together with the cost of placements has continued to put considerable strain on the budget. Officers have met to discuss ways to mitigate this, and management action of £480k has been agreed this cycle.

#### CLA and Care Leavers - Dr £17k

Expenditure relating to the 'Staying Put' grant, where care leavers can remain with their foster carers after the age of 18, continues to show an overspend on the budget. The budget was realigned for 2018/19 within available resources, however an overspend of £24k is currently projected.

Staffing costs are projected to be £58k overspent. Offsetting these overspends is a projected underspend of £65k on direct accommodation support to looked after children.

#### Fostering, Adoption and Resources - £1,987k

The budget for children's placements is currently projected to overspend by £2,492k this year. This amount is analysed by placement type below.

- Community Home's / Community Home's with Education - Dr £2,499k
- Boarding Schools - Dr £122k
- Secure Accommodation & Youth on Remand - Cr £437k
- Fostering services (IFA's) - Dr £627k
- Fostering services (In-house, including SGO's and Kinship) - Dr £196k
- Adoption placements - Cr £15k

In addition to the variations above, Bromley CCG have allocated funding of £500k as a contribution towards the continuing care costs of placements. Additional funding of £505k is also being sought from the CCG as a contribution to these placements and officers are in the process of negotiations over this amount. Should this latter amount not be agreed upon then the overspend will increase significantly.

Officers have discussed ways to mitigate this overspend and have agreed on management action plans totalling £480k. These will be closely monitored during the year to ensure that any non-achievement is highlighted as early as possible.

### **7. Sold Services (net budgets)**

Services sold to schools are separately identified in this report to provide clarity in terms of what is being provided. These accounts are shown as memorandum items as the figures are included in the appropriate Service Area in the main report.

#### **Waiver of Financial Regulations**

The Council's Contract Procedure Rules state that where the value of a contract exceeds £50k and is to be exempt from the normal requirement to obtain competitive quotations the Chief Officer has to obtain the agreement of the Director of Corporate Services, the Director of Finance and the Director of Commissioning and (where over £100,000) approval of the Portfolio Holder and report use of this exemption to Audit Sub-Committee bi-annually. Since the last report to the Executive, no waivers have been actioned.

Since the last report to the Executive, there has been 1 waiver in the Education area and with an annual value of less than £30k. In Children's Social Care there were 4 waivers agreed for between £50k and £100k and 3 for more than £100k.

#### **Virements Approved to date under Director's Delegated Powers**

Details of virements actioned by Chief Officers under delegated authority under the Financial Regulations "Scheme of Virement" will be included in financial monitoring reports to the Portfolio Holder. Since the last report to Executive, no virements have been actioned in Education.

Description	2018/19 Latest Approved Budget £'000	Variation To  2018/19 Budget £'000	Potential Impact in 2019/20
Children's Social Care	34,414	1,524	The overall full year effect of the Children's Social Care overspend is £1,291k, analysed as Residential, Fostering and Adoption £2,514k and Leaving Care services (inc Staying Put and Housing Benefit clients) £242k. This assumes that management action of £960k is achieved in 2019/20 and additional funding being negotiated from Bromley CCG of £505k is also received.

<b>Reconciliation of Latest Approved Budget</b>	<b>£'000</b>
<b>Original Budget 2018/19</b>	<b>50,321</b>
<b>Contingency:</b>	
SEN Implementation Grant 2018/19	
- expenditure	189
- income	Cr 189
SEND Preparation for Employment Grant 2018/19	
- expenditure	63
- income	Cr 63
<b>Carry forwards requested this cycle:</b>	
SEN Implementation Grant 2016/17	
- expenditure	20
- income	Cr 20
SEN Pathfinder Grant 2016/17	
- expenditure	16
- income	Cr 16
Early Years Grant	
- expenditure	15
- income	Cr 15
School Improvement Grant	
- expenditure	47
- income	Cr 47
High Needs Strategic Planning Fund	
- expenditure	13
- income	Cr 13
Delivery Support Fund	
- expenditure	69
- income	Cr 69
Tackling Troubled Families	
- expenditure	498
- income	Cr 498
SEN Pathfinder Grant 2018/19	
- expenditure	28
- income	Cr 28
<b>Latest Approved Budget for 2018/19</b>	<b><u>50,321</u></b>

Report No.  
ED18058

London Borough of Bromley

PART ONE - PUBLIC

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**Decision Maker:** PORTFOLIO HOLDER FOR EDUCATION, CHILDREN AND FAMILIES

**Date:** For Pre Decision Scrutiny by the Education, Children and Families Budget and Performance Monitoring Sub-committee on 18<sup>th</sup> July 2018

**Decision Type:** Non-Urgent Executive Non-Key

**Title:** PROVISIONAL OUTTURN REPORT 2017/18

**Contact Officer:** David Bradshaw, Head of Education, Care & Health Services Finance  
Tel: 020 8313 4807 E-mail: David.Bradshaw@bromley.gov.uk

**Chief Officer:** Deputy Chief Executive & Executive Director of Education, Care and Health Services

**Ward:** (All Wards);

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1. Reason for report

1.1 This report provides the provisional outturn position for 2017/18.

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2. RECOMMENDATION(S)

2.1 The Education, Children and Families Budget and Performance Monitoring Sub-committee are invited to:

- (i) Note that the latest projected overspend of £925,000 on controllable expenditure at the end of 2017/18 and consider any issues arising from it: and,
- (ii) Note that the Executive on the 21<sup>st</sup> May 2018 have agreed the net carry forwards as detailed in Appendix 2;

2.2 The Portfolio Holder is asked to:

- (i) Endorse the 2017/18 provisional outturn position for the Education, Children and Families Portfolio.

### Corporate Policy

1. Policy Status: Not Applicable
  2. BBB Priority: Children and Young People
- 

### Financial

1. Cost of proposal: Not Applicable:
  2. Ongoing costs: Not Applicable:
  3. Budget head/performance centre: Education, Children and Families Portfolio
  4. Total current budget for this head: £47.803m
  5. Source of funding: Education, Children and Families Approved Budget
- 

### Staff

1. Number of staff (current and additional): 1,321 Full time equivalent
  2. If from existing staff resources, number of staff hours: N/A
- 

### Legal

1. Legal Requirement: Statutory Requirement
  2. Call-in: Applicable
- 

### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): The 2017/18 budget reflects the financial impact of the Council's strategies, service plans etc. which impact on all of the Council's customers (including council tax payers) and users of the services
- 

### Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments:

### 3. COMMENTARY

- 3.1 This report provides the provisional outturn position for the Education, Children and Families Committee, which is broken down in detail in Appendix 1, along with explanatory notes.
- 3.2 The provisional outturn for the “controllable” element of the Education, Children and Families Committee budget in 2017/18 is an overspend of £925k compared to the last reported figure of an overspend of £874k which was based on activity at the end of December 2017.

#### **FINAL POSITION**

- 3.3 The £925k overspend is summarised in the table below. All of the pressures and savings are further detailed and broken down in Appendix 1B.

<b><u>DIVISION</u></b>	<b><u>£'000</u></b>
Adult Education - Increase in costs of sessional tutors plus lower than expected income generation	141
Schools, Early Years Commissioning and QA - In house nursery income shortfall partially offset by additional income and underspends in staffing elsewhere within the division	32
SEN and Inclusion - Underspends in SEN Transport across the service offset by other minor variances	-295
Central Schools Budgets - Recharge overspend offset by corresponding amount in non controllable expenditure	-30
Other strategic Functions - Business rates and a savings target partially not identified	196
Bromley youth Support - Staffing underspends, release of a provision, partially offset by reduced income , mainly from schools	-167
Early Intervention and Family Support - Freeze on running expenses, staffing and overachievement of income	-362
CLA and Care leavers - Additional costs of accommodation and costs of staffing partially offset by additional grant funding	581
Fostering, Adoption and Resources - Increase in costs and number of Children's Placements over the budget together with over budget staffing costs	812
Referral and Assessment - Underspend in no recourse to public funds costs partially offset by higher than budgeted staffing costs	-77
Safeguarding and Care Planning East - costs of court ordered care proceedings was lower than expected. This has been partially offset by higher than budgeted staffing costs	-240
Safeguarding and Care Planning West - Overspend on staffing costs which was offset by additional BCF funding together with an expenditure freeze on running expenses	150
Safeguarding and Quality Improvement - Overspend on staffing costs which was offset by additional public health contributions	173
Other minor variances	11
	<b><u>925</u></b>

## **DSG GRANT POSITION**

- 3.4 An element of the Education budget within the Portfolio is classed as Schools' budget and is funded through the Dedicated schools Grant (DSG). Grant conditions requires that any over or underspend should be carried forward to the next financial year.
- 3.5 The DSG Schools Budget has underspent by £32k during 2017/18., which will be added to the £1.6m carried forward from 2016/17. The carry forward position has been adjusted by an Early Years funding adjustment, made by DfE which has reduced the amount available by £475k. Therefore the DSG balance carried forward into the new financial year stands at £1,180k.
- 3.6 A summary of the main variations is provided in the table below, and further details and variations can be found in Appendix 2

## **CARRY FORWARDS**

- 3.7 On the 21<sup>st</sup> May 2018 the Executive were asked to approve a number of carry forward requests relating to either unspent grant income, or delays in expenditure where cost pressures will follow through into 2018/19. Appendix 2 provides a detailed breakdown of all of the carry forward requests. As you will see from Appendix 2 the carry forwards included in section 1 will have repayment implications if not approved, those in section 2 relate to grants which will not have to be repaid if not agreed but will impact on service delivery in 2018/19. Future reports to the Portfolio Holder will be required to approve their release.

## **FULL YEAR EFFECT GOING INTO 2018/19**

- 3.8 Appendix 3 provides a breakdown of any full year implications arising from the final 2017/18 outturn. Overall there are £748k of full year effect pressures in 2018/19. These are all in the Children's Social Care area. As part of the budget setting process the vast majority of these full year effects have been dealt with and additional funding has been added to the budgets for 2018/19. There are still some management actions that were assumed to be taken that have not delivered in 2017/18. They are mainly around the review of placements and placement levels. If these are not addressed in 2018/19 then there will be an additional pressure on the budget.

	<b><u>£'000</u></b>
Residential/Fostering/Adoption placements	648
Leaving care (including Staying Put and HB clients)	551
Court ordered care proceedings	-320
No recourse to Public Funds	-131
	<b><u>748</u></b>

- 3.9 Appendix 4 provides a detailed reconciliation of the original 2017/18 budget to the latest approved 2017/18 budget

## **DEPUTY CHIEF EXECUTIVE AND EXECUTIVE DIRECTOR OF ECHS COMMENTS**

- 3.10 The Education, Children and Families Portfolio has an overspend of £925,000 for the year.
- 3.11 The Education Division had an overspend of £55,000. Two areas namely, adult education and strategic services had overspends of 141k and 196k respectively. This again, was mitigated by the strategic decision not to recruit to certain posts and also not to deliver a number of work plans within the division. The additional costs of running the two nurseries also contributed to

the divisional overspend as the budget of £172k for running the nurseries was removed in this financial year as an efficiency saving.

- 3.12 SEN transport continues to see pressures emerge, although steps are being taken to address this as far as possible. Increased numbers of children with complex needs requiring EHC plans led to additional services being provided to these children. There is a root and branch review of SEND currently underway which will include a review of all high needs block.
- 3.13 In Children's Social Care the overspend of £870k was due to the increased number of children in care which increased by 22 children from April 2017 to March 2018. The increase in the number of children in care was due mainly to safeguarding concerns. In addition, the division has to employ a number of agency social workers to deal with the increased work load following the Ofsted inspection and in managing legacy cases.
- 3.14 To mitigate this Placement Panels are scrutinising placements and are ensuring that the CCG contribute an appropriate share of the costs. In terms of recruitment, a push is being made to recruit more staff permanently and hiring restrictions are in place to limit the costs of agency staff coming into the organisation.
- 3.15 The risks in the Education and Children's portfolio are:-
- 1) Loss of permanent staff/ Inability to recruit permanent staff/recruitment and retention of social workers.
  - 2) Limited supply and increasing costs of residential placements.
  - 3) Increased complexity of children (SEND).
  - 4) Impact of Social Work Act 2017 implementation.
  - 5) Income from partners reducing.
  - 6) School place issues.
  - 7) Increases in the number of Children Looked After (CLA).

#### **4. POLICY IMPLICATIONS**

- 4.1 The Resources Portfolio Plan includes the aim of effective monitoring and control of expenditure within budget and includes the target that each service department will spend within its own budget.
- 4.2 Bromley's Best Value Performance Plan "Making a Difference" refers to the Council's intention to remain amongst the lowest Council Tax levels in outer London and the importance of greater focus on priorities.
- 4.3 The four year financial forecast report highlights the financial pressures facing the Council. It remains imperative that strict budgetary control continues to be exercised in 2018/19 to minimise the risk of compounding financial pressures in future years.
- 4.4 Chief Officers and Departmental Heads of Finance are continuing to place emphasis on the need for strict compliance with the Council's budgetary control and monitoring arrangements.

## 5. FINANCIAL IMPLICATIONS

- 5.1 The financial implications are in the body of the report. A detailed breakdown of the projected outturn by service area is shown in appendix 1(a) with explanatory notes in appendix 1(b). Appendix 2 outlines the requested carry forwards to 2018/19. Appendix 3 shows the latest full year effects and Appendix 4 gives the analysis of the latest approved budget.

<b>Non-Applicable Sections:</b>	Legal Implications Personnel Implications Customer Implications
Background Documents: (Access via Contact Officer)	2017/18 Budget Monitoring files in ECHS Finance Section

## Education, Children &amp; Families Portfolio Budget Monitoring Summary

2016/17 Actuals £'000	Service Areas	2017/18 Original Budget £'000	2017/18 Final Approved £'000	2017/18 Provisional Outturn £'000	Variation £'000	Notes	Variation Last Reported £'000	Full Year Effect £'000
<b>EDUCATION CARE &amp; HEALTH SERVICES DEPARTMENT</b>								
<b>Education Division</b>								
Cr 141	Adult Education Centres	Cr 506	Cr 501	Cr 360	141	1	89	0
6	Alternative Education and Welfare Service	0	0	0	0		0	0
432	Schools and Early Years Commissioning & QA	372	386	418	32	2	110	0
5,481	SEN and Inclusion	5,864	5,878	5,583	Cr 295	3	Cr 57	0
38	Strategic Place Planning	0	93	95	2		0	0
26	Workforce Development & Governor Services	4	5	6	1		Cr 2	0
Cr 1,274	Education Services Grant	Cr 181	Cr 166	Cr 166	0	4	0	0
425	Access & Inclusion	139	177	185	8		Cr 21	0
Cr 1,134	Schools Budgets	Cr 1,282	Cr 1,282	Cr 1,312	Cr 30	5	0	0
245	Other Strategic Functions	127	94	102	196	6	163	0
<b>4,104</b>		<b>4,537</b>	<b>4,496</b>	<b>4,551</b>	<b>55</b>		<b>282</b>	<b>0</b>
<b>Children's Social Care</b>								
1,516	Bromley Youth Support Programme	1,454	1,415	1,248	Cr 167	7	Cr 105	0
1,147	Early Intervention and Family Support	1,042	1,048	686	Cr 362	8	Cr 87	0
4,041	CLA and Care Leavers	4,227	4,331	4,912	581	9	472	101
12,974	Fostering, Adoption and Resources	12,818	12,780	13,592	812	10	553	647
3,757	Referral and Assessment Service	2,981	2,910	2,833	Cr 77	11	24	0
3,056	Safeguarding and Care Planning East	2,405	2,416	2,176	Cr 240	12	Cr 223	0
4,020	Safeguarding and Care Planning West	3,645	3,724	3,874	150	13	Cr 17	0
2,825	Safeguarding and Quality Improvement	4,250	4,117	4,290	173	14	Cr 25	0
<b>33,336</b>		<b>32,822</b>	<b>32,741</b>	<b>33,611</b>	<b>870</b>		<b>592</b>	<b>748</b>
<b>37,440</b>	<b>TOTAL CONTROLLABLE FOR EDUCATION &amp; CHILDREN'S SERVICES</b>	<b>37,359</b>	<b>37,237</b>	<b>38,162</b>	<b>925</b>		<b>874</b>	<b>748</b>
Cr 8,263	<b>Total Non-Controllable</b>	2,029	3,257	3,257	0		Cr 4	0
6,911	<b>Total Excluded Recharges</b>	6,428	7,309	7,309	0		0	0
<b>36,088</b>	<b>TOTAL EDUCATION &amp; CHILDREN'S SERVICES PORTFOLIO</b>	<b>45,816</b>	<b>47,803</b>	<b>48,728</b>	<b>925</b>		<b>870</b>	<b>748</b>
<b>Memorandum Item</b>								
<b>Sold Services</b>								
Cr 134	Education Psychology Service (RSG Funded)	Cr 19	Cr 19	29	48	} 15	58	0
Cr 16	Education Welfare Service (RSG Funded)	Cr 35	Cr 35	7	42		43	0
11	Workforce Development (DSG/RSG Funded)	Cr 5	Cr 4	3	7		8	0
3	Governor Services (DSG/RSG Funded)	0	0	0	0		0	0
16	Community Vision Nursery (RSG Funded)	Cr 14	Cr 14	43	57		72	0
82	Blenheim Nursery (RSG Funded)	14	15	75	60		80	0
<b>Cr 38</b>	<b>Total Sold Services</b>	<b>Cr 59</b>	<b>Cr 57</b>	<b>157</b>	<b>214</b>		<b>261</b>	<b>0</b>

**REASONS FOR VARIATIONS****1. Adult Education - Dr £141k**

The overspend in Adult Education is mainly due to the increased spend on sessional tutors and a decrease in the expected income. The overspend on sessional tutors (£107k) is due to an increase in the volume of non-fee paying courses targeted at disadvantaged adults and local communities. The main purpose of the community learning element of the ESFA grant is to provide provision to support vulnerable communities and any reduction in this priority area risks a reduction in the future allocation of the grant.

The Proportion of fee income generating provision reduced (by £42k) as part of the service restructure. Loss of specialist facilities has reduced the range of courses offered.

These overspends are being partly offset by an underspend of £8k on the running costs of the service

**2. Schools and Early Years Commissioning & QA - Dr £32k**

There is a pressure of £117k at the two in-house nurseries. This is due to the loss of the recharge from Children Social Care (CSC) following the change in the methodology used in its calculation. There is currently a review being undertaken to look at how the nurseries can be put onto a more stable financial footing and become more self sufficient.

Early Years Support has underspent by £33k that is due to the collection of additional income (£11k) and underspends on both Staffing (£5k) and running costs (£17k).

School Standards has underspent by £52k that is due to the collection of additional income (£23k) from Academies and underspends on both Staffing (£13k) and running costs (£16k).

**3. SEN and Inclusion - Cr £295k**

SEN Transport is currently forecast to underspend by £288k. This is due to underspends in staffing costs (£35k), the over collection of income (£89k) and a reduction in transport costs (£173k). These underspends are offset by the overspends to the other running costs (£9k).

The Education Psychologists have had issues recruiting to vacant posts in their team during the year. This has caused the statutory service that we are required to provide to be underspent by £72k and the Trading Service the service they offer to the Schools to be overspent by £48k due to the use of expensive agency staff to provide the service. This is a net underspend of £24k.

The Special Education Needs area is currently forecasting an overspend of £48k. This is due to some posts that had grant funding attached to them to fund some of the post being removed for this financial year.

The costs relating to the Head of Service has come in underspent by £24k during the year due to a change in the management of the service.

There are other small variances that total an underspend of £7k.

**4. Education Services Grant - Dr £0k**

The final payments of the Education Services Grant (ESG) was £15k lower than the original estimated allocation of £181k. The ESG allocation is re-calculated at the end of the grant to take into account any schools converting to academies during the year. The shortfall was drawn down from the contingency to cover the loss so there is no variation to report. The ESG grant funding has now ceased and will not continue into 2018/19.

**5. Schools Budgets (Cr £30k)**

There is an overall variance on the Schools Budgets this year on controllable expenditure. This is offset by an overspend on non-controllable expenditure due to more overheads being charged to the DSG budgets. The overall bottom line is balanced and the effect on the General Fund is zero.

Expenditure on Schools is funded through the Dedicated Schools Grant (DSG) provided by the Department for Education (DfE). DSG is ring fenced and can only be applied to meet expenditure properly included in the Schools Budget. Any overspend or underspend must be carried forward to the following years Schools Budget.

The DSG underspent by £32k this year. This will be added to the £1,623k carried forward from 2016/17. The carry forward figure has been adjusted by an Early Year fund adjustment which has reduced the amount we received in 2016/17 by £475k. This gives an estimated DSG balance of £1,180k at the end of the 2017/18 financial year.

The in-year underspend on the DSG of £32k is broken down as follows:-

Free Early Years Education has underspent by £424k this year. The budget for the 2 year old children has overspent by £60k and this is being offset by an underspend for 3 & 4 years old children funding (in both original 15 hours and the new additional 15 hours allocations) of £484k. Due to the underspend in this area it is expected that there will be an element of clawback by DfE in the DSG in the new financial year. The final amount will depend on the impact of the Early Year Census that took place January. Any adjustment will be made retrospectively.

Early Years have also underspent by £105k in the support costs. This is due to a £62k underspend in funding set aside for supporting the introduction of the additional 15 hours and an underspend of £43k in the Disability Access Fund.

The Primary Support Team are currently projecting a £39k underspend due to the service having vacant posts while the service is re-designed (£17k) and underspends on running costs of (£22k).

There is a pressure of £58k on the DSG due to the increase in the rates bills for the maintained schools. The DSG must fund these increases.

The Home and Hospital service has overspent by £279k due to the splitting out of the Nightingale school from the service and general pressures overall. The Home and Hospital service is in the process of being reviewed.

There is an underspend of £98k in the Pupil Support Services area. This is due underspends on running costs (£35k) - mainly due to the under use of agency and consultancy costs to provide the service, and staffing underspends of (£63k).

The Education Welfare service has underspent of £37k due to higher than expected income collection (£17k), underspends on staffing by (£8k) and running costs of (£12k).

The Access & Admissions has overspent by £35k due to higher than expected staffing costs (£54k) that are being offset by underspends on running costs of £19k.

As part of the DSG budget we were expecting £275k income from the schools relating to Excluded Pupils. This income didn't reach the expected level and therefore it has caused a pressure of £129k for the year.

There has been an underspend of £58k on the council's Education Management costs. Staffing costs were underspent by £13k and running costs underspent by £45k.

The original estimate High Need Recoupment at the start of the year was underestimated by £490k. This was adjusted from the overall DSG allocation

SEN placements have overspent by a total of £45k. The overspend was caused by the Maintained Day (£519k), Independent Day (£142k), and Alternative Programmes (£102k). These overspends are then offset with underspends on Independent Boarding Schools (£552k), Maintained Boarding Schools (£85k) and increased income (£98k). Additionally there are other minors overspends of £17k.

SEN Support for clients in Further Education Colleges has underspent by £159k this year. This is due to an underspend in the cost of placing clients with Independent providers. This underspend is partially offset by the cost of placements in colleges.

The DSG funded element of SEN Transport has overspent by £119k due to the new routes that were established last year.

The High Needs Pre-School Service is currently holding a number of vacant posts resulting in a £209k underspend. Some of this underspend will be used in the longer term to fund places at the Riverside as the provision for classes will be transferring there.

The Sensory Support Service is underspent by £40k. This is due to lower than budgeted staffing costs.

A number of areas (SIPS, Early Years Programme, Specialist Support & Disability Service and Outreach & Inclusion Services) have underspent during the year. Darrick Wood Hearing Unit has overspent during the same timeframe. Most of the underspends relate to lower than expected staffing costs, but there is also a small amount that relates to running costs that are not expected to be incurred during the year. Darrick Wood overspends are due to high use of teachers and casual classroom assistants. The total of all of these is an overspend of a £4k.

There is also a total small balance of underspends of £22k. This consists of £10k underspend in the SEN heading, and £12k underspend from the non-SEN headings.

	Variations	
		£'000
Free Early Education - 2 year olds		60
Free Early Education - 3 & 4 year olds (inc extra 15 hours)	Cr	484
Early Year Support	Cr	62
Disability Access Fund	Cr	43
Primary Support Team	Cr	39
Schools Rates		58
Home & Hospital		279
Pupil Support Services	Cr	98
Education Welfare Officers	Cr	37
Access & Admissions		35
Pupil Referral Costs		129
Central Management costs	Cr	58
High Need Recoupment		490
Other Small Balances	Cr	12
SEN:		
- Placements		45
- Support in FE colleges	Cr	159
- Transport		119
- High Needs Pre-school Service	Cr	209
- Sensory Support	Cr	40
- SIPS	Cr	30
- Darrick Wood Hearing Unit		100
- Specialist Support & Disability Service	Cr	12
- Outreach & Inclusion Service	Cr	43
- Early Support Programme	Cr	11
- Other Small SEN Balances	Cr	10
	Cr	<u>32</u>

#### **6. Other Strategic Functions - Dr £196k**

£85k of the overspend relates to the additional cost of the Widmore Centre prior to the EFA taking over the site. The costs cover the Business Rates and the utilities for the building. The transfer of the property to the EFA took longer than was anticipated.

There is a pressure of £111k due to a saving target allocated to Education at the start of the year that has not been identified.

#### **Children's Social Care - Dr £870k**

The main areas of under / overspending are shown below. Staffing expenditure remains an issue going forward with considerable overspends on staffing across the division (highlighted in each service area below). There is an ongoing drive to recruit permanent staff which has driven agency numbers down, but levels of agency staff are still significant as numbers have not fallen as fast as expected. This has contributed significantly to the overspend due to the high cost of employing agency staff compared to permanent staff.

As previously reported it has been assumed that further management action will continue to take place in the new financial year. These actions were predicated in the full year effect growth assumption figures in 2018/19. Therefore if it is not successful it could lead to an overspend position.

**7. Bromley Youth Support Programme - Cr £167k**

There is a final underspend of £142k on staffing across the programme areas including £115k within the Youth Offending Service, mainly as a result of vacant posts not covered by agency staff. Running costs across the service underspent by £51k and the release of a provision in relation to the Connexions service which is no longer required added £100k to the underspend. Offsetting this is an overspend of £126k on income, mainly due to reduced income from schools (£108k).

**8. Early Intervention and Family Support - Cr £362k**

The Family Support and Contact centres and the Bromley Children's project outturned with an underspend of £362k. In November 2016, a freeze was initiated on running expense budgets that were underspending at that time. Due to the continued overspend in the division it was decided that this would be replicated for 2017/18, with a target of £350k to be saved across the division. The share for this service to be identified was £114k. This was exceeded and the final underspend on running expenses was £226k. In addition there were underspends on staffing and overachievement of income that has contributed to the overall final position. An analysis of the full underspend is shown below:

- Staffing - Cr £105k
- Premises costs - Cr £55k
- Car allowances - Cr £16k
- Supplies and Services - Cr £51k
- Commissioned services - Cr £79k
- Payments to service users - Cr £25k
- Income overachievement - Cr £31k

**9. CLA and Care Leavers - Dr £581k**

The cost in relation to clients leaving care continues to overspend for both the 16-17 age group and the 18+ age group for whom housing benefit contributes towards the costs.

The budget in relation to clients aged 16 or 17 overspent by £47k. Costs have increased over the past year as children were having to be placed in accommodation with higher levels of support than they previously had, although action was taken to reduce these costs with some success.

For the 18 plus client group there continues to be differences between the amount being paid in rent and the amount reclaimable as housing benefit, mainly due to lack of supply of suitable accommodation and the rental price of properties, resulting in an overspend of £357k. Some additional one off funding had been identified that has offset some of the increased costs in this area.

In addition expenditure relating to the 'Staying Put' grant, where care leavers can remain with their foster carers after the age of 18, overspent by £226k against a grant provision of £113k.

In January 2018 the government announced additional funding to support unaccompanied asylum seeking children. Bromley's share of this funding is £141k, and this has been allocated to the budget to offset some of the unfunded costs of uasc's.

Other costs relating to care leavers overspent by £38k.

**Staffing - Dr £54k**

Staffing costs continued to put pressure on the budgets during the year due to the use of costly agency staff which accounts for 35% of staffing costs across the division. Although there is currently an ongoing campaign to recruit permanent social workers, which has been successful, the results of this will take some time to work through resulting in continued high costs. Further recruitment efforts need to be successful in order to reduce agency levels and therefore bring spend down to a more manageable level.

**10. Fostering, Adoption and Resources - Dr 812k**

The budget for children's placements overspent by £812k at year end. This amount is analysed by placement type below:

- Community Homes / Community Homes with Education - Cr £124k
- Boarding Schools - Dr £55k
- Secure Accommodation & Youth on Remand - Dr £224k
- Transport & Outreach services - Dr £136k
- Fostering services (IFA's) - Dr £1,033k
- Fostering services (In-house, including SGO's and Kinship) - Dr £147k
- Adoption placements - Dr £161k

In addition to the variations above, Bromley CCG had allocated additional funding of £750k as a contribution towards the continuing care costs of placements. Additionally, funding of £140k has been secured this year from the Public Health budget which will offset the overall costs.

Additional funding was included in the 2017/18 budget as part of a package of growth within ECHS overall, however placement numbers have increased since the amount required was calculated, resulting in increased expenditure.

**Staffing - Dr £70k**

Staffing costs continued to put pressure on the budgets during the year due to the use of costly agency staff which accounts for 35% of staffing costs across the division. Although there is currently an ongoing campaign to recruit permanent social workers, which has been successful, the results of this will take some time to work through resulting in continued high costs. Further recruitment efforts need to be successful in order to reduce agency levels and therefore bring spend down to a more manageable level.

**11. Referral and Assessment - Cr £77k****No Recourse to Public Funds - Cr £131k**

The final cost to Bromley for people with no recourse to public funding is an underspend of £131k. Additional budget was moved into this area in 2015/16 to deal with a previous overspend on the budget, however there continued to be a cost pressure in this area. Officers have worked to reduce the numbers being funded resulting in a higher underspend compared to the December position.

**Other variations - Cr £42k**

Other costs relating to the service underspent by £42k.

**Staffing - Dr £96k**

Staffing costs continued to put pressure on the budgets during the year due to the use of costly agency staff which accounts for 35% of staffing costs across the division. Although there is currently an ongoing campaign to recruit permanent social workers, which has been successful, the results of this will take some time to work through resulting in continued high costs. Further recruitment efforts need to be successful in order to reduce agency levels and therefore bring spend down to a more manageable level.

### **12. Safeguarding and Care Planning East - Cr £240k**

#### Public Law Outline - Court Ordered Care Proceedings - Cr £389k

Costs in relation to care proceedings were £389k under the budget provision of £798k. The budget for this was increased significantly in 2017/18 as a result of significant costs identified during 2016/17, which outturned with a spend of around £900k. Projections during the year identified reduced costs, which are reflected in the final position.

#### Staffing - Dr £134k

Staffing costs continued to put pressure on the budgets during the year due to the use of costly agency staff which accounts for 35% of staffing costs across the division. Although there is currently an ongoing campaign to recruit permanent social workers, which has been successful, the results of this will take some time to work through resulting in continued high costs. Further recruitment efforts need to be successful in order to reduce agency levels and therefore bring spend down to a more manageable level.

Other costs relating to the service overspent by £15k.

### **13. Safeguarding and Care Planning West - Dr £150k**

#### Staffing - Dr £343k

Staffing costs continued to put pressure on the budgets during the year due to the use of costly agency staff which accounts for 35% of staffing costs across the division. Although there is currently an ongoing campaign to recruit permanent social workers, which has been successful, the results of this will take some time to work through resulting in continued high costs. Further recruitment efforts need to be successful in order to reduce agency levels and therefore bring spend down to a more manageable level.

#### Additional funding - Cr £125k

The Safeguarding West division includes areas such as children with disability and CAMHS. Additional funding has been identified from BCF for the CAMHS service for this year of £125k to cover costs incurred by the service.

#### Various Expenditure Budgets - Cr £68k

In November 2016, a freeze was initiated on running expense budgets that were underspending at that time. Due to the continued overspend in the division it was decided that this would be replicated for 2017/18, with a sum of £68k being identified this year.

### **14. Safeguarding and Quality Improvement - Dr £173k**

#### Staffing - Dr £460k

Staffing costs continued to put pressure on the budgets during the year due to the use of costly agency staff which accounts for 35% of staffing costs across the division. Although there is currently an ongoing campaign to recruit permanent social workers, which has been successful, the results of this will take some time to work through resulting in continued high costs. Further recruitment efforts need to be successful in order to reduce agency levels and therefore bring spend down to a more manageable level. This budget holds the bulk of the Post Inspection additional funding, the majority of these posts are filled by agency staff so would incur costs above the budget provision.

Additionally, funding of £350k has been secured this year from the Public Health budget which will offset the overall costs.

#### Other Expenditure - Dr £63k

Other expenditure overspent by £63k during the year including £20k relating to the purchase of IT equipment and £32k on subscriptions to organisations. There are other general overspends of £11k.

### **15. Sold Services (net budgets)**

Services sold to schools are separately identified in this report to provide clarity in terms of what is being provided. These accounts are shown as memorandum items as the figures are included in the appropriate Service Area in the main report.

### **Waiver of Financial Regulations**

The Council's Contract Procedure Rules state that where the value of a contract exceeds £50k and is to be exempt from the normal requirement to obtain competitive quotations the Chief Officer has to obtain the agreement of the Director of Corporate Services, the Director of Finance and the Director of Commissioning and (where over £100,000) approval of the Portfolio Holder and report use of this exemption to Audit Sub-Committee bi-annually.

Since the last report to the Executive there were 5 waivers agreed for care placements in children's social care over £50k but less than £100k and 6 waivers agreed for over £100k. The waivers quoted relate to the annual cost of the placements, although it should be noted that some of these are short term placements where the final cost can be below these amounts, and would also include placements where there is a third party contributor such as Health.

Since the last report to the Executive, there have been no waivers in the Education area.

### **Virements Approved to date under Director's Delegated Powers**

Details of virements actioned by Chief Officers under delegated authority under the Financial Regulations "Scheme of Virement" will be included in financial monitoring reports to the Portfolio Holder.

Since the last report there has been one virement actioned for £490,000 from Public Health (£290k) and Adult Social Care (£200k) to Children's Social Care to contribute to the MASH team costs.

Details of virements actioned by Chief Officers under delegated authority under the Financial Regulations "Scheme of Virement" will be included in financial monitoring reports to the Portfolio Holder. Since the last report to Executive, 1 virement have been actioned and was for the allocation of the new School Improvement Grant.

**Carry Forwards from 2017/18 to 2018/19****MEMBERS' APPROVAL REQUIRED****Grants with Explicit Right of Repayment****EDUCATION, CHILDREN & FAMILIES PORTFOLIO**

<b>8 Delivery Support Fund</b>	69,100
<p>The Early Years Quality and Funding Team, part of the Education Division, successfully bid for money to help benefit the delivery of 30 hours free childcare from the Department for Education. This funding was only confirmed in March 2018 and was received just before the end of the financial year. There are 9 small projects within the bid that the money must be spent on. The money needs to be spent by the 31st August and any money not spent must be returned to DfE.</p>	
<b>Total Expenditure to be Carried Forward</b>	<b>69,100</b>
<b>Total Grant Income</b>	<b>-69,100</b>

**Grants with no Explicit Right of Repayment****EDUCATION, CHILDREN & FAMILIES PORTFOLIO**

<b>16 High Needs Strategic Planning Fund</b>	13,019
<p>Phase 2 of the send4change contract has been agreed for £32k, £19k of which was spent by 31st March 2018. This leaves a remainder to carry forward of £13k. The level of work that is still required to be carried out means that we will need the funding in 2018/19 to provide some scope for additional work where required - this is likely to cover contingency around the review of satellite provisions (Phoenix/Griffins), the efficiency and sufficiency strategy, together with the development of an EHC online portal in Bromley, which were endorsed at the SEND Governance Board on 25th January 2018.</p>	
<b>17 SEND Reform Grant</b>	20,013
<p>The 2018/19 SEND reform grant has now been announced (£189k) and this funding is critical to staffing and urgent work that Bromley continues to require in terms of restructuring and immediate changes to services. All remaining funding is therefore requested to be carried forward to pull together 2017/18 and 2018/19 funding to maximise what is available as we implement the action plan that was endorsed at the governance board on 25th January 2018.</p>	
<b>18 School Improvement Grant</b>	46,500
<p>Grant payment received late into the autumn term so insufficient time to plan and implement all interventions. Funding required to carry forward for continuing support to 3 maintained primary schools and two school conference events planned for later in the year focussed on narrowing the achievement gap in schools with underperforming pupils.</p>	
<b>19 Tackling Troubled Families Grant</b>	497,885
<p>This grant is to fund the development of an ongoing programme to support families who have multi faceted problems including involvement in crime and anti social behaviour with children not in education, training or employment. This support is delivered through a number of work streams cross cutting across council departments and agencies. The sum represents the underspend in 2017/18.</p>	

<b>20 Pathfinder Grant</b>	16,489
The money will be used to deliver training and complete some of the unfinished work of 2017/18 during which time cross-borough evaluations have highlighted the key SEND priorities across London for 2018/19.	
<b>21 Early Years Grant - Supporting early education of disadvantaged children</b>	14,800
This funding relates to the purchase of software for the early education of disadvantaged children. The carry forward is required to purchase and implement further IT solutions. There may be a need to use some of the money to fund additional hours for a member of staff to steer this activity through to completion.	
<b>Total Expenditure to be Carried Forward</b>	<b>608,706</b>
<b>Total Grant Income</b>	<b>-608,706</b>

Description	2017/18 Latest Approved Budget £'000	Variation To 2017/18 Budget £'000	Potential Impact in 2018/19
Children's Social Care	32,741	870	The overall full year effect of the Children's Social Care overspend is £748k, analysed as Residential, Fostering and Adoption £1,194k, Leaving Care services (inc Staying Put and Housing Benefit clients) £651k, Public Law Outline Cr £320k and No Recourse to Public Funds Cr £131k. This assumes that management action of £646k is achieved in 2018/19. The full year effect has been dealt with as part of the 2018/19 budget process and therefore there is no overall variance predicted in 2018/19 at this stage. It is assumed that there will be no ongoing staffing full year effect as this will be dealt with by management action

<b>Reconciliation of Latest Approved Budget</b>	<b>£'000</b>
<b>Original Budget 2017/18</b>	<b>45,816</b>
SEN Implementation Grant 2017/18	
- expenditure	225
- income	Cr 225
SEN Pathfinder Grant 2017/18	
- expenditure	28
- income	Cr 28
Step Up To Social Work Grant	
- expenditure	915
- income	Cr 915
SEN Implementation Grant 2016/17	
- expenditure	21
- income	Cr 21
SEN Pathfinder Grant 2016/17	
- expenditure	14
- income	Cr 14
Early Years Grant	
- expenditure	15
- income	Cr 15
LA Conversion Academies Sponsor Support	
- expenditure	28
- income	Cr 28
High Needs Strategic Planning Fund	
- expenditure	140
- income	Cr 140
Tackling Troubled Families Grant	
- expenditure	796
- income	Cr 796
Support of completing ECHP Plans	115
Transfer of Central Placements Team from CE to ECHS	60
R&M Water Treatment	14
Business Rates revaluation	12
Commissioning Support Officer Post	Cr 7
Head of Policy, Projects & programmes Post from CSC to Strategy	Cr 40
PA to deputy Chief Exec post from CSC to Strategy	Cr 19
Transfer of central Placements Team from CSC to Programmes	Cr 79
SEND staffing funding transfer to Education	10
Public Health	
- funding transferred from Public Health	490
- recharge to Public Health	Cr 490
Part funding from Chief Executives Division towards post in CSC	40
Residual share of South London Connexions Consortium balance	Cr 51
ESG Contingency	15
UASC Grant	
- expenditure	141
- income	Cr 141
Merit awards	56
<b>Items Requested this Cycle:</b>	
Tackling Troubled Families	
- expenditure	80
- income	Cr 80
<b>Memorandum Items</b>	
Capital Charges	Cr 1,880
Insurance	Cr 2
Rent Income	Cr 4
Repairs & Maintenance	Cr 18
IAS19 (FRS17)	3,118

Excluded Recharges

647

**Latest Approved Budget for 2017/18**

**47,803**

Report No.  
FSD18058

London Borough of Bromley

PART ONE - PUBLIC

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**Decision Maker:** EDUCATION CHILDREN AND FAMILIES BUDGET AND PERFORMANCE MONITORING BUDGET SUB-COMMITTEE

**Date:** 18<sup>th</sup> July 2018

**Decision Type:** Non-Urgent Executive Non-Key

**Title:** CAPITAL PROGRAMME MONITORING - 1<sup>ST</sup> QUARTER 2018/19

**Contact Officer:** James Mullender, Principal Accountant  
Tel: 020 8313 4292 E-mail: james.mullender@bromley.gov.uk

**Chief Officer:** Director of Finance

**Ward:** All

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1. Reason for report

On 11<sup>th</sup> July 2018, the Executive is due to receive the 1<sup>st</sup> quarterly capital monitoring report for 2018/19 and is requested to agree a revised Capital Programme for the four year period 2018/19 to 2021/22. This report highlights changes agreed by the Executive in respect of the Capital Programme for the Education, Children and Families Portfolio. This report highlights in paragraphs 3.2 to 3.5 changes the Executive is requested to agree in respect of the Capital Programme for this portfolio. The revised programme for this portfolio is set out in Appendix A, detailed comments on individual schemes are included at Appendix B, and details of the 2017/18 outturn are included in Appendix C.

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2. **RECOMMENDATION(S)**

**Subject to the changes being agreed by the Executive on 11<sup>th</sup> July 2018, the Portfolio Holder is asked to note and confirm the changes to the Capital Programme.**

## Corporate Policy

1. Policy Status: Existing Policy: Capital Programme monitoring is part of the planning and review process for all services. Capital schemes help to maintain and improve the quality of life in the borough. Effective asset management planning (AMP) is a crucial corporate activity if a local authority is to achieve its corporate and service aims and objectives and deliver its services. For each of our portfolios and service priorities, we review our main aims and outcomes through the AMP process and identify those that require the use of capital assets. Our primary concern is to ensure that capital investment provides value for money and matches the Council's overall priorities as set out in the Community Plan and in "Building a Better Bromley".
  2. BBB Priority: Excellent Council
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## Financial

1. Cost of proposal: Increase of £158k, as a result of the addition of the Healthy Bromley Capital Fund and the Widmore Centre schemes.
  2. Ongoing costs: Not Applicable
  3. Budget head/performance centre: Capital Programme
  4. Total current budget for this head: £31.1m for the Education, Children and Families Portfolio over the four years 2018/19 to 2021/22
  5. Source of funding: Capital grants, capital receipts and earmarked revenue contributions
- 

## Staff

1. Number of staff (current and additional): 1 fte
  2. If from existing staff resources, number of staff hours: 36 hours per week
- 

## Legal

1. Legal Requirement: Non-Statutory - Government Guidance
  2. Call-in: Not Applicable
- 

## Customer Impact

1. Estimated number of users/beneficiaries (current and projected): N/A
- 

## Ward Councillor Views

1. Have Ward Councillors been asked for comments? N/A
2. Summary of Ward Councillors comments: N/A

### 3. COMMENTARY

#### Capital Expenditure - variations subject to agreement by the Executive on 11<sup>th</sup> July 2018

3.1 A revised Capital Programme is requested for approval by the Executive on 11<sup>th</sup> July 2018, following a detailed monitoring exercise carried out after the 1<sup>st</sup> quarter of 2018/19. The base position was the revised programme approved by the Executive on 7<sup>th</sup> February 2018, as amended by variations approved at subsequent Executive meetings. All changes on schemes in the Education, Children and Families Portfolio are itemised in the table below and further details are included in paragraphs 3.2 to 3.5. The revised Programme for the Portfolio is attached as Appendix A. Appendix B shows actual spend against budget in the first quarter of 2018/19, together with detailed comments on individual schemes. Appendix C includes details of the final outturn for 2017/18.

	2018/19 £'000	2019/20 £'000	2020/21 £'000	2021/22 £'000	TOTAL 2017/18 to 2021/22 £'000
Programme approved by Executive 07/02/18	25,349	963	875	10	27,197
30 Hours Childcare IT scheme (Executive 21/05/18)	15				15
Rephasing from 2017/18 into 2018/19 (see para 3.4)	3,848				3,848
Approved Programme prior to Q1 Monitoring	29,212	963	875	10	31,060
<u>Variations subject to approval by Executive 07/02/18</u>					
Healthy Pupil Capital Fund (see para 3.2)	29	0	0	0	29
Widmore Centre (see para 3.3)	129	0	0	0	129
Schemes re-phased from 17/18 into 18/19 (see para 3.5)	Cr 5,401	5,401	0	0	0
Total amendments to the Capital Programme	Cr 5,243	5,401	0	0	158
<b>Revised Education, Children &amp; Families Programme</b>	<b>23,969</b>	<b>6,364</b>	<b>875</b>	<b>10</b>	<b>31,218</b>

#### 3.2 Healthy Pupils Capital Fund (£29k addition to the Capital Programme):

The ESFA have allocated the Council £29k from the Healthy Pupils Capital Fund for Bromley local authority maintained schools. The HPCF is intended to improve children's and young people's physical and mental health by improving and increasing availability to facilities for physical activity, healthy eating, mental health and wellbeing and medical conditions. Funding will be distributed through a bidding round from school and the allocations will be reported to the Children, Education and Families Budget and Performance Monitoring Sub-Committee. This funding is provided from the Soft Drinks Industry Levy for 2018-19 only.

In addition, Bromley has been allocated £21k HPCF for voluntary aided (VA) schools, of which St Olave's is the only remaining VA school in the borough. This allocation has been administered by the DfE through the existing arrangements for Locally Controlled Voluntary Aided Funding (LCVAP) where funding is distributed through consultation between the local authority and the relevant diocesan representatives.

#### 3.3 The Widmore Centre (£129k Addition to the Capital Programme):

Following the sale of the Widmore Centre the Department for Education has invoked clawback of early year's capital funding of £129k as the local authority can no longer meet the conditions of the grant. This amount takes into account the period the asset was in compliant use (9 years 7 months out of an expected 25 years use). The clawback will be funded from proceeds of the disposal of the Widmore Centre.

### 3.4 Net underspend in 2017/18 re-phased into 2018/19:

The 2017/18 Capital Outturn was reported to the Executive on 11<sup>th</sup> May 2018. The final capital outturn for the year for Education, Children and Families Portfolio schemes was £15,775k compared to a revised budget of £19,634k approved by the Executive in February, an underspend of £3,859k. This is mainly due to slippage of £2,436k on the Basic Need scheme. After allowing for minor adjustments, a total of £3,848k has been re-phased into 2018/19. Details of the 2017/18 outturn for this Portfolio are set out in Appendix C.

### 3.5 Schemes re-phased from 2018/19 into future years:

As part of the 1<sup>st</sup> quarter monitoring exercise, a total of £5.4m has been re-phased from 2018/19 into 2019/20 to reflect revised estimates of when expenditure on Education, Children and Families schemes is likely to be incurred. This has no overall impact on the total approved estimate for the capital programme. Further details and comments are provided in Appendix B.

<b>Capital Expenditure - Rephasing in Q1 Monitoring</b>	<b>2018/19</b>	<b>2019/20</b>	<b>TOTAL</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
The Highway Primary - partial rebuild	Cr 113	113	<b>0</b>
Basic Need	Cr 4,500	4,500	<b>0</b>
S106 Education (Unallocated)	Cr 788	788	<b>0</b>
<b>Total Education, Children &amp; Families rephasing</b>	<b>Cr 5,401</b>	<b>5,401</b>	<b>0</b>

### 3.6 Section 106 receipts from developers

In July 2015, the Executive agreed that the Capital Programme budget should reflect the total of S106 receipts available to fund expenditure. The approved S106 budgets for the Education, Children and Families Capital Programme, are illustrated in the table below:

	<b>Total Approved S106 Budget</b>	<b>Actuals to FY16/17</b>	<b>Actual FY17/18</b>	<b>Budget FY18/19</b>	<b>Budget FY19/20</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
Basic Need	3,596	706	1,153	1,737	0
Uncommitted balance (as at Jul 2018)	788	0	0	0	788
<b>Education, Children &amp; Families Total</b>	<b>4,384</b>	<b>706</b>	<b>1,153</b>	<b>1,737</b>	<b>788</b>

### **Post-Completion Reports**

3.7 Under approved Capital Programme procedures, capital schemes should be subject to a post-completion review within one year of completion. After major slippage of expenditure in prior years, Members confirmed the importance of these as part of the overall capital monitoring framework. These reviews should compare actual expenditure against budget and evaluate the achievement of the scheme's non-financial objectives. Post completion reports on the following schemes are currently due for the Education, Children and Families Portfolio before end of the 2018/19 monitoring cycle:

- Clare House Primary School
- Edgebury Primary School

This quarterly report will monitor the future position and will highlight any further reports required.

#### 4. POLICY IMPLICATIONS

4.1 Capital Programme monitoring and review is part of the planning and review process for all services. The capital review process requires Chief Officers to ensure that bids for capital investment provide value for money and match Council plans and priorities.

#### 5. FINANCIAL IMPLICATIONS

5.1 These are due to be reported in full to the Executive on 11<sup>th</sup> July 2018. Changes relating to the Education Children and Families Portfolio Capital Programme are set out in the table in paragraph 3.1.

<b>Non-Applicable Sections:</b>	Legal, Personnel and Procurement Implications, Impact on Vulnerable Adults and Children
Background Documents: (Access via Contact Officer)	Capital Programme Monitoring Qtr 1 2017/18 & Annual capital Review 2018-2022 (Executive 07/02/18) Capital Programme Outturn 2017/18 report (Executive 21/05/18)

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EDUCATION, CHILDREN & FAMILIES PORTFOLIO - APPROVED CAPITAL PROGRAMME 11TH JULY 2018									
Code	Capital Scheme/Project	Total Approved Estimate	Actual to 31.3.18	Estimate 2018/19	Estimate 2019/20	Estimate 2020/21	Estimate 2021/22	Responsible Officer	Remarks
		£'000	£'000	£'000	£'000	£'000	£'000		
<b>SECONDARY SCHOOLS</b>									
907558	Langley Park Boys School - BSF (Building Schools for the future)	38,738	38,735	3	0	0	0	Rob Bollen	BSF One School Pathfinder; government grant £35,800k; LBB contribution £2,006k re: enhanced performance space; £316k t/f from Secondary Investment Strategy. Further £400k from DSG.
TOTAL SECONDARY SCHOOLS		38,738	38,735	3	0	0	0		
<b>PRIMARY SCHOOLS</b>									
907564	Primary Capital Programme 2.7								DCSF capital grant; £800k allocated to Riverside ASD scheme
907564	Bickley Primary - expansion	1,463	1,463	0	0	0	0	Rob Bollen	£1,395k Primary Capital Programme (PCP) grant; £24k from Access initiative; £50k from extended services; £6k t/f to Highway
907564	Princes Plain Primary - expansion	1,270	1,270	0	0	0	0	Rob Bollen	£1,114k PCP, £250k S106' £94k t/f to Highway
907564	The Highway Primary - partial rebuild	5,418	5,305	0	113	0	0	Rob Bollen	£2,620k PCP, £500k Children & Family Centre grant, £300k Early Years, £600k planned maint; £93k schools capital maint in 11/12; £140k revenue cont in 11/12, £94k from Princes Plain; £434k from other PCP schemes.
907564	Other schemes funded by Primary Capital Programme grant	3,186	3,186	0	0	0	0	Rob Bollen	Balance of PCP grant after allocations to Bickley, Princes Plain, Highway and Riverside ASD; £100k from maintenance re Pickhurst Infants; £144k for Crofton Juniors from School kitchens funding; £428k t/f to Highway
TOTAL PRIMARY SCHOOLS		11,337	11,224	0	113	0	0		
<b>SPECIAL SCHOOLS</b>									
907976	Glebe School expansion	4,880	4,473	407	0	0	0	Rob Bollen	Approved by Full Council 14/04/14
TOTAL SPECIAL SCHOOLS		4,880	4,473	407	0	0	0		
<b>OTHER EDUCATION SCHEMES</b>									
906691	Formula Devolved Capital 2.1a	5,382	5,205	89	88	0	0	David Bradshaw	100% government grant
906695	Seed Challenge Fund	2,464	2,018	446	0	0	0	Rob Bollen	£300k "suitability" funding in 2011/12; £11k for Farnborough scheme
911211	Schools Access Initiative	1,390	1,231	159	0	0	0	Rob Bollen	DDA requirement; £150k p.a from schools' revenue budget; £24k to Bickley PCP
906718	Security Works	1,170	1,031	139	0	0	0	Rob Bollen	
907549	Children and Family Centres	6,662	6,612	50	0	0	0	Rachel Dunley	100% DfES SureStart grant; £500k for Highway scheme, £750k for Hawes Down Co-location, grant cut by £802k; £297k revenue cont c/f from 12/13
906725	Suitability / Modernisation issues in schools	1,672	1,286	386	0	0	0	Rob Bollen	Now funded by 11/12 capital maintenance settlement; £46k from suitability surveys; £350k to Farnborough Primary
906726	Capital maintenance in schools	10,183	9,691	492	0	0	0	Rob Bollen	100% government grant - 2011/12 settlement; £300k to seed challenge; £150k to security works; £150k to suitability/modernisation settlement; £80k to Hawes Down Co-Location & £93k to The Highway in 11/12; £161k t/f from modernisation fund
907974	Basic Need	84,455	57,836	20,389	5,365	865	0	Rob Bollen	100% government grant
907977	Universal free school meals	387	368	19	0	0	0	Rob Bollen	100% government grant
907975	Early Education for Two Year Olds	894	187	707	0	0	0	Carol Arnfield	100% government grant. Further additions to the £558k in the Early Education for Two Year Olds scheme; £150k contribution from revenue (DSG), and £186k for the London Childcare Grant (Approved in Executive 26/11/14)
907980	30 Hours Funded Childcare IT Solution Scheme	46	3	43	0	0	0	Carol Arnfield	Approved by Executive 19/07/17 100% government grant
907979	Beacon House Refurbishment	3,577	3,148	429	0	0	0	Rob Bollen	£3m funded from DSG and £0.577m funded from Basic Need (Executive 09/09/15)
907981	Healthy Pupil Capital Fund	29	0	29	0	0	0	Rob Bollen	Subject to approval Executive 10th July 2018. 100% government grant
907980	Feasibility Studies	40	0	10	10	10	10	Rob Bollen	
907556	Phoenix Pre-School SEN service - Council contribution	292	252	40	0	0	0	Rob Bollen	Approved by Executive 02/12/15 (scheme re-instated)
907548	Youth centres - Capital improvements	72	69	3	0	0	0	Linda King	Youth Capital Fund grant £72k
907982	Widmore Centre - SureStart Clawback	129	0	129	0	0	0	Rob Bollen	Subject to approval Executive 10th July 2018. Funded from disposal receipt
951000	S106 - Education (unallocated)	788	0	0	788	0	0	Rob Bollen	S106 Receipts
TOTAL OTHER EDUCATION SCHEMES		119,632	88,937	23,559	6,251	875	10		
<b>TOTAL EDUCATION, CHILDREN &amp; FAMILIES PORTFOLIO</b>		<b>174,587</b>	<b>143,369</b>	<b>23,969</b>	<b>6,364</b>	<b>875</b>	<b>10</b>		

EDUCATION, CHILDREN & FAMILIES PORTFOLIO - APPROVED CAPITAL PROGRAMME 2018/19 - 1ST QUARTER MONITORING					
Code	Capital Scheme/Project	Revised Estimate Feb 2018	Actual to 06.07.18	Revised Estimate Jul 2018	Responsible Officer Comments
		£'000	£'000	£'000	
<b>SCHOOLS</b>					
<b>SECONDARY SCHOOLS</b>					
907558	Langley Park Boys School - BSF (Building Schools for the future)	0	0	3	Final payment and retention paid to contractor. Minor outstanding costs includes consultancy cost. Once all outstanding invoices are paid, any funding that remain can be returned to Basic Need
	TOTAL SECONDARY SCHOOLS	0	0	3	
<b>PRIMARY SCHOOLS</b>					
907564	Primary Capital Programme 2.7 The Highway Primary - partial rebuild	0	0	0	Scheme completed. Awaiting outstanding final payment for consultancy cost, and other legal issues. Once all outstanding invoices are paid (and dispute on the outstanding consultancy cost with Frankham is resolved), any funding that may remain can be returned to Basic Need as allocations were made from this funding source to underpin this scheme.
	TOTAL PRIMARY SCHOOLS	0	0	0	
<b>SPECIAL SCHOOLS</b>					
907976	Glebe School expansion	0	Cr 253	407	The scheme is now in defect period, awaiting final account settlement and retention payment
	TOTAL SPECIAL SCHOOLS	0	Cr 253	407	
<b>OTHER EDUCATION SCHEMES</b>					
906691	Formula Devolved Capital 2.1a	88	0	89	In and out to Schools. Funding is covered by grant received. Total spend this year and future years has reduced down to £89k (maximum as we do not pay any DFC if the schools convert to academy).
906695	Seed Challenge Fund	400	Cr 8	446	Scheme spent £46k under budget in 2017/18 - this has been rolled forward to current financial year and added to available budget of £400k giving a revised budget of £446k. Currently no works are scheduled - maintained schools will be requested to submit updates as to whether they will utilise approved budgets - otherwise money will be reprofiled back to Basic Need.
911211	Schools Access Initiative	200	Cr 1	159	Scheme spent £41k over budget in 2017/18 - this has been financed by 2018/19 budget of £200k - now giving a revised budget of £159k which is to be used for installation of sound field systems.
906718	Security Works	125	0	139	Ad hoc security works for schools. Budget underspend by £15k in 2017/18 - this has been added to available budget of £125k giving a revised budget of £140k for 2018/19 to be used for potential future works
907549	Children and Family Centres	50	0	50	Works are managed by Operational Property (now Amey). £50k has been rephased into FY18/19 for any unforeseen premises issues and planned improvements
906725	Suitability / Modernisation issues in schools	0	0	386	£350k additional allocation from DfE as report in Executive 18/05/16. The funding will be used to Health and Safety works at school (in discussion with the Commissioning Board). Remedial works undertaken at Burwood PRU in 2017/18 - remaining budget reprofiled to 2018/19 with works anticipated to be carried out in Q2.
906726	Capital maintenance in schools	500	35	492	£458k additional allocation from DfE as reported to Executive 18/05/16. Works are managed by Operational Property (Amey). Scheme spent £8k over budget in 2017/18 - this has been financed from 2018/19 budget of £500k leaving a revised budget of £492k.
907974	Basic Need	22,453	2,654	20,389	A full detailed report on the various projects within the Basic Need Programme was last reported to Executive on 19th July 2017. This includes works at Trinity (now completed), Castlecombe (work started Feb'17), Bishop Justus (work expected to start Summer'18), Edgebury (completed), Poverest (started in Jun'17), Stewart Fleming (now completed), and Leeson's (started in Jul'17 however there are delays) and St George (now completed). £4.5m has been rephased to 2019/20 as programme not expected to spend to budget. A detailed Basic Need programme report is due to be considered by the Executive on 10th July 2018.
907977	Universal free school meals	0	0	19	Remaining budget is retention.
907975	Early Education for Two Year Olds	707	6	707	Further additions £558k in the Early Education for Two Year Olds scheme; £150k contribution from revenue (DSG), and £186k for the London Childcare Grant (Approved in Executive 26/11/14). Works at Poverest School commenced July 2017 and continue until December 2018. Works are part of a larger project for school expansion, cost of nursery works expected to be £400k. Works at Leeson's, also part of larger school expansion project which commenced July 2017. Costs from this budget £225k. Works now delayed to 2018/19 so £707k has been rephased. Poverest on schedule now (to open Sept 2018) - Leeson's school not started yet (likely to complete Jan 2019). These are linked to school expansion build.
907980	30 Hours Funded Childcare IT Solution Scheme	28	0	43	Additional £15k approved by Executive on 21st May 2018, funded from revenue grant underspend in 2017/18. A consultant has been engaged to project manage the remainder of the project. Variations for Contractor to supply IT solutions currently going through. It is expected that works will complete in Oct-Nov 2018.
907979	Beacon House Refurbishment	0	37	429	£3m of unspent DSG and remaining balance £0.577m from Basic Need. Scheme completed and Defects Liability Period to run for 12 months. Awaiting final accounts to be agreed.
907981	Healthy Pupil Capital Fund	0	0	29	Subject to approval Executive 10th July 2018
907000	Feasibility Studies	10	0	10	Block capital provision
907556	Phoenix Pre-School SEN service - Council contribution	0	0	40	Re-instated - approved by Executive 02/12/15. A payment of £160k was made to NHS.
907548	Youth centres - Capital improvements	0	0	3	Likely to complete this year with the remaining £3k balance only being utilised if there are emergency works that require action.
907982	Widmore Centre - SureStart Clawback	0	0	129	Subject to approval Executive 10th July 2018
951000	S106 - Education (un-allocated)	788	0	0	Drawdown are subject to Members approval. Several proposed schemes are in the pipeline, however these are unlikely to be delivered this financial year. The budget has therefore been reprofiled to 2019/20.
	TOTAL OTHER EDUCATION SCHEMES	25,349	2,723	23,559	
<b>TOTAL EDUCATION, CHILDREN &amp; FAMILIES PORTFOLIO</b>		<b>25,349</b>	<b>2,470</b>	<b>23,969</b>	

EDUCATION, CHILDREN & FAMILIES PORTFOLIO - CAPITAL PROGRAMME OUTTURN 2017/18					
Capital Scheme/Project	Actual to 31.03.18	2017/18 OUTTURN			Comments / action taken
		Approved Estimate Feb 2018	Final Outturn	Variation	
	£'000's	£'000's	£'000's	£'000's	
<b>SCHOOLS</b>					
<b>SECONDARY SCHOOLS</b>					
Langley Park Boys School - BSF (Building Schools for the future)	38,735	3	0	Cr 3	2017/18 underspend rephased into 2018/19
<b>TOTAL SECONDARY SCHOOLS</b>	<b>38,735</b>	<b>3</b>	<b>0</b>	<b>Cr 3</b>	
<b>PRIMARY SCHOOLS</b>					
Primary Capital Programme 2.7					
Bickley Primary - expansion	1,463	0	0	0	
Princes Plain Primary - expansion	1,270	0	0	0	
The Highway Primary - partial rebuild	5,305	113	0	Cr 113	2017/18 underspend rephased into 2018/19
Other schemes funded by Primary Capital Programme grant	3,186	0	0	0	
<b>TOTAL PRIMARY SCHOOLS</b>	<b>11,224</b>	<b>113</b>	<b>0</b>	<b>Cr 113</b>	
<b>SPECIAL SCHOOLS</b>					
Glebe School expansion	4,473	795	388	Cr 407	2017/18 underspend rephased into 2018/19
<b>TOTAL SPECIAL SCHOOLS</b>	<b>4,473</b>	<b>795</b>	<b>388</b>	<b>Cr 407</b>	
<b>OTHER EDUCATION SCHEMES</b>					
Formula Devolved Capital 2.1a	5,205	88	87	Cr 1	2017/18 underspend rephased into 2018/19
Seed Challenge Fund	2,018	106	60	Cr 46	2017/18 underspend rephased into 2018/19
Schools Access Initiative	1,231	72	113	41	2017/18 overspend met from 2018/19 budget
Security Works	1,031	67	52	Cr 15	2017/18 underspend rephased into 2018/19
Children and Family Centres	6,612	0	0	0	
Suitability / Modernisation issues in schools	1,286	439	53	Cr 386	2017/18 underspend rephased into 2018/19
Capital maintenance in schools	9,691	219	227	8	2017/18 overspend met from 2018/19 budget
Basic Need	57,836	17,161	14,725	Cr 2,436	2017/18 underspend rephased into 2018/19
Universal free school meals	368	26	7	Cr 19	2017/18 underspend rephased into 2018/19
Early Education for Two Year Olds	187	0	0	0	
30 Hours Funded Childcare IT Solution Scheme	3	3	3	0	
Beacon House Refurbishment	3,148	489	60	Cr 429	2017/18 underspend rephased into 2018/19
Feasibility Studies	0	10	0	Cr 10	Budget not required in 2017/18 and not rephased into 2018/19
Phoenix Pre-School SEN service - Council contribution	252	40	0	Cr 40	2017/18 underspend rephased into 2018/19
Youth centres - Capital improvements	69	3	0	Cr 3	2017/18 underspend rephased into 2018/19
S106 - Education (unallocated)	0	0	0	0	
<b>TOTAL OTHER SCHEMES</b>	<b>88,937</b>	<b>18,723</b>	<b>15,387</b>	<b>Cr 3,336</b>	
<b>TOTAL EDUCATION, CHILDREN &amp; FAMILIES PORTFOLIO</b>	<b>143,369</b>	<b>19,634</b>	<b>15,775</b>	<b>Cr 3,859</b>	#

# £3,848k of total net underspend rephased into 2018/19

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Report No.  
ED18057

## London Borough of Bromley

### PART ONE - PUBLIC

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Decision Maker: **Schools' Forum**

Date: **12<sup>th</sup> July 2018**

Decision Maker: **Children, Education and Families Budget and Performance Monitoring Sub-Committee**

Date: **18<sup>th</sup> July 2018**

Decision Type: Non-Urgent                      Non-Executive                      Non-Key

**TITLE: SPENDING BY PRIMARY, SECONDARY AND SPECIAL MAINTAINED SCHOOLS IN 2017/18**

Contact Officer: Mandy Russell, Head of Schools' Finance Team  
Tel: 020 8603 3572 E-mail: amanda.russell@liberata.com

Chief Officer: Executive Director of Education, Care and Health

Ward: Boroughwide

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1. Reason for report

- 1.1 This report provides information on all revenue and capital balances held by Primary, Secondary and Special Maintained Schools as at 31 March 2018, and also provides a comparison to the balances held at the same time in the previous year.

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2. **RECOMMENDATION(S)**

- 2.1 **The Committee is invited to consider the financial position of Primary, Secondary and Special Maintained Schools at the end of the 2017/18 financial year and to identify any matters for specific comment and referral to the Portfolio Holder.**
- 2.2 **The Schools' Forum is asked to note the balances for information.**

### Corporate Policy

1. Policy Status: N/A
  2. BBB Priority: Children and Young People
- 

### Financial

1. Cost of proposal: N/A
  2. Ongoing costs: N/A
  3. Budget head/performance centre: Dedicated Schools Grant 2017/18
  4. Total current budget for this head: £267m (before recoupment of primary and secondary)
  5. Source of funding: DSG
- 

### Staff

1. Number of staff (current and additional) – N/A
  2. If from existing staff resources, number of staff hours – N/A
- 

### Legal

1. Legal Requirement: Non-statutory - Government guidance:
  2. Call in: Applicable
- 

### Customer Impact

1. Estimated number of users/beneficiaries (current and projected) - N/A
- 

### Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments:

### 3. COMMENTARY

- 3.1 This report highlights the financial position of Primary, Secondary and Special Maintained Schools as at 31 March 2018 the end of the 2017/18 financial year.
- 3.2 Balances are reported in accordance with the DfE Consistent Financial Reporting (CFR) Regulations. This is a framework for reporting income and expenditure and balances. It provides schools with a benchmarking facility for comparison between similar schools to promote self-management and value for money. A CFR return is produced for all schools maintained by the Local Authority as at 31 March 2018.
- 3.3 The CFR framework consists of five balances, which provide an overall picture of a school's resources available from one year to the next, and gives information on balances carried forward. The balances are categorised as follows:
- BO1 Committed Revenue Balances
  - BO2 Uncommitted Revenue Balances
  - BO3 Devolved Formula Capital Balances
  - BO5 Other Capital Balances
  - BO6 Community Focused Extended Schools Balances
- 3.4 The average level of revenue balances (BO1 and BO2) both committed and uncommitted for Maintained Primary School stands at 9% of School Budget Shares compared to 11% at the end of 2016/17, which is a decrease of 2%. Secondary school balances have also decreased by 3% to currently stand at 7%. Special School balances have increased from 8% to 10%.
- 3.5 A comparison of the levels of school balances as at 31 March 2018 to the previous year is shown in the table below.

	Primary Schools £000	Secondary Schools £000	Special Schools £000
<b>Revenue balances only as at: 31.03.18</b>			
Committed Revenue Balances (BO1)	82 (1%)	28 (0%)	169 (2%)
Uncommitted Revenue Balances (BO2)	641 (8%)	333 (7%)	727 (8%)
	723 (9%)	361 (7%)	896 (10%)
<b>Revenue balances only as at: 31.03.17</b>			
Committed Revenue Balances (BO1)	289 (1%)	40 (1%)	66 (1 %)
Uncommitted Revenue Balances (BO2)	504 (10%)	461 (9%)	539 (7 %)
	793 (11% )	501 (10%)	605 ( 8%)

- 3.6 Full details of schools balances can be seen at **Appendix 1**
- 3.7 All schools with balances in excess of 8% have been asked to complete a proforma detailing the reason for holding a high balance and their plans for reducing the balance in year
- 3.8 The DFE also require further analysis to be undertaken in relation to this data. LAs are required to provide information on how they are proposing to address the issue if:

**A:** LA has overspent its Dedicated Schools Grant by 2% or more (ie it is 2% or more in deficit)

**B:** LA has underspent its Dedicated Schools Grant by 5% or more (ie it is 5% or more in surplus)

**C:** LA has 2.5% of its schools that have been in deficit of 2.5% or more for the last 4 years and their individual deficit must have been at least £10,000 each year. We will only ask LAs for more information where at least three schools in the LA meet the criteria

**D:** LA has 5% of schools that have had a surplus of 15% or more for the last 5 years and their individual surplus must have been at least £10,000 each year. LAs will only be asked for more information where at least three schools in the LA meet the criteria.

Schools that would fall into these categories have been highlighted on the table at **Appendix 2**.

- 3.9 In accordance with DfE requirements the SFT will work with schools with schools with high balances to ensure that they are being used effectively. Schools are advised that revenue funding is allocated on an annual basis to support the cost of education for their current pupils and therefore it is not acceptable for schools to retain high levels of revenue funding to protect against possible funding reductions in future years.
- 3.10 **Appendix 3** shows a statement from each of the schools with large uncommitted surplus balances outlining the reasons for this and the management action to be taken to reduce the balances to a reasonable level.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 Whilst this report provides details of school balances, there are no financial implications to be considered.

<b>Non-Applicable Sections:</b>	Policy, Legal and Personnel Implications
Background Documents:	

(Access via Contact Officer)	
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	2017-18						2016-17				Appendix 1			
	BO1 Committed Revenue Balances	BO2 Uncommitted Revenue Bal 31/03/2018	B02 Rev Bal as % of 2018/19 SBS	BO1 & B02 Rev Bal as % of 2018/19 SBS	School Budget Share 2018-19	BO3 Devolved Formula Cap Balances	BO5 Other Capital Balances	BO6 Community Focussed Ext Schools	Total Balance C/fwd as at 31-Mar-18	BO1 Committed Revenue Balances	BO2 Uncommitted Revenue Bal 31/03/2017	B02 Rev Bal as % of 2017/18 SBS	BO1 & B02 Rev Bal as % of 2017/18 SBS	
<b>Primary Schools</b>														
Bickley Primary	28,157	84,683	112,840	5%	7%	1,650,699	0	0	0	112,840	129,354	71,699	4%	12%
Downe Primary	0	28,224	28,224	6%	6%	455,863	351	4,911	0	33,486	0	658	0%	0%
Edgebury Primary	0	76,655	76,655	7%	7%	1,168,959	0	0	0	76,655	0	82,699	8%	8%
Poverest Primary	18,993	185,828	204,820	11%	13%	1,619,695	0	162,000	2,408	369,228	157,634	90,529	7%	18%
Southborough Primary	10,320	133,757	144,077	7%	8%	1,851,828	3,847	35,000	0	182,923	2,393	176,854	10%	10%
St Pauls Cray Primary	24,703	132,081	156,784	10%	12%	1,309,169	0	0	0	156,784	0	81,954	6%	6%
<b>Sub-total</b>	<b>82,173</b>	<b>641,228</b>	<b>723,400</b>	<b>8%</b>	<b>9%</b>	<b>8,056,213</b>	<b>4,197.45</b>	<b>201,911.00</b>	<b>2,408</b>	<b>931,916</b>	<b>289,381</b>	<b>504,393</b>		
<b>Secondary Schools</b>														
St. Olaves	28,000	333,248	361,248	7%	7%	5,116,108	0	29,150	0	390,397	40,000	460,677	9%	10%
<b>Sub-total</b>	<b>28,000</b>	<b>333,248</b>	<b>361,248</b>	<b>7%</b>	<b>7%</b>	<b>5,116,108</b>	<b>0.00</b>	<b>29,150</b>	<b>0.00</b>	<b>390,397</b>	<b>40,000</b>	<b>460,919</b>		
<b>Special Schools</b>														
Marjorie Mcclure	105,989	95,547	201,536	4%	8%	2,428,165	0	0	0	201,536	66,273	107,303	4%	7%
Riverside	62,946	501,556	564,502	8%	9%	6,206,389	0	0	0	564,502	0	431,123	8%	8%
Nightingale	0	130,220	130,220	35%	35%	376,500	0	0	0	130,220	0	0	0%	0%
<b>Sub-total</b>	<b>168,935</b>	<b>727,323</b>	<b>896,258</b>	<b>8%</b>	<b>10%</b>	<b>9,011,054</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>896,258</b>	<b>66,273</b>	<b>538,426</b>		
<b>TOTAL</b>	<b>279,108</b>	<b>1,701,798</b>	<b>1,980,906</b>	<b>8%</b>	<b>9%</b>	<b>22,183,375</b>	<b>4,197</b>	<b>231,061</b>	<b>2,408</b>	<b>2,218,571</b>	<b>395,654</b>	<b>1,503,738</b>		

	<b>2017-18</b> BO1 & B02 Combined Rev Bal	BO1 & B02 Rev Bal as % of 2018/19 SBS	<b>2016/17</b> BO1 & B02 Combined Rev Bal	BO1 & B02 Rev Bal as % of 2017/18 SBS	<b>2015/16</b> BO1 & B02 Combined Rev Bal	BO1 & B02 Rev Bal as % of 2016/17 SBS	<b>2014/15</b> BO1 & B02 Combined Rev Bal	BO1 & B02 Rev Bal as % of 2015/16 SBS	<b>2013-14</b> BO1 & B02 Combined Rev Bal	BO1 & B02 Rev Bal as % of 2014/15 SBS
<b>Primary Schools</b>										
Bickley Primary	£112,840	7%	£201,053	12%	£112,840	7%	£211,532	13%	£149,009	11%
Downe Primary	£28,224	6%	£658	0%	£28,224	6%	£21,322	4%	£42,901	10%
Edgebury Primary	£76,655	7%	£82,699	8%	£76,655	7%	£165,309	16%	£76,555	10%
Poverest Primary	£204,820	13%	£248,163	18%	£204,820	13%	£234,088	12%	£172,861	15%
Southborough Primary	£144,077	8%	£179,247	10%	£144,077	8%	£149,406	8%	£252,806	15%
St Pauls Cray Primary	£156,784	12%	£81,954	6%	£156,784	12%	£51,310	4%	£104,040	10%
<b>Secondary Schools</b>										
St. Olaves	£361,248	7%	£500,677	10%	£361,248	7%	£460,919	9%	£837,518	18%
<b>Special Schools</b>										
Marjorie McClure	£201,536	8%	£173,576	7%	£201,536	8%	£136,847	2%	£90,514	2%
Riverside	£564,502	9%	£431,123	8%	£564,502	9%	£354,630	7%	£400,292	8%
Nightingale	£130,220	35%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

## Primary Schools over 8%

Appendix 3

### Poverest Primary School

Balance at 31/3/18 £185,828

11%

#### Reason for High Balances:

Planned Academy conversion cancelled

#### Description of planned expenditure to reduce balances

Replace trim trail	£10,000
Remaining ASD SEED challenge	£14,210
Roofing works	£5,000
Telephone system for new build	£5,100
Other new build associated costs	£10,000
Calming room padding	£4,205
Lockers	£5,300
Office refurbishment	£7,000
Chrome books	£12,000

#### Management Comment

Planned expenditure would bring the balance to below the 8% guideline

### St Paul's Cray Primary School

Balance as at 31/3/18 £132,081

10%

#### Reason for High Balances:

Delays in the start of confirmed capital projects (new server and Early Years playground improvements)

#### Description of planned expenditure to reduce balances

Early Years playground improvements (now complete)	£24,703
New server	£5,500
New server installation and licensing	£1,540
Upgrade of ICT suite	£6,400

#### Management Comment

Planned expenditure would bring the balance to below the 8% guidelines

## Special Schools over 8%

Nightingale PRU

Balance as at 31/3/18 £130,220

35%

### Reason for High Balances

Nightingale is in the process of transferring to an academy trust. We anticipate that there will be significant costs associated with this including restructuring costs and the costs of moving to new accommodation.

### Description of planned expenditure to reduce balances

Fencing and security	£10,000
IT infrastructure	£12,000
Furniture and equipment	£18,000
Porta cabin hire	£15,000
Ground and electrical works	£5,000
Refurbishment and upgrade	£8,000
Curriculum enrichment	£4,000
Removal costs	£5,000
Reorganisation and redundancies	£33,000

### Management Comment

If all planned expenditure is achieved then 2017/18 balances should be well below the 8% threshold.

Riverside School

Balance as at 31/3/18 £501,556

8%

### Reason for High Balances

Riverside has continued to expand and had a number of uncertainties during the year including changes to therapy provision and the introduction of a nursery class which have had a significant impact on budget levels and expenditure. At budget time it was anticipated that the nursery would be opening from September 2017, however delays in the decision making process meant that it did not open until April 2018. Budget provisions had been made for equipment, transitional support and early recruitment, delays led to a reduction in this expenditure during the year and funds being carried forward. In year changes to staffing and levels of maternity also led to a reduction in expenditure against budgeted costs. Future full year costs of staffing with annual increases and pension costs require healthy reserves for forward planning.

An end of year refund on the staff absence scheme of £8,962 which was not notified until the end of March and therefore had not been taken into account resulted in the reserves just exceeding 8%.

### Brief description of planned expenditure to reduce balances

Additional works identified for improving playground areas to remove obsolete equipment, address safety concerns and improve learning outside the classroom	£25,868
Additional costs associated with equipment and planned recruitment for nursery and expansion of school roll	£15,000
School development plan priorities – introduction of SCERTS framework to develop curriculum model, specifically around emotional regulation and positive behaviour support	£10,000
Summer holiday redecoration and maintenance works – 4 classrooms, corridor area and performing arts hall	£12,000
Remedial works following fire risk assessment – fire door integrity and fire break works	£15,000
Development of Beckenham early years outside learning area	£30,000
Development of sensory garden at St Paul's Cray to provide new safe, stimulating environment for pupils with the most complex needs	£25,000

### Management Comment

Planned expenditure would bring the balance to below the 8% guideline

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**EDUCATION, CHILDREN AND FAMILIES BUDGET AND PERFORMANCE  
MONITORING SUB- COMMITTEE  
18<sup>TH</sup> JULY 2018**

**London Borough Bromley Youth Offending Service - Update**

The purpose of this report is to provide Members with feedback and an update of progress made by Bromley Youth Offending Service in securing improvement and responding to the inspection findings.

## **1. Background**

The Charlie Taylor review of the Youth Justice Service in 2016 made recommendations to overhaul the Service. The recommendations were accepted by the government and last year Charlie Taylor was appointed by the Home Secretary to the role of Chair of the Youth Justice Board, following Lord McNally's departure. A new chief Executive was also appointed, Colin Allars to the Board and in the last few weeks new Board Members have been announced with plans to restructure at the YJB and to reduce the overall establishment at the Board.

The new Board has agreed and announced 6 priority themes for their work over the coming year:

- Revision of national standards for the supervision of young people
- Supporting best practice
- Improving resettlement and transitions between services
- Disproportionality
- Safety in custody
- Establishment of secure schools.

In September 2017 responsibility for Bromley YOS transferred from Education into Children's Social care, creating direct line management to Janet Bailey.

## **2. Local Overview of Performance**

In line with the national trends, the numbers of young people coming into the youth justice system has fallen. In respect of the most up to date published data, there were 252 first time entrants into the youth justice system compared with 336 for July 2014-15, representing a 25.5% reduction. Part of the reason for this achievement is the success of being able to move young people away

from the justice sector through Triage programmes and the support that is provided to this cohort of young people. The first entrant's figures (table 1) are both below London (403) and England (313 averages

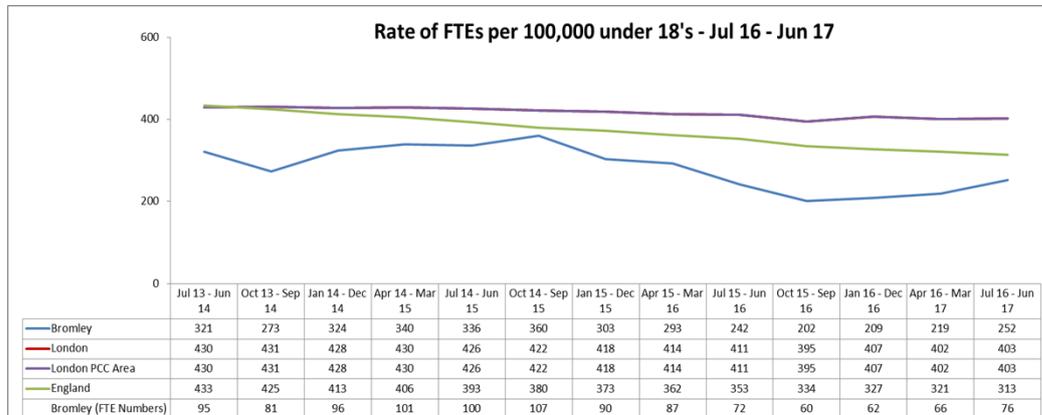


Table 1: First time entrants

The introduction of Triage scheme has enabled some young people who commit low level offences to be diverted from entering the criminal justice system. This involves a joint assessment between police and the YOS, young people are offered an offence focused intervention plus additional support. Those young people who engage and successfully complete will avoid getting a criminal record. Triage enables information to be shared, improved victim confidence and satisfaction and ultimately a further reduction in offending.

Data in relation to reoffending is taken from the Police National Computer and is available three quarters in arrears to allow for arrests to be processed through the courts and Ministry of Justice to analyse and publish the information. The latest reoffending data for Bromley (table 2) shows that the actual levels of re-offenders has fallen from highs of 261 young people being tracked to 190 and that this is slightly higher than the same period 12 months ago. However, whilst the picture shows an increase it is worth acknowledging that the actual number of offences committed has fallen by 20.7% on the same period last year, ranking Bromley (10.7%) lower than the London average and 2.5% higher than the National average. Bromley is further ranked the 3<sup>rd</sup> lowest frequency of reoffending rate in comparison to our statistical neighbours.

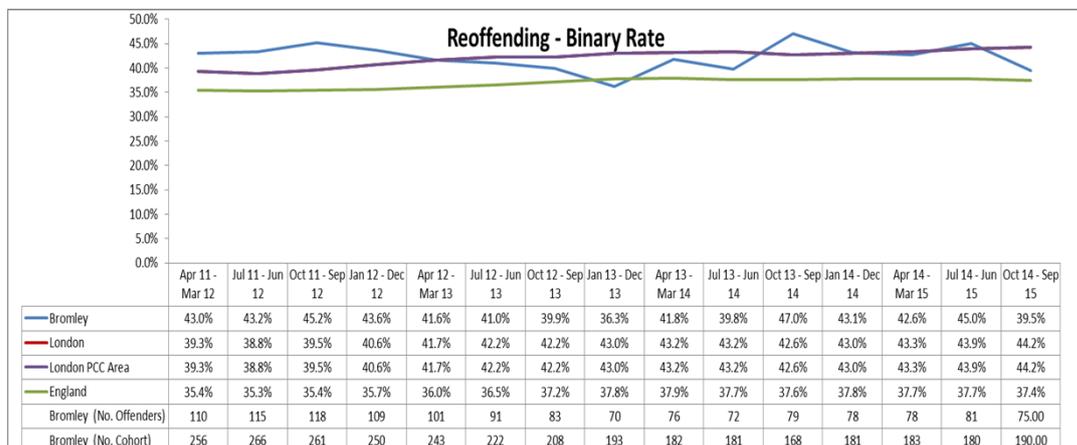


Table 2: Re-offending rates

Reoffending rates continues to be a challenge across the country. Re-offending is inevitably linked to the risk of custodial sentencing and there has been a significant reduction in custodial sentences in the last 2 years. The latest nationally published data on the numbers of children and young people in custody (under 18s) is 878 an increase of 2 young people on the previous period (Dec. 17 to Jan 2018) and of this there are 7 young people from Bromley. Custody numbers in the borough (table 3) are low and below the London average by 18% and 8% higher than the national average. Reducing the demand for custody is a key priority for the YOS however, all the young people currently in custody have all committed very serious offences and this leaves the Courts with very little option than to impose a custodial sentence. However, all these young people are supported by the YOS throughout their custodial phase and into the community.

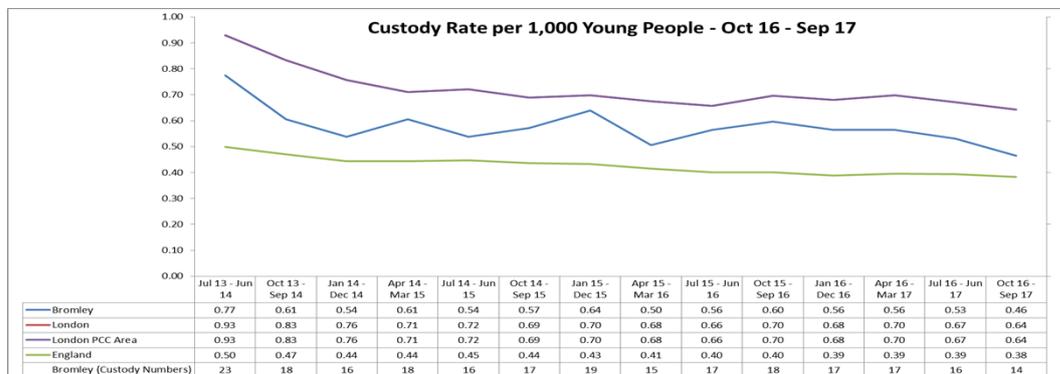


Table 3: Use of custody

In February 2018, the numbers of young people who were children looked after by the authority was 20 (23%); 8 on full care orders, 10 accommodated under section 20 and 2 of these young people CLA due to being remanded into custody. The YOS continues to work with colleagues in Children’s Services to improve processes, joint working and ultimately to achieve better outcomes for this group of children and young people and in prioritising their needs.

Bromley YOS performance against the key national indicators shows positive trajectory to meeting these targets, although sustainability is key to further improving and driving up performance in all of these key areas.

### 3. Improvement

Since the last update the YOS has formally established its own improvement Board chaired by the Director for Children’s Social care and this meets fortnightly. There are 7 key priorities that the YOS partnership is working towards, these were agreed by bringing together previous inspection findings and improvement plans to have one coherent overarching plan.

- Protecting the child or young person
- Reducing Reoffending
- Protecting the Public
- Governance and Partnerships

- Interventions to reduce offending
- Ensuring that the sentence is served
- Improving Practice

In the last year there has been progress in improving the YOS performance. The latest published data shows good outturns in relation to first time entrants and reductions in reoffending rates, however custody numbers have reduced and remains as an amber rating. The positive outturn demonstrates a commitment to improving performance, improved casework and partnership work that occurs daily to effect change with our young people.

### Service

The service has recently had a turnover of staff and a reliance on agency workers. Recruitment of suitably qualified staff has been a key priority due to a number of vacancies within the service. We have successfully appointed a newly qualified social worker, 2 experienced social workers, a new Group Manager and a student social worker on final placement. The recruitment of social workers will increase capacity within the service to work more intensely with cases of an increasingly complex nature and ensure that concerns in relation to safeguarding are approached and managed in a consistent manner across the service.

The proposed restructure of the service and plans afoot in children's service for a clear practice framework supported by a comprehensive training and induction programme will shift the ethos to a more child centred approach and staff being upskilled and trained in evidence based approaches for working with children and families.

## **5. Work on priorities**

### Protecting the child or young person

Safeguarding adolescents continues to be an important part of the work we do with young people. Particularly ensuring that staff have a comprehensive understanding of the risks that young people face and an appropriate response and management of the risk in place. Over the last year there has been a commitment to staff training and development with all staff trained to identify child sexual exploitation and safeguarding training. There has also been training delivered in understanding the changes to special educational needs and disabilities (SEND) changes and the process for those in the justice system. There have been changes to the allocation of cases to staff based on skills and experience with the most complex cases being under the remit of qualified social work staff.

A strong focus on practice skills development is provided through bespoke training for staff giving them the necessary skills to intervene differently. This is an ongoing programme as new interventions and research of different models comes to the fore

The YOS previously chaired risk meetings and managing risk of harm posed by young people. Panels are now more streamlined and a more effective approach to managing risk is now in place. There are multi-agency partnership meetings (MAP) for CSE and young people who go missing and these meetings alongside statutory Strategy meetings are now the forum for sharing and managing risk across the partnership.

### Reducing reoffending

A great deal of work has been undertaken to develop greater integration between YOS and Targeted Youth Support Services (TYS). This is seen as important in YYS being able to work with these young people to prevent offending and provide ongoing support. We have shared management meetings, joint service planning and increased day to day contact about young people and local emerging issues. There is still work to be done but this is developing in a positive way.

A process is in place to ensure that exit plans are in place for all young people whose order with the YOS is expiring and are in need of additional support. Exit plans can include transitions to adult services and are usually delivered by Bromley Youth Support service that provides targeted support to vulnerable young people. However, this is an area of work that needs to be continually challenged and more referrals for support being made.

The YOS is now using the Youth Justice Board live tracking tool to begin to analyse and profile young people in Bromley involved in offending. Over time it is envisaged that as this becomes more established this information will enable us to target our resources more effectively.

YOS contact all victims of offences committed by young people and invite them to participate in Restorative Justice (RJ). There has been increasing demand for RJ services outside of the normal YOS court order remit such as requests from schools for support. During period October to December 2017 there were 60 victims identified and 50 (83%) were offered an intervention and 27 declined. There is a high level of victim contact and low level of engagement in the RJ process.

Where RJ is being considered by the victim a meeting between the YOS RJ Lead with both the victim of the offence and the young person to assess the appropriateness of a range of RJ disposals. Some victims of crime decline involvement in the RJ process however, support is provided if requested to update them with court outcomes or provide advice such as to how to claim property once a trial is completed to providing Crime Report numbers so that they can pursue insurance claims. In terms of young people they are encouraged to engage in the RJ process if direct RJ is requested.

The need for public confidence in the work of all criminal justice agencies is supported by the YOS. Young people are often required by the courts to complete a number of hours of unpaid work in the borough and we have

increased the number of projects available in the last year linking with third sector organisations supporting many beneficiaries.

### Protecting the public

The YOS take reasonable steps to ensure that children and young people are safeguarded, protected from harm whether they are perpetrators and or victims. Young people involved in offending are more likely to be victims of neglect abuse and are vulnerable to a range of factors that can lead to offending and their engagement in risky behaviours such as drug taking, serious youth violence and exploitation. Young people in the secure estate either sentenced to custody, awaiting trial or sentence can further led to increased vulnerability and additional safeguarding concerns exacerbated in such institutions. Therefore it is important for the YOS to ensure that young people are kept safe and secure either in custody or in the community.

The YOS continues to provide individualised packages of Intensive Supervision and Surveillance provision to the court to reduce the use of custody including remands. There is management oversight of cases to ensure that young people are not inappropriately placed on remand to youth detention accommodation given the likely impact upon emotional health and wellbeing. Keeping remands to youth detention accommodation to a minimum is important as we are aware that the associated financial costs are the responsibility of the authorities with the young person being designated a Children Looked After by virtue of their remand. The YOS works closely with Children's Social Care around this agenda and in finding suitable placements both in borough or beyond to enable young people to remain in the community with support. There has been 13 young people remanded to custody this year, all for very serious and grave offences, all young males, 3 out of 13 were sentenced to a custodial sentence; 5 the charge against them were dismissed; 3 remain ongoing remands and 1 sentenced in the community and one remanded to local authority accommodation.

### Bromley Custodial Remand Costs

Date of Report - 31/03/18	April 2015 - March 2016	April 2016 - March 2017	April 2017 - March 2018	Annual Difference
Remand Type	Remand Bed Night Costs	Remand Bed Night Costs	Remand Bed Night Costs	Difference in Bed Night Costs
STC (Bed night costs £497)	£84,490.00	£153,076.00	£103,873.00	£-49,203.00
YOI (Bed night cost £177)	£72,747.00	£64,251.00	£67,437.00	£3,186.00
SCH (Bed night Cost £559)	£0.00	£1,677.00	£0.00	£-1,677.00
<b>Total spend to date</b>	<b>£157,237.00</b>	<b>£219,004.00</b>	<b>£171,310.00</b>	<b>£-47,694.00</b>

Table 4: Remand Costs

## Remand bed nights

Date of Report - 31/03/18	April 2015 - March 2016	April 2016 - March 2017	April 2017 - March 2018	Annual Difference
Remand Type	Bed Nights	Bed Nights	Bed Nights	% Difference
STC (Bed night costs £497)	170	308	209	-32%
YOI (Bed night cost £177)	411	363	381	-5%
SCH (Bed night Cost £559)	0	3	0	100%
<b>Total Remand Bed Nights</b>	<b>581</b>	<b>674</b>	<b>590</b>	<b>-18%</b>

Table 5

Furthermore whilst the numbers of young people are low it is worth noting that overall remand periods varies significantly dependent on a number of factors such as the seriousness of the offence and whether the case is being dealt with by the Crown Court or delays related to the Crown Prosecution Service. In the last financial year we had 3 young people charged with a serious offence and all remanded in custody, however they have all been released from custody and the matter discontinued. As demonstrated in tables 4 and 5 above there are reductions in custody but the associated costs are high with over £170k spend on 13 young people over the last financial year.

There is a need for a cultural and practice change in the YOS to include making a number of improvements in the following areas simultaneously if a discernible change is registered through increased remands:

- Improve the level of court confidence in YOS services. This can be achieved by servicing the court better, highly trained court staff and developing a better range of services for young people
- Monitor the level of remands so that we can begin to have a better narrative around our performance
- Managing the coordination and interface with Children Looked After (CLA) given the potential increase in demand on CLA and Leaving Care services as a result of the remand.

Closer working on CSE, Gangs and Missing agenda's between colleagues in Children's Social Care has enabled YOS staff to be able to identify and refer young people as appropriate and to ensure the right process and procedures are followed. However, there is further work to do on sharing intelligence and mapping gang activity.

### Governance and Leadership

Governance and leadership of the YOS is provided by the YOS Partnership Management Board chaired by the Chief Executive. The Board meets quarterly and is made up of senior officer from partner agencies. The Board

has strategic oversight of the service and scrutinises performance data and ensuring that work contributes to reducing and preventing offending.

## **6. Practice improvement**

We are currently working on our other priority areas including the use of wider interventions to help young people to reduce the risk and better understand the impact of their behaviour such as the use of restorative approaches in our work with young people and victims and in getting young people to repair the damage caused by their offending by engaging in reparation activities in the community.

Many of the young people involved who come to the YOS already have experienced a range of issues which might include witnessing domestic violence, abuse or neglect which can heighten their risk and some of the choices that they make in their adolescence. Hence, we continually strive to ensure that we are up to date with new initiatives to challenge their behaviour and ultimately reduce their offending.

Bromley YOS with the support of Bromley CCG were successful in a bid to NHS England to develop a forensic pilot project. A Consultant Psychologist from CAMHS has been seconded into the YOS for a year to develop this service. The remit of the work is to facilitate accessibility to specialist CAMHS by children and young people in the justice system. The service offer includes:

- a) Interventions with those with the most complex needs and highest risk offending behaviour and offered one to one support on an ongoing basis.
- b) Family interventions as part of the offer to young people
- c) Consultation, guidance and support to YOS practitioners managing cases with complex needs and high risk
- d) Delivery of mental health training to YOS staff
- e) Delivery of training and guidance to CAMHS practitioners on forensic mental health and engagement with hard to reach communities.

The Consultant Clinical Psychologist only having commenced with the YOS in December 2017, the role appears to have been initially effective in raising the profile and awareness of the mental health needs of this group, providing training and consultation to the YOS workers and meeting with the health workers at the YOS to start the process of initiating a more coordinated health response.

The role also provides a more senior health presence, consultation and advice to YOS managers helping to address concerns raised within the Full Joint Inspection of 2017 in relation to:

*“...a deficit in the operational management within the YOS of health services...”*

## **7. New developments**

### Liaison and Diversion

Bromley YOS has received funding from NHS England to establish a Liaison and diversion services to improve the health and justice outcomes for children and young people who come into contact with the youth justice system where a range of complex needs are identified as factors in their offending behaviour.

The youth justice systems have not always catered well for people with mental health problems or learning disabilities. Nonetheless, many young people only access relevant mental health and/or social care services when they enter the youth justice systems. Practical solutions are required to ease the transition across the interface between the youth justice systems and other health and social care sectors. Liaison and diversion schemes are a vital part of this process.

This is a process whereby children and young people with mental health problems, this includes: a learning disability, substance misuse problems and other vulnerabilities are identified and assessed as early as possible as they pass through the youth justice systems. Following screening and assessment, individuals are given access to appropriate services including, mental and physical health care, sometimes social care and/or substance misuse treatment. Information from liaison and diversion assessments is shared appropriately with relevant agencies so that informed decisions can be made on issues of diversion, charging, case management and sentencing. In some cases young people will still be charged but with additional information known about them, professionals and the court can be advised so the appropriate support is provided.

Diversion should be interpreted in its wider sense, referring to both diversions out of, and within, the youth justice systems. This service is currently being developed in Bromley and there will be a dedicated worker appointed to deliver this service.

## **8. Resources**

The National Probation Service has played an integral part as statutory partner through the secondment of staff to the YOS and the transfer of cases once young people turn 18. They have again nationally reviewed their contribution to the partnership and the current resource allocation for Bromley will change from a full time secondee to a 0.5FTE at the beginning of this year. This will be a loss to the service provision for Bromley.

The financial position of the YOS for 2018/19 was confirmed from central government on 3 May 2018; this is unacceptably late given that any reductions in the grant could have impacted on the wider staff budget. I am pleased to announce that the budget has remained the same as the last 2 years, disappointedly there is no inflation uplift therefore a reduction in real terms. In recognising that change to the current delivery model will be made by the YJB

the Board is planning to reduce the grant to use this money to focus on their priorities in future years with a consultation proposed. There will inevitably be reductions in service provision; however, we will continue to work to meet our statutory obligations to deliver a service.

## **9. Summary**

The approaches and progress outlined in this report is part of the ongoing work that the YOS is doing to challenge and support the needs of the young people we work with to achieve positive outcomes. The YOS recognises that in tackling the many issues that these young people face requires early and effective preventative action from key partners and continues to seek and work with statutory and non-statutory partners as well as other criminal justice agencies. The YOS Partnership Governance Board continues to have the oversight and scrutiny of the YOS Partnership.

Overall, the level of improvement to the service is positive and is moving in the right direction and maintenance is under the close scrutiny of the Improvement Board, the YOS Governance Board and senior leadership within the Council.

**Betty McDonald**  
Head of Service - YOS

Report No.  
ED18064

London Borough of Bromley

PART ONE - PUBLIC

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**Decision Maker:** EDUCATION, CHILDREN, AND FAMILIES BUDGET AND PERFORMANCE MONITORING SUB-COMMITTEE

**Date:** Wednesday 18 July 2018

**Decision Type:** Non-Urgent Non-Executive Non-Key

**Title:** CHILDREN, EDUCATION, AND FAMILIES PORTFOLIO PLAN 2017/18 UPDATE

**Contact Officer:** Denise Mantell, Senior Planning and Development Officer  
Tel: 020 8313 4113 E-mail: denise.mantell@bromley.gov.uk

**Chief Officer:** Ade Adetosoye, Deputy Chief Executive & Executive Director: ECHS

**Ward:** N/A

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1. Reason for report

- 1.1 This report presents the Education, Children and Families Budget and Performance Monitoring Sub-Committee with the update of the Children, Education and Families Portfolio Plan 2017/18 and the proposed Portfolio Plan for 2018/19. The new Portfolio Plan is in line the Building a Better Bromley vision for our children and young people and the Education, Care and Health Services department's Business Plan.

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2. **RECOMMENDATION(S)**

- 2.1 Members are asked to note progress on the actions associated with the Children, Education and Families Portfolio Plan 2017/18 – Appendix 1.
- 2.2 Members are asked to note and comment on the proposed Children, Education and Families Portfolio Plan 2018/19 – Appendix 2.

## Impact on Vulnerable Adults and Children

1. Summary of Impact:
- 

## Corporate Policy

1. Policy Status: Existing Policy
  2. BBB Priority: Children and Young People Excellent Council Safe Bromley Healthy Bromley
- 

## Financial

1. Cost of proposal: No cost:
  2. Ongoing costs: Not Applicable:
  3. Budget head/performance centre: Education, Children and Families Portfolio
  4. Total current budget for this head: £
  5. Source of funding:
- 

## Personnel

1. Number of staff (current and additional):
  2. If from existing staff resources, number of staff hours:
- 

## Legal

1. Legal Requirement: None:
  2. Call-in: Not Applicable:
- 

## Procurement

1. Summary of Procurement Implications:
- 

## Customer Impact

1. Estimated number of users/beneficiaries (current and projected): All vulnerable children and young people within Bromley
- 

## Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: N/A

### 3. COMMENTARY

#### Background

- 3.1 The Education, Children and Families Portfolio Plan 2017/18 was the first Plan under the new Portfolio Structure which was agreed in May 2017. Previously the Portfolio Plan had been education focused and was structured to follow the academic year. This Plan incorporated the wider responsibilities of children’s social care as well as housing where it impacted on children, young people and families. It also followed the financial planning cycle. The priority outcomes reflect the Building a Better Bromley vision for our children and young people and the Education, Care and Health department’s ‘Journey to Excellence’.
- 3.2 The Education, Children and Families Portfolio Plan 2017/18 was presented at the Education, Care and Families Select Committee meeting on 17 October 2017 and agreed by the Portfolio Holder following comments by the Select Committee. The Plan focussed on two priority outcomes:
- Priority One: Fulfilling our duty of care to ensure the health, wellbeing and achievements of our vulnerable children and
  - Priority Two: Provide the best possible service to deliver appropriate support to all children and young people.
- 3.3 Within each priority are a number of outcome statements and aims which are underpinned by actions and measures within the work of Education, Care and Housing Services.

Outcome statement	Number of Actions	Status of actions		
		Red	Amber	Green
<b>Priority One:</b> Fulfilling our duty of care to ensure the health, wellbeing and achievements of our vulnerable children				
Vulnerable children and families are identified and supported at the earliest opportunity	15	0	6	9
Children and young people are safeguarded and protected from harm, and are kept safe from bullying or crime	3	0	1	2
<b>Priority 2:</b> Providing the best possible service to deliver appropriate support to all children and young				
Vulnerable children and young people are encouraged to have high aspirations for their future	4	0	4	0
Children and young people are supported to achieve their maximum potential	12	0	6	6
Children and young people are supported to access opportunities for positive activities and encouraged to have happy and healthy lifestyles	2	0	2	0

- 3.4 Key achievements of the 2017/18 Portfolio Plan are:
- Supporting independence, families and increasing employability through the provision of a wide-ranging programme of activities and adult education courses focused on family cohesion as well as English, maths and language skills.
  - Achieving the highest number of children in 30 hour places across the whole of London in both Autumn and Spring Terms 2017/18.

- Ensuring that no 16/17 year olds were in emergency shared nightly paid accommodation and that no families with dependent children were in Bed and Breakfast accommodation.
- Continuing to work with schools and the Education Funding Agency to provide needed additional school places for September 2018 and beyond.
- 93% of Early Years providers who had been graded 'Below Good' achieved an improved grading at their following inspection following support from Quality Improvement Officers.

- 3.5 There are some areas where, although substantial progress has been made, more long-term work is needed to improve outcomes for the most vulnerable children and young people in the borough. These include:
- Fully implementing the SEND reforms in line with the SEND reforms Strategic Vision and Priorities
  - Fully implementing the Youth Offending Service plan
  - Ensuring that children and young people are kept safe and that those who become children looked after and care leavers are supported to achieve and thrive.
- 3.6 The new Portfolio Plan 2018/19 focuses on the following four priority areas:
- Safeguarding
  - Life chances, resilience and wellbeing
  - Implement the SEND reforms
  - Ensuring efficiency and effectiveness

#### 4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

Both priorities of the Education, Children and Families Portfolio Plan have regard to the needs of the vulnerable children and young people of Bromley.

#### 5. POLICY IMPLICATIONS

There are no policy implications arising directly from this report. Any policy implications arising from the implementation of the various actions contained within the plan will be reported to the Sub-Committee separately.

#### 6. FINANCIAL IMPLICATIONS

There are no financial implications arising directly from this report. Any financial implications arising from the implementation of the various actions contained within the plan will be reported to the Sub-Committee separately.

#### 7. LEGAL IMPLICATIONS

There are no legal implications arising directly from this report. Any legal implications arising from the implementation of the various actions contained within the plan will be reported to the Sub-Committee separately.

<b>Non-Applicable Sections:</b>	Personnel Implications, Procurement Implications
Background Documents: (Access via Contact Officer)	N/A

**Priority Outcome 1**

**Ambitious for all our children and young people through:-**

**Fulfilling our duty of care to ensure the health, wellbeing and achievements of our vulnerable children.**

**As at the end of March 2018, 11 out of 18 actions being progressed are on track with 7 actions requiring more work.**

No	We aimed to	RAG status	Actions	End of March 2018 update	Between April 2018 and September 2018 we are focusing on...
1.1	Vulnerable children and families are identified and supported at the earliest opportunity	Amber	a) Continue to implement improvements as set out in the Children’s Service Improvement Plan in order to achieve an excellent service for all our children and young people	The service continues to make progress against the Ofsted recommendations. Regular reports are shared with the Children’s Service Improvement Governance Board to review progress against the improvement plan, recommendations from the Children’s Commissioner, feedback from each monitoring visit and Ofsted Report recommendations. Between May 2017 – April 2018 the majority of actions outlined in the Children’s Services Improvement Plan are now complete (84%).	The focus of practice will align to the recommendations from the new audit and service improvement framework. This framework is designed to test and validate the impact of completing actions outlined in the plan thus testing the actions in a systematic and regulated way.
		Amber	b) Alongside our partners, review the impact and effectiveness of Children’s Social Care thresholds of need	The Bromley Safeguarding Children Board (BSCB) reviewed, updated and launched the Thresholds of Needs document in May 2017.	A multi-agency staff survey was undertaken by BSCB in January 2018 to test that staff are confident in escalating and challenging and to test understanding of the Threshold Document. As at Feb 2018, 1,202 people had completed the survey. The detailed results are currently being analysed and will be available later in the year along with analysis and recommendations.

No	We aimed to	RAG status	Actions	End of March 2018 update	Between April 2018 and September 2018 we are focusing on...
1.1	Vulnerable children and families are identified and supported at the earliest opportunity	Green	c) Develop the Children's Social Care Commissioning Strategy and the Sufficiency Strategy for Looked After Children	The Commissioning Strategy for Children's Social Care 2018-20 was published in April 2018. The Sufficiency Strategy for Looked After Children 2017 – 2020 was published in April 2018.	
		Amber	d) Explore opportunities for more integrated working between Health Visiting, and Early Intervention and Family Support, to strengthen early help intervention for vulnerable families	Teams are now co-located and work in the same clusters and it has been agreed that a 'vulnerable child' cluster meetings approach will be followed. An Information Sharing Agreement is awaiting approval to facilitate partnership working. Public Health is leading on a joint commissioning project exploring options for the future.	Implementing the 'vulnerable child' cluster meetings as well as the Information Sharing Agreement. Finalising joint commissioning options.
		Amber	e) Through provision of early intervention and family support (including the Tackling Troubled Families Phase 2 initiative), work with families, including those with a range of health problems and affected by domestic violence and abuse, to improve employment and school attendance outcomes, and reduce antisocial behaviour	Positive outcomes for Year 3, Phase 2 of the programme have been: <ul style="list-style-type: none"> <li>• Good progress has been made towards government targets for attachments to the programme, although missing the 17/18 target of 397 by 47.</li> <li>• Turnarounds for Payment by Rewards have met or exceeded targets and internal Audits of submitted claims have been successful.</li> <li>• The MHCLG Spot Check was positive and the submission of the Service Transformation Maturity Model to MHCLG was updated in line with the Children's Services Improvement Plan</li> <li>• The Ofsted Monitoring Review Visit produced an outcome of 'good' service – highlighted as the 'jewel in the crown'.</li> </ul>	<ul style="list-style-type: none"> <li>• Attaching 47 families from 2017/18 target as priority – resources had been diverted to MHCLG Spot Check, MHCLG claims window and Ofsted Monitoring Review Visits in spring 2018.</li> <li>• Attaching 50% of Year 4's target.</li> <li>• Working with MHCLG and Internal Audit to simplify the Outcome Plan</li> <li>• Service Transformation Maturity Model update</li> <li>• Monitoring sustained and significant progress to identify families turned around for PbR.</li> </ul>

No	We aimed to	RAG status	Actions	End of March 2018 update	Between April 2018 and September 2018 we are focusing on...
1.1	Vulnerable children and families are identified and supported at the earliest opportunity		e) Continued	Improved partnership working: <ul style="list-style-type: none"> <li>• Troubled Families Employment Advisers, JCP - This year there has been an increase from 2 to 3 following the success of their co-location with EIFS</li> <li>• Bromley and Croydon Women's Aid - an Independent Domestic &amp; Sexual Violence Advocate is now co-located within EIFS</li> </ul>	
		Amber	f) Through effective use of the Common Assessment Framework (CAF) and 'Signs of Safety' model, improve support to children and families at an early stage, thereby reducing the need for statutory services, with a particular focus on increasing the number of CAFs submitted by Health professionals	The total number of CAFs opened have been decreasing since 2015/16 to just over 700 in 2017/18. Numbers authored by social care have remained fairly constant, but instead of an increase there has been a decline in those completed by health colleagues. CAFs are monitored to ensure a regular review and timely closure – 722 CAFs were open at 31 March 2018.	Improving the use of the CAF and understanding the benefit of usage with: <ul style="list-style-type: none"> <li>• health colleagues</li> <li>• schools which have not previously used the CAF</li> </ul>
		Green	g) In partnership with local schools and Children and Family Centres, devise and deliver a programme of family learning activities which supports English, maths and language skills and family cohesion	An extensive programme of Family Learning activities has been delivered including 27 courses supporting English, maths and language skills, and 84 courses supporting family cohesion. These have been delivered in 6 Children and Family Centres and 8 primary schools.	Delivery of 38 planned activities: 10 parenting courses and 28 courses in Moving to Primary Schools, shared parents and children activities, new course types to promote healthy eating, recycling and shared parent and child exercise.

No	We aimed to	RAG status	Actions	End of March 2018 update	Between April 2018 and September 2018 we are focusing on...
1.1	Vulnerable children and families are identified and supported at the earliest opportunity	Green	h) Work with community partners to deliver targeted provision to identified groups including BAME (Black, Asian and Minority Ethnic) groups, residents and community associations, organisations supporting carers and older learners	57 courses delivered including 9 courses for carers, 8 courses to BAME groups, 27 courses to residents and community associations and 13 courses to institutionalised older learners.	Delivery of a planned programme for carers in partnership with Bromley Well, continuation of the existing programme to institutionalised older learners and BAME learners, and extending opportunities for online upskilling to targeted learners looking for employment in the catering industry.
		Green	i) Provide a range of English and maths qualification courses with structured progression from Entry 1 to Level 2 Functional skills/GCSEs for adults wishing to improve their core skills	A total of 29 English and Maths courses (including GCSE) have been provided: 17 courses from Entry 1 to L1 Awards in improving English & Maths skills; 5 Level 2 English and Maths Functional Skills and 7 GCSE Maths and English	Delivering a further 17 courses from Entry 1 to Level 1 in Functional Skills English and Maths ensuring the progression routes from Awards into Functional Skills. Planning further provision for September 2018 will be undertaken.
		Green	j) Work in partnership with Early Years providers to ensure sufficiency of places to meet demand for 30 hours of funded childcare for 3 and 4 year olds of working parents	Bromley's Early Years Providers have met the high demand for 30 hour places and no formal complaints have been received from parents unable to access a place. In the Autumn term 2017 Bromley had the highest number of children in 30 hour places across the whole of London. This was achieved again in the Spring Term 2018.	Delivering 9 projects funded by the DFE 30 hour delivery support fund. This includes: <ul style="list-style-type: none"> <li>• Creating more funded childcare places</li> <li>• Support for providers to ensure their sustainability</li> <li>• Recruiting to the workforce to enable expansion</li> <li>• Training to increase provision for children with SEND</li> <li>• Establishing a parent champion network to engage with the harder to reach families</li> </ul>

No	We aimed to	RAG status	Actions	End of March 2018 update	Between April 2018 and September 2018 we are focusing on...
1.1	Vulnerable children and families are identified and supported at the earliest opportunity	Amber	k) Implement the Special Educational Needs Reforms as laid out in the Children and Families Act through a skilled and knowledgeable workforce, ensuring the confidence of parents and families	The SEND Reforms Strategic Vision and Priorities document has been completed which provides a clear framework for the delivery of the reforms. Lead sponsors and officers are in place and accountable through the SEND Governance Board. The key priorities are underpinned by a comprehensive action plan and a project manager has been appointed to oversee delivery. 97% of all conversions of Statements to Education, Care and Health plans have been completed.	<p>Key milestones that will be delivered by September 2018 include:</p> <ul style="list-style-type: none"> <li>• Review and refocus support services across the local area to deliver our shared vision of an inclusive agenda including a robust set of SEN support standards</li> <li>• Skills audit to show expertise across the local area to promote good practice including developing effective partnerships</li> <li>• Improved evidence to demonstrate progress for individuals</li> <li>• Reconfigure provision to increase capacity to support CYP with identified mental health needs</li> <li>• Develop a sufficiency strategy that identifies the need for appropriate education placements</li> <li>• Develop nurture provision in schools</li> <li>• QA framework in place to ensure high quality placements, strong outcomes and value for money</li> <li>• Engagement strategy to ensure parents are routinely engaged in planning support for their CYP</li> <li>• Joint commissioning strategy developed</li> </ul>

No	We aimed to	RAG status	Actions	End of March 2018 update	Between April 2018 and September 2018 we are focusing on...
1.1	Vulnerable children and families are identified and supported at the earliest opportunity	Green	l) Through partnership working, devise a strategy for realignment of SEND (Special Educational Needs and Disabilities) services to deliver the integrated pathway	A review of the SEN Service has been completed which has included a focus on key service areas. The review has recommended a realignment of the service to focus on three key areas: <ul style="list-style-type: none"> <li>• SEN Assessment</li> <li>• SEN Outreach and Inclusion</li> <li>• SEN Knowledge (finance, data, contracts &amp; business support)</li> </ul> Strong engagement from Bromley CCG is in place, with a Designated Clinical Officer in post.	Key milestones that will be delivered by September 2018 include: <ul style="list-style-type: none"> <li>• Realignment of the SEN service</li> <li>• Upskilling of the workforce across education, health and care and provide high quality advice and guidance which is valued by all stakeholders</li> <li>• Clear communications strategy and awareness raising of the local offer as the central communication method</li> </ul>
		Green	m) Continue to review and strengthen joint working with Children's Social Care to prevent homelessness and reduce the number of children in inappropriate/insecure accommodation	A full review of joint working practices and protocols has been undertaken and are under regular review at joint meetings. The Accommodation Panel is chaired by Children's Social Care with Housing as core members to ensure placements are suitable.	
		Green	n) Increase the range of accommodation pathway options and support available for homelessness and ensure that young people are accommodated in suitable accommodation which supports their independence	All placements and accommodation have been reviewed to ensure that they are suitable. The Accommodation Panel is chaired by Children's Social Care with Housing as core members to ensure placements are suitable.	A framework for all accommodation and placements is to be developed which will ensure a greater range of accommodation available.
		Green	o) Ensure that Bed and Breakfast is only used as an emergency measure, following a full risk assessment for families with dependent children and young homeless/care leavers	There continues to be zero use of Bed and Breakfast accommodation and risk assessments are carried out.	

No	We aimed to	RAG status	Actions	End of March 2018 update	Between April 2018 and September 2018 we are focusing on...
1.2	Children and young people are safeguarded and protected from harm, and are kept safe from bullying or crime	Green	a) Review the Child Exploitation Service and build on the current arrangements for children at risk of sexual exploitation, missing and gangs, by strengthening the links between these areas	Over the past 12 months, the primary focus has been to establish clear procedures, protocols and a framework in which the Local Authority is better able to respond to the needs of vulnerable young people both at an individual level and more strategically, particularly in relation to CSE and missing. The multi-agency Atlas Team has been reviewed and located within the MASH Team. The weekly MEGA Tracking Panel (Missing, Exploitation, Gang Affiliation) has been established. It was noted as unique at a recent Ofsted Monitoring visit.	The work in relation to gangs and young people at risk of serious youth violence will be the focus of the next 3 months.
		Amber	b) Strengthen placement planning arrangements and improve sufficiency and choice of placements within the borough to meet current needs	The Sufficiency Strategy for Looked After Children 2018-2020 has been reviewed and updated with a focus on increasing placements to accommodate the needs of those with challenging/complex needs. The Fostering service has implemented changes which have facilitated increases in the number of foster carers being recruited and support being offered to help retain foster carers.	Planned placement moves and disruptions to placements will be reviewed in order to understand how we can support children and young people. Accredited foster carer training opportunities have been rolled out to provide additional support to our foster carers. The recruitment of new foster carers will continue.

1.2	Children and young people are safeguarded and protected from harm, and are kept safe from bullying or crime	Green	c) Through partnership working, implement the 2017-19 Youth Offending Service plan (strategic and improvement) to improve outcomes for children and young people involved in the Criminal Justice system	<p>The YOS has a comprehensive improvement plan which forms part of the key priority for delivering youth justice services across the partnership.</p> <p>The focus has been to deliver against the 3 national key performance indicators as well as 7 local priority areas.</p> <ul style="list-style-type: none"> <li>• Bromley's rate of first time entrants into CJS is 26% which is lower than the London and national rate.</li> <li>• The number of young people re-offending is lower than the previous 4 years. However, the rate of re-offending is significantly higher because there are less individuals who have offended.</li> <li>• 8 young people were sentenced to custody between January and December 2018. In previous years this has been as high as 23 young people.</li> </ul> <p>The YOS Improvement Board has met fortnightly since November 2017 focussing on one Priority Area per meeting.</p>	<p>The YOS will be jointly working with partners in several areas to better understand offending in Bromley. This will increase the opportunities to enhance the preventative offer as well as better use of the existing early help provision in the borough, all of which will impact on better outcomes for this group of young people.</p> <p>Work will continue to improve outcomes for young people through training and employment opportunities as well as offering enhanced interventions aimed at reducing further offending through constructive activities, group work and 1-2-1 supervision.</p>
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We are measuring this priority by:		2016/17 outturn	2017/18 Target	2017/18 Outturn
1.	Number of families attached to the Tackling Troubled Families Programme in Year Three of Phase Two (Five Year Phase)	388	397	350
2.	Number of children supported through an early help Common Assessment Framework (CAF) Assessment	750	>800	846
3.	Funding allocation for Family Learning is achieved	78% (Spring Term)	100%	56% (to end February)
4.	Family Learning English, maths and language provision retention and attendance figures are achieved	Retention 97% Attendance 90% (Spring Term)	Retention 92% Attendance 89%	Retention 95.7%* Attendance 90.3%*

We are measuring this priority by:		2016/17 outturn	2017/18 Target	2017/18 Outturn
5.	Family Learning Provision supporting family cohesion delivered in Children and Families Centres retention and attendance figures are achieved	Retention 100% Attendance 93% (Spring Term)	Retention 92% Attendance 88%	Retention 95.8%* Attendance 90%*
6.	Provide and deliver 60 courses with 10 partner organisations (targeted provision to identified groups)	New	60 courses 10 partner organisations	58 courses* 8 partner organisations*
7.	Achieve final overall retention, attendance and achievement outcomes for partnership provision (targeted provision to identified groups)	New	Retention 90% Attendance 85% Achievement 85%	Retention 99%* Attendance 85.1%* Achievement 79%*
8.	Learners reporting positive impact of learning (targeted provision to identified groups)	New	80%	Not yet available
9.	Provide and deliver a total of 40 English and maths courses across all levels from Entry 1 to GCSE	15 (Spring Term)	40	46 English, maths, GCSE courses provided and delivered*
10.	Achieve final overall retention, pass rate and achievement rate for English and Maths skills	Retention 97% Attendance 84%	Retention 94% Pass Rate 85% Attendance 82%	Retention 96.9%* Pass rate – N/A Attendance 84.3%*
11.	Provide updated detailed ward level data on predicted demand and capacity by April 2018 for 30 hours of funded child care for 3 and 4 year olds of working parents	New	Ward level demand and capacity data April 2018	More detailed information on sufficiency and demand now available. Currently working on collating information from providers and linking this to January 18 EY Census data to have more in depth understanding

We are measuring this priority by:		2016/17 outturn	2017/18 Target	2017/18 Outturn
12.	Action plan in place by December 2017 which addresses the wards with insufficient childcare and work with prospective providers to increase capacity	New	Action Plan December 2017	Work underway to increase capacity in the identified wards. This includes a project to recruit and train new childminders in two target areas of the borough..
13.	100% of Special Educational Needs Statements in the statutory specified groups converted to Education, Health and Care plans	>50%	100%	97%
14.	Number of 16/17 year old in emergency shared nightly paid accommodation (age as at 31st March)	0	0	0
15.	Number of families with dependent children in shared B&B for over 6 weeks	1	0	0

\*- At end of Spring Term 2018

## Priority Outcome 2

**Ambitious for all our children and young people through:-**

**Providing the best possible service to deliver appropriate support to all children and young people**

**As at the end of March 2018, 6 out of 18 actions being progressed are on track with 12 actions requiring more work.**

No	We aimed to	RAG status	Actions	End of March 2018 update	Between April 2018 and September 2018we are focusing on...
2.1	Vulnerable children and young people are encouraged to have high aspirations for their future	Amber	a) Encourage Children Looked After to participate in their plans to enable focus on their needs to bring about change	The Children Looked After and Corporate Parenting Strategies have been launched. Priorities include ensuring that the views of Children Looked After are gathered, both individually and collectively to enable the use of information from consultation and engagement activity to bring about change.	Reviewing the impact of the each Strategy to see if they have been effective in bringing about change within service provision. Bright Spots have been commissioned to evaluate services through engagement with children looked after and care leavers.
		Amber	b) Continue to encourage young people to participate in education, employment and training opportunities such as further education, apprenticeships and work based training	A NEET Panel was introduced to review the engagement of NEET and hard to reach young people. This multi-agency group includes Bromley Education Business Partnership and Job Centre. It discusses possible pathways and providers, creating individualised targets and activities for both the young person and the professionals involved. The Access and Inclusion Services has identified alternative pathways for young people not engaged fully with mainstream schooling. 20 KS4 students are engaged in alternative provision. Many have already secured their post 16 pathways. Workers have been located in the Virtual School and Leaving Care Teams to work with those who are NEET.	Identifying our NEET cohort and supporting our young people into education, employment and training opportunities. The Access and Inclusion Service is working with the Trading Standards Team and local employers to develop a diverse offer for young people in KS4.

No	We aimed to	RAG status	Actions	End of March 2018 update	Between April 2018 and September 2018we are focusing on...
2.1	Vulnerable children and young people are encouraged to have high aspirations for their future	Amber	c) Be ambitious for our Children Looked After and young people and support them in leading successful, fulfilling and economically independent lives	The Children Looked After, Care Leavers and Corporate Parenting Strategies all include these aspirations. The Virtual School provides advice, guidance and support to ensure that children and young people are able to achieve the best possible outcomes. The service also holds an annual celebration of achievement event to recognise progress being made. The Care Leavers Forum has been established and held a Celebration of Achievement. Care leavers are being offered apprenticeships as well as shadowing opportunities over the summer by partners.	Improving the quality of advice and guidance provided in Personal Education Plans. Supporting young people being discussed at the NEET panel. Listening to our care leavers and providing the support that they need.
		Amber	d) Evaluate services that support children and families living with domestic violence, drug and alcohol misuse, and parental mental ill health, to ensure that these are making a difference and improving circumstances for children and young people	The 2016 JSNA includes analysis on parental mental ill health and drug and alcohol misuse. This document is currently being reviewed and updated. The Children's Commissioning Strategy has been reviewed and updated to include monitoring and reviewing of commissioned services	Monitoring and review the impact and effectiveness of our commissioned services.

No	We aimed to	RAG status	Actions	End of March 2018 update	Between April 2018 and September 2018 we are focusing on...
2.2	Children and young people are supported to achieve their maximum potential	Amber	<p>a) Enhance short breaks opportunities for disabled children and young people through:-</p> <ul style="list-style-type: none"> <li>• Provision of personal budgets enabling parents/carers to implement innovative solutions to meet their child's needs</li> <li>• On line self assessment through Bromley MyLife for children with lower level support needs</li> <li>• Development work with Mytime Active to increase the range of short breaks available borough wide</li> </ul>	<ul style="list-style-type: none"> <li>• The Disabled Children's team offer personal budgets to deliver the short breaks offer. These can be used through identifying their own provision (usually through direct payments), through services commissioned by the Local Authority or a combination of both to achieve agreed outcomes. Direct payments offer flexibility with how they can be spent in meeting the identified outcomes. They are predominantly focussed on providing a short break for parents/carers, whilst also providing an enjoyable experience for the child/young person.</li> <li>• There have been 88 on line assessments completed since June 2017. This has decreased the level of assessment required to receive a low level short break. This has usually led to a swifter decision and, where eligible, the provision of short breaks being provided earlier.</li> <li>• A commissioning initiative was implemented to offer a wider range of small grants (short breaks under £5,000) and interested parties were invited to bid, which included Mytime Active. However, there was not sufficient interest by providers to take this forward.</li> </ul>	<p>The Disabled Children's Team and the Joint Commissioning Manager will be considering this financial year how Mytime Active can be used to support more short break opportunities for disabled children and young people.</p> <p>Direct Payments, including those for children and young people, are being reviewed.</p>

No	We aimed to	RAG status	Actions	End of March 2018 update	Between April 2018 and September 2018we are focusing on...
2.2	Children and young people are supported to achieve their maximum potential	Amber	b) Through collaborative work with Bromley schools, improve and support inclusive practice for pupils with Social, Emotional and Mental Health Needs (SEMH)	Since September 2017, the Inclusion Support Advisory Teaching Service has supported schools with their work with over 100 young people. The Authority has provided forward funding for two years to support an outreach service in primary schools. This was launched in April and is working well in sustaining school placements. SENCo Fora are held monthly and are well attended by schools. The most recent attracted 64% of all Bromley Schools. Workers from CAMHS are locating with the Children Looked After Team to provide mental health support.	The Council is working closely with CAMHS and Bromley Y to develop a continuum of Mental Health support at universal, targeted and specialist levels. A steering group of Headteachers will be formed to monitor the work of the Outreach Service and embed early help across schools. An all schools event focusing on information sharing for the most vulnerable pupils in schools transitioning between primary and secondary schools will be held in July.
		Green	c) Support young disabled adults to travel independently through the continuation of a travel training programme	The programme has delivered its target numbers of 15 passes for the autumn term 2017, and continues to train suitable pupils to become independent travellers and contribute to improving life chances.	
		Green	d) Implement Primary and Secondary School Development Plans (including expansions) to provide additional school places for September 2018 and beyond, with focus on areas of concentrated demand	The new School Place Planning Strategy 2018-22 has been considered by School Places Working Group. Individual projects: <ul style="list-style-type: none"> <li>• Works at St George's Bickley CE Primary completed to expand school from 1.5 to 2 FE</li> <li>• Contract awarded for works to expand Bishop Justus from 6 to 8FE</li> <li>• Works on new block at Poverest nearing completion</li> <li>• Main works have started on new teaching block at Leasons Primary School</li> </ul>	Final School Place Planning Strategy 2018-22 published. Individual projects: <ul style="list-style-type: none"> <li>• Castlecombe KS2 expansion works handed over in May 18</li> <li>• Award of contract for Phase 2 works at Stewart Fleming</li> <li>• Award of contract for new early years block at Oaklands Primary School</li> <li>• Procurement of refurbishment works at former EDC building for Trinity CE Primary School</li> <li>• Ongoing works at Leasons, Poverest and Bishop Justus schools</li> </ul>

No	We aimed to	RAG status	Actions	End of March 2018 update	Between April 2018 and September 2018 we are focusing on...
2.2	Children and young people are supported to achieve their maximum potential	Green	e) Work with the Education Funding Agency (EFA) to support the creation of free schools where they address basic need or diversity of provision	Bullers Wood School for Boys due to open in temporary accommodation admitting first cohort in September 2018 Eden Park High School gained consent to reserved planning matters in February 2018 and the programme is on schedule for the school to move to its new accommodation in September 2019.	New planning application and appeal to be submitted by ESFA for Bullers Wood School for Boys. Works on schedule for Langley Primary School to move to new site on Hawksbrook Lane from September 2018. Further discussions with ESFA on SHaW Futures Academy and Harris Sydenham proposals.
		Amber	f) Ensure sufficient supply of specialist and alternative provision to meet local need and reduce reliance on out of borough placements	Works have started on Phase 2 of Bromley Beacon Orpington, with the school admitting KS2 pupils. Works continuing on improvements and expansion of existing resource provision at Tubbenden Primary School.	Development of new place planning strategy for SEN. New resource provision opening at Pickhurst Junior School.
		Green	g) Agree intervention and support to those remaining maintained schools below 'Good' and/or with emerging concerns to ensure improvement in under performing schools or manage a risk of a fall in standards	During current academic year support provided to 1 maintained school with below "Good" and 2 maintained school with emerging concerns. In addition, holistic support being provided for 1 school with academy status who has remained Requires Improvement for successive inspections.	Continuing support for 2 maintained and 1 academy school. Working with all schools to improve achievement across disadvantaged pupil cohorts.

No	We aimed to	RAG status	Actions	End of March 2018 update	Between April 2018 and September 2018we are focusing on...
2.2	Children and young people are supported to achieve their maximum potential	Green	h) Deliver support and challenge for Early Years providers, in line with statutory requirements, focusing on those receiving a less than 'Good' Ofsted inspection outcome and those registered but which have not yet had their first inspection	Quality Improvement Officers have provided regular support to providers with below Good gradings and those awaiting their first graded inspection. The team also identified some providers where there are concerns in their practice but who are currently graded good and due an inspection. These providers have been supported to develop an improvement action plan to address the concerns.	Preparing to launch the Healthy Early Years London Awards. The audit for the awards, when piloted, helped settings to improve their overall practice. Developing the whole sector's knowledge and skills around SEND through workshops, a conference and toolkit developed through funding from the DfE. Training the Quality Improvement Advisors to deliver the WRAP workshop and thus increase the capacity of the team to meet demand for training. Relaunching the hub initiative with partners to enable a greater uptake.
		Amber	i) Support 7 remaining Primary Maintained Schools and 3 Special Schools to convert to academy status	6 maintained primary schools remain, of which 1 is in process of conversion, and 2 special schools remaining.	Continuing support for schools working towards conversion

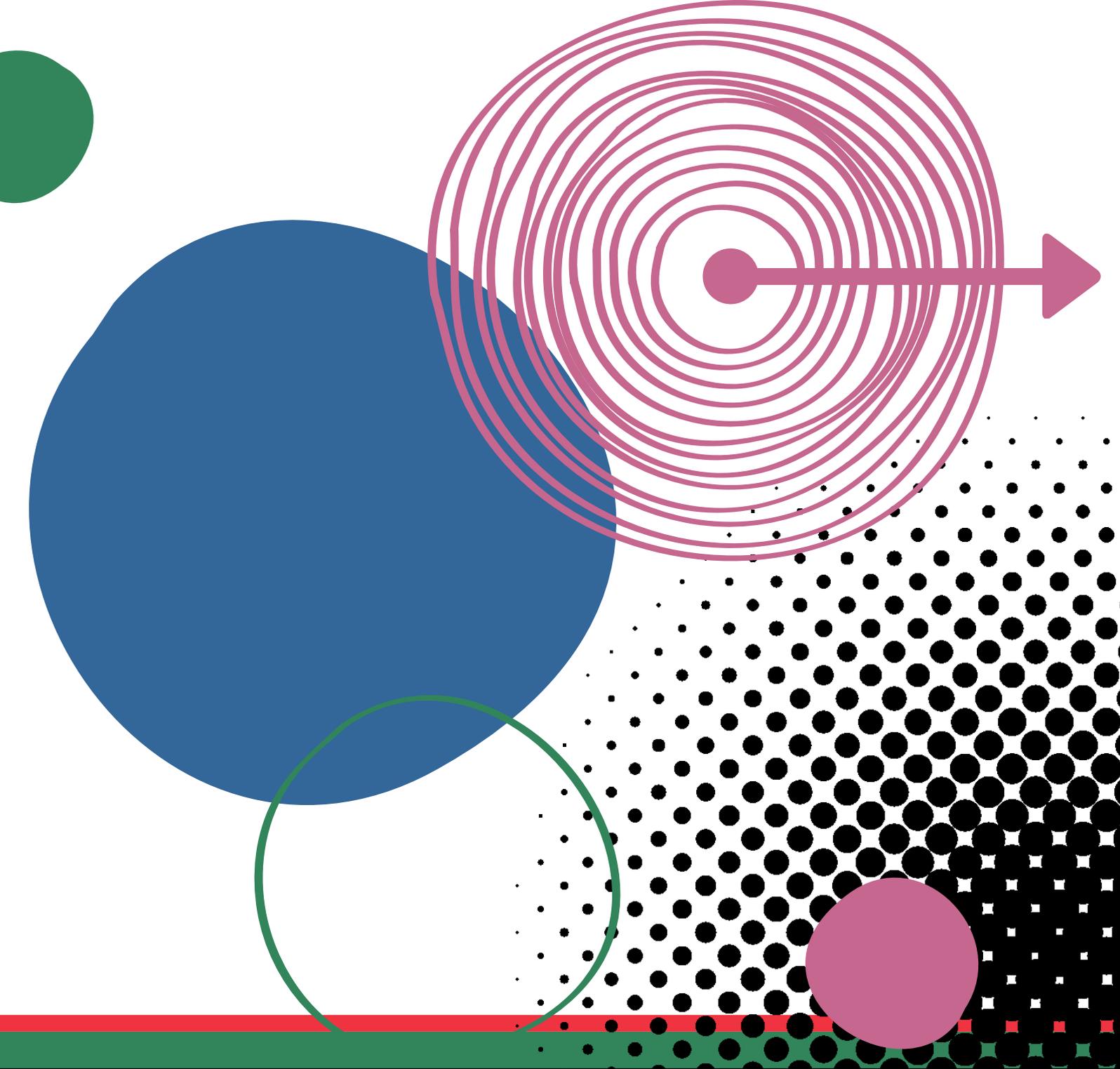
No	We aimed to	RAG status	Actions	End of March 2018 update	Between April 2018 and September 2018 we are focusing on...
2.2	Children and young people are supported to achieve their maximum potential	Amber	j) Improve life outcomes for young people with Special Educational Needs and Disabilities transitioning from Children's Services to adult life	Through the Self-Evaluation of the SEND Reforms and the action plan, this has been recognised as an area of weakness. We have invested in a specific role (Transition Programme Manager) to oversee improvements in this key area. The role has been agreed for three years and was appointed to in April 2018.	<ul style="list-style-type: none"> <li>• Initial scoping work across a range of partners and key stakeholders in the local area.</li> <li>• Transition protocol developed through consultation with services, clients and stakeholders – aligns to the requirements in legislation.</li> <li>• SEND Reforms – ensuring social care engagement is strong and reviewing current baselines to demonstrate progress in: supported internships, work experience, 18-25yr olds in supported living, 16-19 NEETs and volunteering, identifying relevant gaps in provision</li> <li>• A set of challenging cases (including LGO) will be selected and reviewed to identify issues and lessons learned to improve pathways</li> <li>• TPM will lead on the DfE 'preparation for employment' grant, which supports young people with SEND to progress into employment, with sustained outcomes. It will also support an increased awareness and engagement from employers to enable more young people to enter into a range of employment options.</li> </ul>

No	We aimed to	RAG status	Actions	End of March 2018 update	Between April 2018 and September 2018we are focusing on...
2.2	Children and young people are supported to achieve their maximum potential	Amber	k) Improve the efficiency and delivery of services for children with the most complex and specialised needs (Dynamic Purchasing System), where needs cannot be met in a local school	A review of the current situation has taken place and consulted on throughout the local area. A Quality Assurance lead has been appointed to review systems and processes, which are being tightened, with more robust scrutiny on decision making. Support and challenge is increasing to demonstrate that schools are putting in the right support for CYP and maximising resources available to them. The DPS is being reviewed across the South East Commissioning Group with an action plan in development.	<ul style="list-style-type: none"> <li>• Action plan for the use and efficiency of the DPS to improve the robustness of services for CYP who may require an independent specialist setting.</li> <li>• Complete a special school sufficiency exercise which identifies the borough's future requirements for school places, including specialist provision.</li> <li>• Quality assurance process is formalised for all placements, with a key focus on out of borough placements to ensure high quality provision, strong outcomes and value for money.</li> </ul>
		Green	l) Encourage customers to share their experiences of our services through compliments and complaints, using the lessons learnt to work with families to improve delivery of, and limit complaints relating to, services for children with Special Educational Needs	There has been stability in the number of complaints about SEN during 2017/18; fewer complaints have been about the quality of service but there have been more about responses and actions being carried out in a timely manner. Complaints about SEN Transport have increase by 45% from 6 in 11/17 to 11 in 17/18. These have related to disputed decision and the quality of service provided.	Complaints will be investigated to understand what lessons can be learnt to reduce numbers in the future.

No	We aimed to	RAG status	Actions	End of March 2018 update	Between April 2018 and September 2018 we are focusing on...
2.3	Children and young people are supported to access opportunities for positive activities and encouraged to have happy and healthy lifestyles	Amber	a) Ensure adequate provision of foster placements for older children, children and young people from an ethnic minority background, and ensure a sufficient level of support for foster carers	There are now 54 carers who are approved to care for children 13 and over and 33 carers from an ethnic minority background. Foster carers are now supervised at least every four weeks. Foster carers are being recruited to provide support through mother and baby placements and for those who are most challenging on the periphery of or involved with the police. A Senior Social Worker attends Stability Placement Meetings, Additional accredited training is available through Bromley College.	A Fostering out of hours service is starting in July 2018 which will be accessible to carers weekday evenings and 9am to 10pm during Bank holidays and weekends. Additional support is available through the Emergency Duty Team outside of these times. A psychiatrist from Coram therapeutic services will be accessible to carers from this summer.
		Amber	b) Ensure quality of care and value for money of commissioned Children Looked After placements through a programme of continual review	The Commissioning and Sufficiency Strategies have been reviewed and updated to ensure that placements are of high quality and value for money. The Fostering Service has been restructured which has increased the number of foster carers. A programme of training and support has been strengthened to reduce placement breakdowns.	The service will continue to monitor and review the impact of these changes.

We are measuring this priority by:		2016/17 outturn	2017/18 Target	2017/18 Outturn
1.	Reduction in exclusions in Bromley schools	15 Primary 44 Secondary (16/17 financial year)	0 exclusions	5 Primary 64 Secondary (17/18 financial year)
2.	All on time applicants are able to receive a school place within published timescales	100%	100%	100%
3.	% of on time applicants receiving their first choice of school	85% Primary 72% Secondary	N/A	86% Primary 69.5% Secondary

We are measuring this priority by:		2016/17 outturn	2017/18 Target	2017/18 Outturn
4.	Number of Early Years providers achieving Ofsted outcomes of 'Good' or above at their initial grading inspection	45 visits to pre Ofsted grading providers (Spring Term)	90%	86.12%
5.	Active Early Years providers graded 'Below Good' achieve an improved grading at their following inspection	30 visits to 'Below Good' (Spring Term)	80%	93%
6.	30 workshops and information sessions delivered to 600 Early Years practitioners, including safeguarding	12 safeguarding related courses training 271 delegates (Spring Term)	30 workshops 600 practitioners	38 sessions 745 practitioners*
7.	4 new Early Year partnership Hubs established and operational by April 2018	New	4	2
8.	Achieving 10 school conversions to academy status by 1st September 2018	3 primary school conversions in progress (Spring Term)  7 primary schools exploring options (Spring Term)	10	3 conversions completed to date during 2017/18 academic year. 1 further primary school conversion in progress
9.	All maintained schools Ofsted profile grades at 'Good' or better	Four local authority maintained schools received support in the Spring term, none of which were inspected during this period	All 'Good' or better	1 maintained school at RI (not reinspected during this period). All others "Good" or better
10.	Total number of fostering households (Mainstream, Respite, Connected Persons (fully approved))	Mainstream - 96 Respite - 11 Connected Persons - 5	N/A	Mainstream 95 Respite 9 Connected Persons 14



# Children, Education and Families

## Portfolio Plan for 2018 to 2022



THE LONDON BOROUGH

Message from

## **Councillor Peter Fortune**

Children, Education and Families  
Portfolio Holder



[Message to go here following comments at  
the Children, Education and Families Select  
Committee]



# Background

The Education, Care and Health Services (ECHS) department is responsible for people based services across the London Borough of Bromley. We are the largest borough in London covering 150 km<sup>2</sup>, with a growing population of over 330,000 (2017) <sup>[1]</sup>.

Our department has a significant role in leading and delivering the following:

- Bromley's housing strategy and operations
- supporting and enabling adults with physical and learning disabilities or mental ill-health
- support for carers
- safeguarding adults and children
- education services
- special educational needs
- youth offending services

Services are delivered through five operational divisions:

- **Adult Social Care**
- **Children's Social Care**
- **Education**
- **Housing**
- **Public Health**

These five operational divisions are supported by two strategic divisions:

- **Programmes** leading our commissioning function
- **Strategy, Performance and Business Support** which sets our strategic priorities and monitors our effectiveness

As a collective, the seven divisions come together as the ECHS department to deliver the priorities of the following portfolios:

- **Adult Care and Health**
- **Children, Education and Families**
- **Renewal, Recreation and Housing**

[1] GLA 2015 round SHLAA-based population projections: Capped Household Size Model, Released February 2017



# The ECHS department vision, strategic priorities and values

## Vision

The ECHS department aims to:

*Work together with agency partners, to ensure that every resident in Bromley needing our support has the right help at the right time to keep them safe, and to meet their needs, so that they achieve, thrive and reach their full potential*

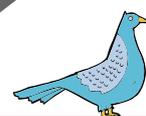
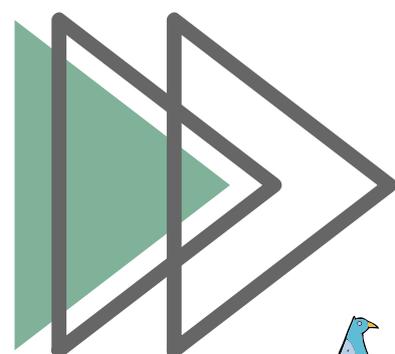
*ECHS department  
'Our Journey to Excellence', 2017*

## Strategic priorities

Through the business planning process the ECHS department have identified the following six priority objectives which reflect their vision and aims.

The rationale and evidence base underpinning each of these strategic priorities is presented in more detail in the next section. An action plan is presented from page 14.

The ECHS Departmental Leadership Team (DLT) will monitor this plan and its correlating key performance indicators quarterly.



# ECHS department priorities



## Priority One: **Safeguarding**

Ensure effective arrangements are in place to respond to safeguarding risks. This will prevent the escalation of issues to keep our children and vulnerable adults safe.



## Priority Two: **Affordable, decent and secure homes**

Enable residents to access and sustain a place to live that is affordable, decent and secure.



## Priority Three: **Life chances, resilience and wellbeing**

Every child, young person and adult should have access to a good education and services. This will support their health and wellbeing and enable them to achieve their potential. Our residents should have access to preventative early help which is vital to preventing problems getting worse.



## Priority Four: **Implement the SEND reforms**

Implement the special educational needs and/or disabilities (SEND) reforms. Improve the identification, assessment of need and provision for our children and young people up to age 25. Ensure sufficient, appropriate and good quality provision within a sustainable financial envelope.



## Priority Five: **Integrated health and social care**

Work effectively with health agencies to provide the right specialist, holistic help and support that our residents need.



## Priority Six: **Ensuring efficiency and effectiveness**

We remain committed to delivering high quality services that make a positive difference to people's lives.

## Departmental values

**Underpinning the ECHS department vision and priorities are a set of values that are at the heart of what the department believes.** They shape how the department wants to work with their external stakeholders, service users, staff and partners to achieve their objectives.

### Right services at the right time

We will intervene with children, families and adults at the right time. We will develop a thorough understanding of the needs and the risks to each individual. We will also understand their experiences, views and wishes. We will only intervene with individuals when we need to. We will reduce and then withdraw support as soon as we are confident they can support themselves independently.

### Early help and good quality intervention

It is vital to intervene when problems first appear to prevent them from getting worse. We will focus on developing resilience in our communities. We will help children, families and adults recover, recuperate and rehabilitate when they need to. This will help them to live as independently as possible.

### Working together

Working together is essential to providing the right specialist and holistic help and support that our residents need. We can only support our children, families and adults effectively through multi-agency partnerships. By working together across our service areas we will collectively support our residents. This will provide good outcomes to our users whilst also ensuring we achieve value for money for taxpayers.

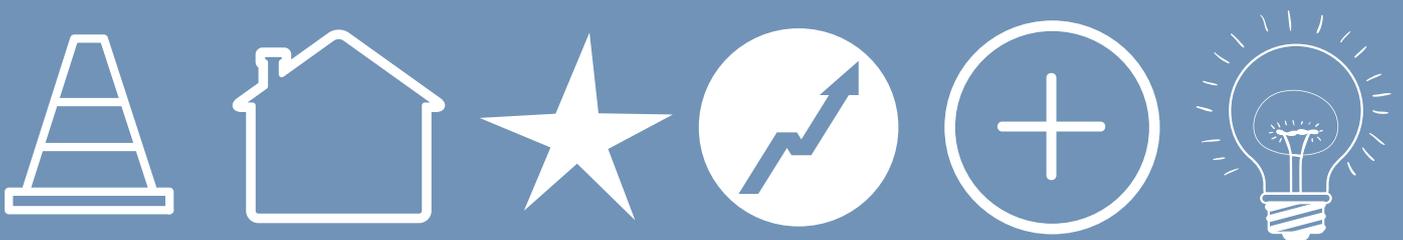
### Listening and valuing diversity

We listen to our users. We understand their experiences. We build effective working relationships with them and their carers. This is at the heart of what we do. We will always treat our users with respect. We will respect and celebrate diversity and differences in our families. We will ensure that diversity is properly understood and considered. It will shape the way that we provide services to our children, families and adults.

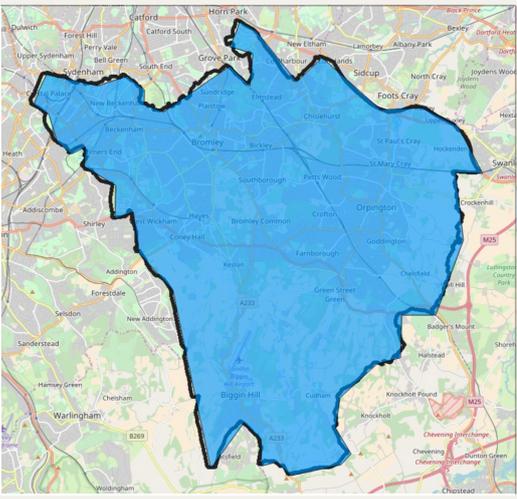
### Effective Corporate Parenting

Every child who is unable to live with their birth family will have a stable permanent family or care setting. This will be achieved with the minimum of delay and will meet his or her needs into adulthood. We will ensure that children looked after or leaving care have close attentive support. It will meet their needs. We will be as ambitious for their success as if they were our own children.

# Children, Education and Families strategic priorities



**330,000+**  
people live in Bromley



**Bromley = 150 km<sup>2</sup>**

# Our year in numbers

Approx.

**1,800**

children in need

Approx.

**2,500**

statutory assessments  
completed by  
Children's Social Care

Just under

**300**

children in care



**846**

children supported through an early help Common Assessment Framework (CAF) Assessment

**93%**

of primary school pupils received a school place of their first or second choice

**84%**

of secondary school pupils received a school place of their first or second choice



## Priority: Safeguarding

**Ensure effective arrangements are in place to respond to safeguarding risks and prevent the escalation of issues. This will keep children and vulnerable adults safe.**

**Safeguarding children and adults is everyone's business.**

Our Children's Social Care division undertakes approximately 2,500 statutory assessments a year.

On average we are safeguarding 230 children subject of child protection plans at any one time.

Additionally, we support approximately 1,800 children in need.

We are statutory 'Corporate Parents' to just under 300 looked after children.

Since our Ofsted inspection in 2016 we have been working hard to invest in and deliver *The Roadmap to Excellence*.

Ofsted monitoring visits have recognised that our commitment and energy are resulting in improvements.

We have stabilised our workforce and are delivering on our lower caseloads promise. Although we will not be complacent.

In a recent *Children's Services Omnibus report* (2017), local authorities were asked to identify the biggest risks to service delivery. After financial pressures, the recruitment and retention of high quality social care staff was identified as being their biggest risk.

This is in the context of increasing safeguarding pressures. The *Children and Social Work Act 2017* brought in additional obligations on local authorities. These include:

- improving support for looked after children
- additional duties for those adopted and those leaving care
- enabling better learning about effective approaches to child protection and care
- establishing a new regulatory regime for the social work profession in England

The impact of these improvements is felt across the Council. The profile of vulnerable children is better understood across schools and early years settings. Partnership working to protect children is strengthened.



## Priority: Life chances, resilience and wellbeing

**Every child, young person and adult should have access to a good education and services. This will support their health and wellbeing and enable them to achieve their potential.**

**Our residents should have access to preventative early help which is vital to preventing problems getting worse.**

We continue to secure sufficient early years and school places for children in Bromley. The take up of 30 hours free childcare in Bromley is higher than for any other London borough; 1,295 children at December 2017.

Last year, 93% of primary school and 84% of secondary school pupils received a school place of their first or second choice.

Of the 103 schools in Bromley, 92 are academies.

90% of schools are graded good or better by Ofsted.

Educational attainment is good at all stages. There continues to be a gap in attainment and progress between pupils from disadvantaged groups and their peers. We want to continue to diminish that gap.

We are emphasising earlier identification of children with additional needs. We are increasing schools' capacity to support those children through training, analysis and advice.

Our review of SEND and Social, Emotional & Mental Health (SEMH) provision has highlighted the gaps in our provision. Establishing clearer and more robust pathways for support is a priority.

We aim to keep our young people in education, employment or training at least until they are 18. We have various youth employment and careers support programmes in place. Our targeted services support the most vulnerable.

Most children in Bromley grow up without needing more than the help of universal services. However, some children may have additional needs which require tailored plans of support from different agencies. This is usually for a time-limited period and at different stages of their lives.

We are committed to encouraging and supporting adults to learn.

Bromley residents are more likely than most to improve their life chances. In 2017 we were ranked 28 highest in the country in terms of resident social mobility.



## Priority: Implement the SEND reforms

**Implement the special educational needs and/or disabilities (SEND) reforms.**

**Improve the identification, assessment of need and provision for our children and young people up to age 25.**

**Ensure sufficient, appropriate and good quality provision within a sustainable financial envelope.**

The *Children and Families Act 2014* introduced reforms for children and young adults who have special educational needs and/or disabilities (SEND).

The reforms were designed to focus on aspirations. Namely, what is important to children, young people and their families. These were put at the heart of the system.

The aim was to deliver improved learning and life outcomes. This would be achieved through a new system of joined up working across education, health and social care.

In Bromley, there are just less than 2,000 children and young people with Education, Health and Care (EHC) Plans.

There are a further 5,000 who have SEND requiring additional support.

We are committed to improving the education, health and wellbeing of all our children and young people who have SEND

It has been three years since the introduction of the reforms. During 2017 we undertook a review of our arrangements for SEND in the Borough.

The SEND review examined:

- how we organise ourselves in order to meet the needs of our pupils and residents with SEND
- how we spend our resources
- how we understand and know what strengths and challenges exist in the borough
- how we know what families think of the current arrangements

This has led to us agreeing a comprehensive improvement plan, owned by the local area. The actions identified are accountable through the SEND Reforms Governance Board.



## Priority: Ensuring efficiency and effectiveness

**We remain committed to delivering high quality services that make a positive difference to people's lives.**

We want to make the best use of the resources available to us and maximise the use of our assets.

We are committed to investing in our workforce. We want them to have the right skills to deliver what our residents need.

We will continue working hard to improve customer and service user satisfaction.

We want to utilise IT effectively. We will use it to ensure that we are delivering our services as smartly as possible.

We remain committed to achieving our savings and income generation targets. We will use the corporate Service Based Review programme to help us do this.

We will explore efficient and new ways of working in our department through the review of key services.



**Priority - Safeguarding**

Ensure effective arrangements are in place to respond to safeguarding risks, preventing the escalation of issues to keep children and vulnerable adults safe.

<b>Rationale</b> Safeguarding children and adults is everyone’s business. By ensuring that effective arrangements are in place to respond to safeguarding risks we will ensure children and adults are safe and less likely to require statutory intervention.	<b>Key strategies/plans</b> <ul style="list-style-type: none"> <li>✓ Our Journey to Excellence</li> <li>✓ Older People’s Strategy</li> <li>✓ Children and Young People’s Plan</li> <li>✓ The Roadmap to Excellence</li> <li>✓ BSCB Business Plan</li> <li>✓ VAWG Strategy</li> </ul>	<b>Aligns to Building a Better Bromley</b> <ul style="list-style-type: none"> <li>✓ Supporting children and young people</li> <li>✓ Excellent Council</li> </ul>
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Action to meet priority	Detail	Measure of success	Target date	DLT Lead
Raise awareness of children and adults safeguarding	<ul style="list-style-type: none"> <li>• Work with both Children and Adult Safeguarding Board Chairs to promote multi-agency training</li> <li>• Undertake a campaign to improve awareness of adult and children safeguarding with residents and professionals to make Bromley a place where preventing abuse and neglect is everybody's business</li> </ul>	<ul style="list-style-type: none"> <li>• Training programme published and well attended</li> <li>• Annual conferences well attended</li> <li>• Campaigns launched</li> </ul>	April 2022 (annual programme)	Director Children’s Social Care  Director Adult Social Care
Maintain effective oversight of safeguarding impact	<ul style="list-style-type: none"> <li>• Implement the Children’s Performance Framework</li> </ul>	<ul style="list-style-type: none"> <li>• Weekly data delivered</li> <li>• Monthly digests delivered</li> <li>• Frameworks reviewed annually</li> </ul>	April 2022 (annual programme)	Assistant Director: Strategy, Performance & Business Support
	<ul style="list-style-type: none"> <li>• Implement programme of Children’s case audits</li> <li>• Implement programme of Housing case audits, which include safeguarding of vulnerable adults and families</li> </ul>	<ul style="list-style-type: none"> <li>• Audits completed and recommendations implemented</li> </ul>	April 2022 (annual programme)	Director Children’s Social Care  Director Housing
Implement the Children’s Improvement Plan	<ul style="list-style-type: none"> <li>• Implement actions in Children’s Improvement Plan</li> <li>• Prepare for follow up Ofsted Single Inspection</li> </ul>	<ul style="list-style-type: none"> <li>• All actions implemented</li> <li>• Improvement on Ofsted rating ‘inadequate’</li> </ul>	December 2018	Director Children’s Social Care

**Priority - Life chances, resilience and wellbeing**

Every child, young person and adult should have access to a good education and services which support their health and wellbeing and enable their potential. Our residents should have access to preventative early help which is vital to prevent problems getting worse.

<p><b>Rationale</b> We want to improve the life chances of the local population and increase wellbeing. By working in partnership with key partners and residents to identify challenges early on, we can increase the resilience of our residents and our communities, stop needs from escalating and increase social mobility.</p>	<p><b>Key strategies/plans</b></p> <ul style="list-style-type: none"> <li>✓ Our Journey to Excellence</li> <li>✓ Health and Wellbeing Strategy</li> <li>✓ Children and Young People’s Plan</li> <li>✓ Childcare Sufficiency: Annual Report</li> <li>✓ School Place Planning Strategy</li> <li>✓ Adult Education Community Learning Strategy</li> <li>✓ Education Outcomes for Children in Bromley Schools: Annual Report</li> </ul>	<p><b>Aligns to Building a Better Bromley</b></p> <ul style="list-style-type: none"> <li>✓ Supporting children and young people</li> <li>✓ Healthy Bromley</li> <li>✓ Excellent Council</li> </ul>
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<b>Action to meet priority</b>	<b>Detail</b>	<b>Measure of success</b>	<b>Target date</b>	<b>DLT Lead</b>
Develop our local school improvement strategy with schools	<ul style="list-style-type: none"> <li>• Work with schools to produce a local school improvement strategy to reflect the changing landscape of education providers and to set out how we will fit within the landscape in the future</li> <li>• In partnership with schools, explore the viability and usefulness of traded services that are financially robust, make a positive impact on improving outcomes</li> </ul>	<ul style="list-style-type: none"> <li>• Vision for education in Bromley agreed</li> <li>• Ways of working and enabling agreed</li> </ul>	April 2019	Director Education
Secure sufficient school places	<ul style="list-style-type: none"> <li>• Secure sufficient school places for pupils in Bromley</li> </ul>	<ul style="list-style-type: none"> <li>• Sufficient school places to sustain percentage of pupils offered one of their first three preferences</li> <li>• Sufficient local provision for children with special educational needs and/or disabilities (SEND)</li> </ul>	April 2022 (annual programme)	Director Education
Sufficiency for funded childcare	<ul style="list-style-type: none"> <li>• Ensure there is sufficient good quality appropriate capacity in the sector to enable 30 hours of funded childcare for two, three and four year olds of working parents entitled to free provision</li> </ul>	<ul style="list-style-type: none"> <li>• Take up of targeted childcare for two year olds</li> <li>• Take up of 15 hour and 30 hours funded offer childcare</li> </ul>	April 2022 (annual programme)	Director Education

*Priority - Life chances, resilience and wellbeing [cont'd]*

<b>Action to meet priority</b>	<b>Detail</b>	<b>Measure of success</b>	<b>Target date</b>	<b>DLT Lead</b>
Narrow the educational gap	<ul style="list-style-type: none"> <li>• Develop our capacity to challenge and support schools and other educational settings to close the achievement and progress gaps for children from disadvantaged groups</li> <li>• Develop a local offer of Alternative Provision for young people at risk of disengaging from education</li> </ul>	<ul style="list-style-type: none"> <li>• Attainment and progress gaps between pupils in disadvantaged groups and their peers reduced</li> <li>• Exclusions and persistent absence from school reduced</li> </ul>	April 2022 (annual programme)	Director Education
Keep young people in Education, Employment or Training to improve life chances	<ul style="list-style-type: none"> <li>• Meet requirements of Education, Care and Skills Act 2008 duty on all young people to participate in Education, Employment or Training until their 18th birthday</li> </ul>	<ul style="list-style-type: none"> <li>• Reduce Education, Employment or Training (NEET) figures</li> </ul>	April 2022 (annual programme)	Director Education
Eliminate permanent exclusion from primary schools	<ul style="list-style-type: none"> <li>• Set out clear and robust pathways for graduated support for children with additional needs to improve early identification</li> <li>• Develop early intervention for pupils in primary schools to reduce the need for exclusion</li> </ul>	<ul style="list-style-type: none"> <li>• No permanent exclusions from primary schools</li> </ul>	September 2018	Director Education
Improve life chances through adult learning	<ul style="list-style-type: none"> <li>• Offer targeted adult education programmes to improve the life chances of adults in our disadvantaged communities</li> </ul>	<ul style="list-style-type: none"> <li>• Increased number of participants from disadvantaged areas</li> </ul>	April 2022 (annual programme)	Director Education

**Priority - Implement the SEND reforms**

Implement the special educational needs and/or disabilities (SEND) reforms. Improve the identification, assessment of need and provision for our children and young people up to age 25. Ensure sufficient, appropriate and good quality provision within a sustainable financial envelope.

<p><b>Rationale</b>          Improve learning and life outcomes through more effective joined up working across education, health and social care for children and young adults who have special educational needs and/or disabilities.</p>	<p><b>Key strategies/plans</b></p> <ul style="list-style-type: none"> <li>✓ Our Journey to Excellence</li> <li>✓ SEND Reforms Improvement Plan</li> <li>✓ SEND Strategic Vision and Priorities</li> <li>✓ Children and Young People’s Plan</li> </ul>	<p><b>Aligns to Building a Better Bromley</b></p> <ul style="list-style-type: none"> <li>✓ Supporting children and young people</li> <li>✓ Healthy Bromley</li> <li>✓ Excellent Council</li> </ul>
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<b>Action to meet priority</b>	<b>Detail</b>	<b>Measure of success</b>	<b>Target date</b>	<b>DLT Lead</b>
Implement the SEND Reforms	<ul style="list-style-type: none"> <li>• Implement the SEND Reforms Improvement Plan</li> </ul>	<ul style="list-style-type: none"> <li>• All actions implemented</li> </ul>	April 2022	Director Education
Integrated services 0 - 25	<ul style="list-style-type: none"> <li>• Review assessment, decision making and planning processes across services to ensure that transition between children’s and adults’ services are effective</li> <li>• Improve systems for joint commissioning</li> </ul>	<ul style="list-style-type: none"> <li>• Better transitions between children’s and adults’ services for young people and their parents</li> <li>• Gaps in services identified and addressed effectively</li> </ul>	Sept 2018	Director Education  Director Children’s Social Care  Director Adult Social Care
Improved governance and inspection readiness	<ul style="list-style-type: none"> <li>• Strengthen our leadership and governance arrangements</li> <li>• Prepare for the local area SEND inspection by establishing a robust baseline, plans for rapid and sustained improvement and rigorous tracking</li> </ul>	<ul style="list-style-type: none"> <li>• Successful SEND local area inspection, demonstrating progress across all three key themes</li> </ul>	April 2019	Director Education
Local specialist SEND provision	<ul style="list-style-type: none"> <li>• Complete sufficiency review of local specialist school placements for SEND</li> <li>• Consider need for and remit of a new SEND centre of excellence in the borough</li> <li>• Establish quality assurance arrangements for commissioned placements to ensure children and young people make progress and provision secures value for money</li> </ul>	<ul style="list-style-type: none"> <li>• More children and young people attend a suitable, local school</li> <li>• Pressures on high needs Funding Block controlled</li> </ul>	Sept 2018	Director Education

**Priority - Ensuring efficiency and effectiveness**

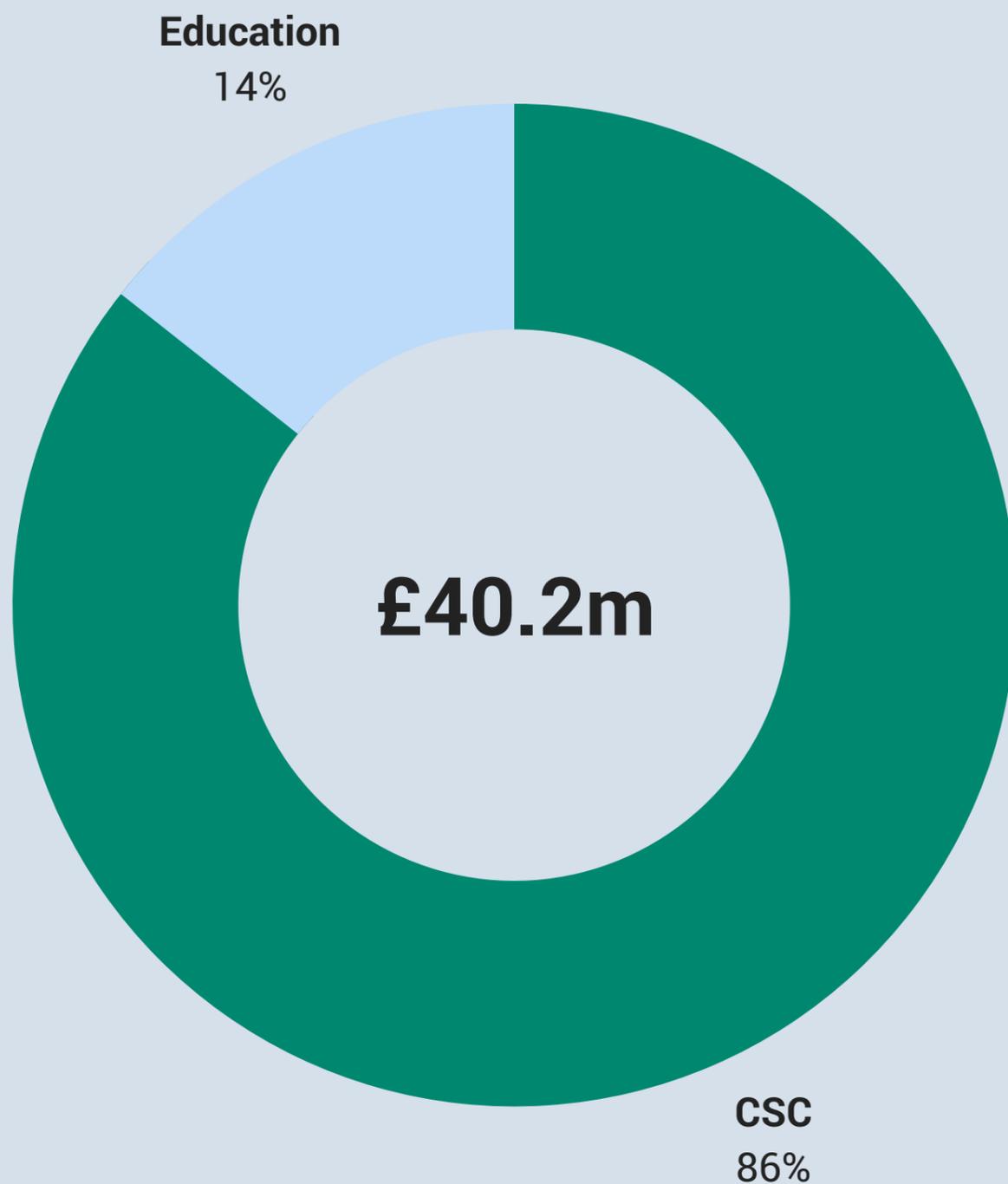
We remain committed to delivering high quality services that make a positive difference to people’s lives.

<p><b>Rationale</b> By making the best use of the resources available to us and maximising the use of our assets we will deliver efficient and effective services which make a positive difference.</p>	<p><b>Key strategies/plans</b></p> <ul style="list-style-type: none"> <li>✓ Our Journey to Excellence</li> <li>✓ Commissioning Strategy</li> <li>✓ Contract Monitoring &amp; Management in Bromley</li> <li>✓ Performance Management Framework(s)</li> <li>✓ Risk Management Log</li> </ul>	<p><b>Aligns to Building a Better Bromley</b></p> <ul style="list-style-type: none"> <li>✓ Excellent Council</li> </ul>
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<b>Action to meet priority</b>	<b>Detail</b>	<b>Measure of success</b>	<b>Target date</b>	<b>DLT Lead</b>
<p>Ensure that our approach to commissioning is robust</p>	<ul style="list-style-type: none"> <li>• Contracts are procured on time, deliver value for money and the ‘right’ outcomes for children, families and adults</li> <li>• Make smarter use of data and intelligence to understand the needs of our residents and how effective we are at achieving their desired outcomes</li> </ul>	<ul style="list-style-type: none"> <li>• Good contract outcomes</li> <li>• All existing contracts are reviewed to ensure outcomes, KPIs, performance reporting etc</li> </ul>	<p>April 2022 (annual programme)</p>	<p>Director Programmes</p>
<p>Understand the perspective of service users and residents</p>	<ul style="list-style-type: none"> <li>• Develop a User Voice Framework and regular approach to feeding back intelligence</li> </ul>	<ul style="list-style-type: none"> <li>• User Voice Framework implemented</li> <li>• Improved approach to engagement</li> <li>• Improved understanding of what our service users are telling us</li> </ul>	<p>Dec 2018</p>	<p>Assistant Director Strategy, Performance &amp; Business Support</p>

# Portfolio finances 2018/19

## Controllable budgets



### Care Services Portfolio

- Adult Social Care = £63.4m
- Programmes = £1.1m
- Operational Housing = £5.2m
- Public Health = £0.05m
- Strategy, Performance and Business Support Service = £2.6m
- **Total = £72.5m**

### Education, Children & Families Portfolio

- Children's Social Care = £34.4m
- Education = £5.7m
- **Total = £40.2m**

*Produced by:*

Strategy, Performance and Business Support  
LONDON BOROUGH OF BROMLEY  
Civic Centre, Stockwell Close,  
Bromley BR1 3UH



Report No.  
ED18062

## London Borough of Bromley

### PART ONE - PUBLIC

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**Decision Maker:** Education Children and Families Budget and Performance Sub-Committee

**Date:** 18 July 2018

**Decision Type:** Non-Urgent                      Non-Executive                      Non-Key

**Title:** Performance Reporting – Children’s Scrutiny Dataset

**Contact Officer:** Naheed Chaudhry, Assistant Director Strategy, Performance and Business Support  
Tel: 020 8461 7554 E-mail: naheed.chaudhry@bromley.gov.uk

**Chief Officer:** Ade Adetosoye, Deputy Chief Executive and Executive Director Education, Health and Care

**Ward:** All

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1. Reason for report

1. To provide the Sub-Committee with a regular update on the performance of services for children. The performance index provided in appendix one is as at the end of May 2018.
- 

2. **RECOMMENDATION(S)**

1. The Sub-Committee note and comment on the May 2018 outturn of key performance indicators and associated management commentary.

### Corporate Policy

1. Policy Status: Not Applicable
  2. BBB Priority: Children and Young People
- 

### Financial

1. Cost of proposal: No Cost
  2. Ongoing costs: Not Applicable
  3. Budget head/performance centre: N/A
  4. Total current budget for this head: N/A
  5. Source of funding:
- 

### Staff

1. Number of staff (current and additional):N/A
  2. If from existing staff resources, number of staff hours: N/A
- 

### Legal

1. Legal Requirement: Non-Statutory - Government Guidance
  2. Call-in: Not Applicable
- 

### Customer Impact

1. Estimated number of users/beneficiaries (current and projected):
- 

### Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments:

### 3. COMMENTARY

- 3.1 In January 2018, the Sub-Committee received a draft of a new performance management framework document in respect of children's services. This document described the roles and responsibilities of elected members and officers in managing the performance of the council's services for children and families. The specific responsibilities of the Education, Children and Families Select Committee and its Budget and Performance Sub-Committee were identified as *'receiving reports on performance, asking challenging questions about areas of underperformance, and making recommendations accordingly to the Executive'*.
- 3.2 The accompanying report recommended that Sub-Committee should, on behalf of the Select Committee, receive a regular update on a suite of performance measures in respect of children's services. This would be over and above more detailed reports on specific areas of practice – eg Corporate Parenting reports; annual School Standards reports – already received by the Sub-Committee. The suite would be selected from the much wider set of data collected and reported both internally and externally in respect of children's services and would act as a regular 'health check' on key areas of service delivery to enable scrutiny and enquiry from elected members.
- 3.3 The Sub-Committee agreed a proposed suite of indicators in March 2018 and agreed to receive four performance reports a year. Where appropriate, Directors have attributed either a target or a range of acceptable performance/outturns alongside trend and benchmarking data, these allow Members to be alerted to issues where they need further exploration only. It was agreed that the quarterly reports would provide management commentary against those indicators that were performing below expectation. Directors would also report on any other indicators not in the index, by exception, should they have particular concerns or if they wished to report particularly good performance.
- 3.4 Directors have provided number and percentage outturns in order to allow the Scrutiny Committee to gain a sense of scale and relativity. It was agreed that the suite of indicators would be reviewed annually and changed only on a periodic basis.
- 3.5 It is worth noting that the committee will also be in receipt of the regular Finance, Contracts Register and Risk Register updates, these will provide some reassurance under the broader performance management framework.
- 3.6 **MANAGEMENT COMMENTARY ON EXCEPTION – Index indicators performing below expectation.**
- 3.7 As at the end of May 2018, the following Children's Scrutiny Dataset key performance indicators were performing below expectation.
- 3.8 **Indicator 16: % of reviews completed within timescale for Children subject of a Child Protection Plan (AMBER)**
- 3.9 As the end of May 2018, 94% of Child Protection reviews were completed in a timely way; performance is above the national comparator of 92%, but below the London average of 96% and our ambitious target range of 95% to 100%. The late reviews were in relation to two sibling groups, where inordinate is an issue attendance of relevant agencies is escalated, at a strategic level this was also discussed at the Children's Safeguarding Board. All late cases are reviewed by senior management in Quality Assurance to ensure safety as part of our business as usual approach.

#### 4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

- 4.1 Examination of performance by elected members holding scrutiny roles is part of a broader performance management framework which supports improvement of services delivered to children, including those vulnerable to poorer outcomes.

#### 5. POLICY IMPLICATIONS

- 5.1 Following the disappointing Ofsted inspection of services to children in need of help and protection, looked after children and care leavers in 2016, the council committed to improving leadership and management of those services. The adoption of a new performance management framework is part of the overall children's services improvement plan developed following that inspection.

<b>Non-Applicable Sections:</b>	Financial Implications, Legal Implications, Personnel Implications, Procurement Implications
Background Documents: (Access via Contact Officer)	Children's Scrutiny Dataset, agreement of regular performance monitoring (March 2018) <a href="http://cds.bromley.gov.uk/ieListDocuments.aspx?CId=593&amp;MId=6166&amp;Ver=4">http://cds.bromley.gov.uk/ieListDocuments.aspx?CId=593&amp;MId=6166&amp;Ver=4</a>  Children's Performance Management Framework (January 2018) <a href="http://cds.bromley.gov.uk/ieListDocuments.aspx?CId=593&amp;MId=6069&amp;Ver=4">http://cds.bromley.gov.uk/ieListDocuments.aspx?CId=593&amp;MId=6069&amp;Ver=4</a>

#### Appendix One: Children's Scrutiny Dataset, May 2018

No.	Performance Indicators	Why is this important?	Polarity	Benchmarking and trend							RAG rating	Apr-18	May-18
				Target or Range of acceptable performance 2018/19	Bromley 2017/18	Bromley 2016/17	Bromley 2015/16	England	London				

Early Help												
1	Numbers of Children supported by the Bromley Children's Project	This is not a target measure. Numbers of CAFs undertaken and or Children supported by the Children's Project is an indicator of early identification of problems/issues for a child.	n/a	This is not a target measure	874	833	713	Local Measure	Local Measure	This is not a target measure	104	136
2	Number of Common Assessment Frameworks undertaken (CAFs)		n/a	This is not a target measure	668	726	805	Local Measure	Local Measure	This is not a target measure	33	74
3	% outcome of School Ofsted inspections good or outstanding (overall effectiveness)	Schools are subject to regulation and inspection from Ofsted. Our ambition is that LB Bromley schools are at least good or better. This measure, to be considered alongside e.g. Key Stage results, progress measures, attendance and exclusion data.	High	95-93%	93%	88%	84%	89%	93%	Quarterly		
4	Number of Primary permanent exclusions (Number YTD Academic year)	Permanent exclusion can severely disrupt a pupil's education and social networks. It can be extremely challenging to find alternative school/alternative education for pupils excluded in the secondary phase because of the nature of the factors leading to the exclusion. However, the LA has mechanisms in place to both minimise time out of education and to identify alternative provision for pupils who are permanently excluded.	Low	0	1 (Published data available July 2019)	17 (Published data available 19th July 2018)	10 (rate of 0.04)	1145 (rate of 0.02)	105 (rate of 0.01)	GREEN	0	0
5	Number of Secondary permanent exclusions (Number YTD Academic year)		Low	22-36 (rate of 0.10-0.16)	22 (rate of 0.10) (Published data available July 2019)	68 (rate of 0.31) (Published data available 19th July 2018)	31 (rate of 0.14)	5445 (rate of 0.17)	805 (rate of 0.16)	GREEN	3	2
6	% of Secondary persistent absenteeism (10% absence)	The LA monitors persistent absence in primary, secondary and special school sectors. Persistent absence harms pupils' outcomes but also triggers powers and duties the LA has to ensure pupils' attendance.	Low	11-11.9%	Available March 2019	11.0% (1854/16826)	11.3% (1896/16783)	13.5%	11.9%	Annual measure		
7	% of excess weight in children age 4-5 years (overweight and obesity)	There is concern about the rise of childhood obesity and the implications of such obesity persisting into adulthood. The risk of obesity in adulthood and risk of future obesity-related ill health are greater as children get older	Low	TBC	There is a one year time lag in the data	7.6%	8.0%	9.6%	10.3%	Annual measure		
8	% of excess weight in children aged 10-11 years (overweight and obesity)		Low	TBC	There is a one year time lag in the data	17.3%	16.2%	20.0%	19.8%	Annual measure		
9	% of all infants due a 6-8 week check that are totally or partially breastfed	Increases in breastfeeding are expected to reduce illness in young children, have health benefits for the infant and the mother and result in cost savings to the NHS through reduced hospital admission for the treatment of infection in infants (Quigley et al 2007.)	High	TBC	Working is going on with the Provider to streamline the data reporting	No data	No data	44.4%	No data	Annual measure		

Safeguarding and Child Protection												
10	Number of 'Referrals' to Children's Social Care	Measure of demand for CSC services and an identification of the effectiveness of early help. As well as if thresholds are understood by partners.	n/a	This is not a target measure	2249	3,258	2,705	646,120	100,620	This is not a target measure	224	254
11	% of statutory Assessments authorised within 45 days	Assessments are undertaken in order to identify whether or not statutory thresholds for children's social care have been met and statutory services are required. There is a 45 day statutory timescale for completion this is a measure of efficiency and effective management oversight. It is also a reflective of manageable caseloads.	High	95- 83%	88%	67%	79%	83%	82%	GREEN	91%	85%
12	Child Protection Plans rate per 10,000	This is a prevalence measure which is examined by managers and regulators alongside other rates including CiN and CLA. These provide a proxy for the 'balance' in the child care system. Can also reflect events/issues nationally e.g. media coverage of child abuse enquiries. Rates should be broadly in line with benchmarks, particularly statistical neighbours. Low rates could suggest thresholds that are too high and a failure to recognise child neglect or abuse.	n/a	39-30	30	47	32	43	39	GREEN	29	32
13	Number of children subject of a Child Protection Plan	This is not a performance measure but indicates prevalence of need for intensive social care intervention. Also volume of intensive casework and social worker capacity required to fulfil statutory duties. Links to Child Protection Plans for children subject to a CP plan for the second or subsequent time in respect of decisiveness and impact of child protection interventions.	n/a	This is not a target measure	222	342	230	51,080	7,760	This is not a target measure	216	240
14	% of Children subject of a Child Protection Plan with an allocated Social Worker	It is a statutory requirement that all Child Protection Plan casework is allocated to qualified social workers. This is a proxy for high quality interventions undertaken by qualified practitioners who are subject to national professional standards	High	100%	New measure	New measure	New measure	Local Measure	Local Measure	GREEN	100%	100%
15	% of quorate attendance at child protection conferences (ICPC and Reviews)	Child protection plans almost invariably require input from a range of professional disciplines and agencies. This is a proxy for appropriate engagement of key agencies e.g. NHS; Police in Child protection planning and delivery.	High	100 - 92%	Not measured	Not measured	93%	Local Measure	Local Measure	Quarterly		
16	% of reviews completed within timescale for Children with Child Protection Plans	There is a national framework of expectations around interventions with children requiring safeguarding. This measure is a proxy for appropriate management/IRO (Independent Reviewing Officer) oversight of complex casework and decisive social work planning.	High	100 - 95%	99%	98%	93%	92%	96%	AMBER	94% 29/31	94% 44/47
Page 277	% of Children that became the subject of a Child Protection Plan for the second or subsequent time	If a second child protection plan is required for similar reasons, this could indicate potential lack of impact of earlier Child protection interventions. Often can demonstrate multiple risks/challenges faced by children and families. Prompts enquiry into whether or not other statutory interventions should be/should have been considered. Was the child removed from the plan to early? Was practice to optimistic?	Low	20- 15%	20%	21%	19%	19%	15%	GREEN	13% 2/15	17% 8/48
	Average number of weeks taken to complete Care proceedings against a national target of 26 weeks (CAFCASS definition)	It is imperative to avoid 'drift' in making permanency plans for CLA. Time taken to undertake care proceedings is a proxy for decisive casework and can be looked at alongside timeliness of achieving adoptions. Measure can be affected by issues beyond professional control e.g. court delays.	Low	26 weeks	32	32	36	31	32	Quarterly		

No.	Performance Indicators	Why is this important?	Polarity	Benchmarking and trend							RAG rating	Apr-18	May-18
				Target or Range of acceptable performance 2018/19	Bromley 2017/18	Bromley 2016/17	Bromley 2015/16	England	London				
<b>Children Looked After and Care Leavers</b>													
19	Children Looked After rate per 10,000	As above this is a prevalence measure to be looked at alongside others including CIN/CP rates and should also be, broadly, in line with London and statistical neighbours. Low rates could suggest thresholds that are too high.	n/a	39-52	42	39	40	62	52	GREEN	42	41	
20	Number of Children Looked After	As above this is compared with appropriate benchmarks and the measure also indicates professional social work capacity and placements/budgets required to fulfil statutory responsibilities.	n/a	This is not a target measure	310	288	286	72,670	9,910	This is not a target measure	311	301	
21	% of Children Looked After with an allocated Social Worker	It is a statutory requirement that all CLA casework is allocated to qualified social workers. This is a proxy for high quality interventions undertaken by qualified practitioners who are subject to national professional standards.(NB: Care Leaver often request a YPS who are not qualified social workers)	High	100%	New measure	New measure	New measure	Local Measure	Local Measure	GREEN	100%	100%	
22	% of Children Looked After cases which were reviewed within required timescales	There are statutory requirements for reviewing the care plans for CLA within set timescales. This measure is a proxy for appropriate management/IRO (Independent Reviewing Officer) oversight of complex casework and decisive social work planning.	High	100- 95%	90%	95%	88%	Not available	Not available	GREEN	93% 49/53	97% 124/128	
23	Number of in-house foster carers recruited	We have set ambitious targets for increasing the number and range of in-house foster carers. Although placements with foster carers are, almost invariably, the first option to be considered for CLA, a shortage of 'in house' carers i.e. recruited and approved by Bromley can result in placements being commissioned from independent sector providers, recruitment processes can take 5 to 7 months. Agency foster carers are often profit making organisations, carers are often not local and carers are not supported or managed by Bromley services. Also, placements are typically significantly more expensive thus adding to pressure on placement budgets. Our aim is to reduce dependency on IFA placements. This indicator should be reviewed with the numbers of children in care at any given point, the profile of these children and their likely needs and our progress in recruiting in-house foster carers. Numbers of in-house foster carers should be included in the management commentary when relevant.	High	20	14* (further 12 in process)	11	14	Local Measure	Local Measure	GREEN	0	0	
24	Number of Children Looked After who were adopted	The key aim for looked after children who cannot return to their families of origin is to find alternative permanent families. Numbers of adoptions arrangements are, therefore, closely monitored by managers. Central government, from time to time and including the present government, issues policies aimed at increasing the number of children adopted.	High	16	14	20	15	Local Measure	Local Measure	GREEN	0	2	
25	Stability of placements of Children Looked After - number of placements (3 placements or more in the year)	There are two key measures for placement stability – Placement stability is a foundation stone for improving outcomes for CLA as it enables consistent relationships between young people and their carers; consistent school placements; a settled context in which young people can develop social networks etc. While some placement moves are 'positive' – egg move to a permanent home; move to withdraw a young person from a risky environment, others occur due to egg breakdown of relationships/behaviour issues etc. and should be minimised.	Low	12-0%	12%	16%	11%	10%	10%	GREEN	0%	0.7% 2/302	
26	Stability of placements of Children Looked After - length of placement	There are two key measures for placement stability –The length of placement indicator refers to children under the age of 16 who have been in care for 2 and half years or more and have been in their current placement for 2 years or more. Placement stability is a foundation stone for improving outcomes for CLA as it enables consistent relationships between young people and their carers; consistent school placements; a settled context in which young people can develop social networks etc. While some placement moves are 'positive' – e.g. move to a permanent home; move to withdraw a young person from a risky environment, others occur due to e.g. breakdown of relationships/behaviour issues etc. and should be minimised.	High	68% (In line with national or above)	51%	58%	72%	68%	68%	GREEN	66% 47/71	71% 49/69	
27	% of Care leavers who are EET (aged 19, 20, 21) (DFE definition)	This indicator provides as with a guide to the effectiveness of Corporate Parenting in improving life changes for children in care.	High	52- 47%	46%	46%	42%	50%	52%	Quarterly			
28	% of Care Leavers in suitable accommodation (aged 19, 20, 21)	This indicator provides as with a guide to the effectiveness of Corporate Parenting in ensure Care Leavers have an appropriate safe place to live.	High	84-76%	75%	74%	70%	84%	82%	Quarterly			
29	Numbers of Care Leavers provided with starter or other tenancies		n/a	This is not a target measure	New indicator 18/19	New indicator 18/19	New indicator 18/19	Local Measure	Local Measure	This is not a target measure	0	2	
<b>Children's Social Care Caseload Promise: Average caseloads</b>													
30	Average Caseloads	Following the 2016 Ofsted inspection Bromley committed to maintaining safe caseload levels. This is a measure of manageability of Social worker workloads.	n/a	12 - 15	14	23	Not measured	Local Measure	Local Measure	GREEN	14	15	
<b>Children and Young People with complex needs</b>													
31	% of CYP (16 - 17 year olds) not in education, employment or training (NEET)	Non-participation in education, employment or training beyond age 16 is a major predictor of long-term unemployment and low income. This indicator should be reviewed alongside the 'Not Known' outturn.	Low	1.7%-1.9%	1.9% (127/6714)	1.7% (113/6728)	2.2% (1536856)	2.8%	1.9%	Quarterly			
32	% of CYP (16 - 17 year olds) education, employment or training status 'not known'	The EET status of young people can be difficult to ascertain e.g. once pupils leave school. The aim is to have a low number of young people whose EET status is 'not known'. This indicator should be reviewed along side the NEET outturn.	Low	0.7%-1.1%	0.7% (48/6714)	1.9% (125/6728)	4.0% (271/6856)	2.8%	2.7%	Quarterly			
33	Number of First Time Entrants (FTEs) to the Youth Justice System aged 10-17	Offending can be linked to factors such as truancy, low attainment, substance misuse, employability etc. and the challenge to the council, schools and partner agencies in a local area is to prevent young people from entering the youth justice system.	Low	This is not a target measure	108	88	90	15182	3090	This is not a target measure	1	6	
34	Proportion of offenders that are proven to re-offending in the youth justice system	This indicator measures the re-offending of specific cohorts of young people following an initial pre-court or court disposal.	Low	42% - 35%	35%	39%	49%	42% 2015/16	48% 2015/16	GREEN	23% 39/166	25% 41/166	
Page 278	% of Education, Health and Care plans issued within statutory 20 week timescale	In line with Children and Families Act 2014 Reform requirements, EHC plans replaced SEN Statements. They result from a multi-dimensional assessment of education, health and care needs. They specify outcomes to be achieved for a child and identify provision to meet those outcomes. There is a 20 week statutory timescale for completion, although there is a balance to be found between quality and timeliness.	High	77 - 56%	76%	53%	67%	65%	58%	Quarterly			
	Number of children/Young People discussed at MEGA	This indicator provides a guide as to the awareness of CSE risk.	n/a	This is not a target measure	New indicator 18/19	New indicator 18/19	New indicator 18/19	Local Measure	Local Measure	This is not a target measure	23	53	

Report No.  
CSD18098

London Borough of Bromley

PART ONE - PUBLIC

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**Decision Maker:** Children, Education and Families Budget & Performance Monitoring Sub-Committee

**Date:** 18<sup>th</sup> July 2018

**Decision Type:** Non-Urgent                      Non-Executive                      Non-Key

**Title:** Contract Register

**Contact Officer:** Laurence Downes, Head of Programme Delivery, Education, Care & Health Services

**Chief Officer:** Ade Adetosoye, Deputy Chief Executive and Executive Director, Education, Care & Health Services

**Ward:** All Wards

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1. Reason for report

- 1.1 This report presents an extract from March 2018's Contracts Register for detailed scrutiny by PDS Committee – all PDS committees will receive a similar report each contract reporting cycle.
  - 1.2 This report is based on information covering all Portfolios, which was produced on 16 March 2018 and presented to Contracts Sub-Committee on 29 March 2018.
  - 1.3 The Contracts Register contained in 'Part 2' of this agenda includes a commentary on each contract to inform Members of any issues or developments.
- 

2. **RECOMMENDATIONS**

That Sub-Committee:

- 2.1 **Reviews the appended £50k Contracts Register (which also forms part of the Council's commitment to data transparency); and**
- 2.2 **Notes that the Contracts Register in Part 2 contains additional, potentially commercially sensitive, information in its commentary.**

### Impact on Vulnerable Adults and Children

1. Summary of Impact: The appended Contracts Register covers services which may be universal or targeted. Addressing the impact of service provision on vulnerable adults and children is a matter for the relevant procurement strategies, contracts award and monitoring reports, and service delivery rather than this report.
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### Corporate Policy

1. Policy Status: Existing Policy:
  2. BBB Priority: Excellent Council:
- 

### Financial

1. Cost of proposal: - N/A
  2. Ongoing costs: - N/A
  3. Budget head/performance centre: Commissioning & Procurement
  4. Total current budget for this head: - N/A
  5. Source of funding: - N/A
- 

### Personnel

1. Number of staff (current and additional): - N/A
  2. If from existing staff resources, number of staff hours: - N/A
- 

### Legal

1. Legal Requirement: Statutory Requirement:
  2. Call-in: Not Applicable:
- 

### Procurement

1. Summary of Procurement Implications: Improves the Council's approach to contract management
- 

### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): N/A
- 

### Ward Councillor Views

1. Have Ward Councillors been asked for comments? N/A
2. Summary of Ward Councillors comments: N/A

### 3. COMMENTARY

#### Contracts Register Background

- 3.1 The Council has 238 active contracts with a Total Contract Value (TCV) greater than £50k and the appended Contracts Register provides summary information about the Portfolio's contracts (as of 16 March 2018 when the Contracts Database snap shot was taken).
- 3.2 The Register is generated from the Council's Contracts Database (CDB) which is administered by Commissioning & Procurement Directorate and populated by the relevant service managers (Contract Owners) and approved by their managers (Contract Approvers).
- 3.3 As a Commissioning Council, this information is vital to facilitate a full understanding of the Council's procurement activity and registers are reviewed by the Commission Board, the Corporate Leadership Team, and Contracts Sub-Committee as appropriate.
- 3.4 New registers are produced four times a year – though the CDB itself is always 'live'.
- 3.5 Each PDS committee is expected to undertake detailed scrutiny of its contracts – including scrutinising suppliers – and hold the Portfolio Holder to account on service quality and procurement arrangements.

#### Contract Register Summary

- 3.6 The table below summarises key data from the 238 contracts contained in March 2018's £50k+ Contracts Register Report (covering all six Portfolios).

#### Key Data (All Portfolios)

Item	Category	September 2017	November 2017	March 2018
<b>Contracts (&gt;£50k)</b>	All Portfolios	<b>265</b>	<b>230</b>	<b>238</b>
<b>Concern Flag </b>	All Portfolios	11	14	12
<b>Portfolio</b>	Care Services	106	91	95
	Environment	20	21	23
	Education, Children & Families	60	43	44
	Public Protection & Safety	6	6	5
	Renewal & Recreation	19	14	10
	Resources	54	55	61
<b>TOTALS</b>		<b>265</b>	<b>230</b>	<b>238</b>
<b>Risk Index</b>	Red	19	17	16
	Amber	95	77	81
	Yellow	123	103	104
	Green	28	33	37
<b>TOTALS</b>		<b>265</b>	<b>230</b>	<b>238</b>
<b>Procurement Status</b>	Red	96	91	114
	Amber	73	55	30
	Yellow	29	26	19
	Green + New	67	58	75
<b>TOTALS</b>		<b>265</b>	<b>230</b>	<b>238</b>

3.7 Key information, for this Portfolio, extracted from March's £50k+ Contracts Register.

**Education, Children & Families Portfolio**

Item	Category	September 2017	November 2017	March 2018
<b>Contracts</b>	£50k+	<b>60</b>	<b>43</b>	<b>44</b>
<b>Concern Flag</b>		0	1	0
<b>Risk Index</b>	Red	5	4	4
	Amber	22	13	13
	Yellow	23	15	16
	Green	10	11	11
<b>Portfolio Total</b>		<b>60</b>	<b>43</b>	<b>44</b>
<b>Procurement Status</b>	Red	38	25	27
	Amber	14	11	6
	Yellow	1	3	0
	Green + New	7	4	11
<b>Portfolio Total</b>		<b>60</b>	<b>43</b>	<b>44</b>

EC&F has 44 (~18%) of the Council's 238 (£50k plus) contracts

**Contract Register Key**

3.8 A key to the Contracts Register is set out in the table below.

Register Category	Explanation
<b>Risk Index</b>	Colour-ranking system reflecting eight automatically scored and weighted criteria providing a score (out of 100) / colour reflecting the contract's intrinsic risk
<b>Contract ID</b>	Unique reference used in contract authorisations
<b>Owner</b>	Manager/commissioner with day-to-day budgetary / service provision responsibility
<b>Approver</b>	Contract Owner's manager, responsible for approving data quality
<b>Contract Title</b>	Commonly used or formal title of service / contract
<b>Supplier</b>	Main contractor or supplier responsible for service provision
<b>Portfolio</b>	Relevant Portfolio for receiving procurement strategy, contract award, contract monitoring and budget monitoring reports
<b>Total Contract Value</b>	The contract's value from commencement to expiry of formally approved period (excludes any extensions yet to be formally approved)
<b>Original Annual Value</b>	Value of the contract its first year (which may be difference from the annual value in subsequent years, due to start-up costs etc)
<b>Budget</b>	Approved budget for the current financial year. May be blank due to: finances being reported against another contract; costs being grant-funded, complexity in the finance records e.g. capital (also applies to Projection)
<b>Projection</b>	Expected contract spend by the end of the current financial year
<b>Procurement Status</b>	Automatic ranking system based on contract value and proximity to expiry. This is designed to alert Contract Owners to take procurement action in a timely manner. Red ragging simply means the contract is nearing expiry and is not an implied criticism (indeed, all contracts will ultimately be ragged 'red').
<b>Start &amp; End Dates</b>	Approved contract start date and end date (excluding any extension which has yet to be authorised)
<b>Months duration</b>	Contract term in months
<b>Attention </b>	Red flag denotes Commissioning & Procurement Directorate's concern regarding procurement arrangements (also see C&P Commentary in Part 2)
<b>Commentary</b>	Contract Owners provide a comment – especially where the Risk Index or Procurement Status is ragged red or amber. Commissioning & Procurement Directorate may add an additional comment for Members' consideration <i>The Commentary only appears in the 'Part 2' Contracts Register</i>

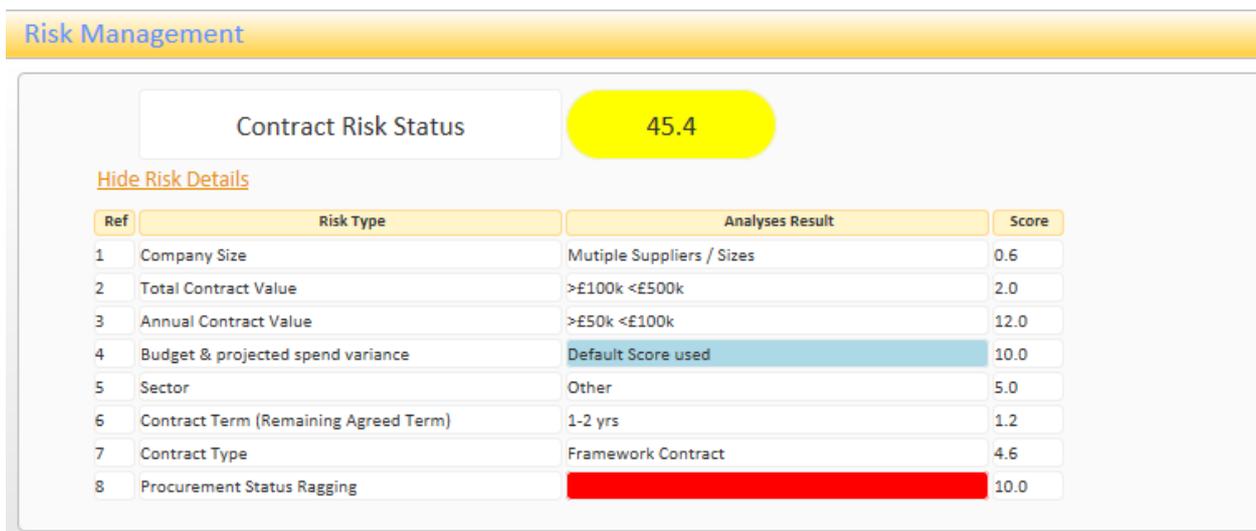
<b>Capital</b>	Most of the Council's contracts are revenue-funded. Capital-funded contracts are separately identified (and listed at the foot of the Contracts Register) because different reporting / accounting rules apply
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### Contract Register Order

3.9 The Contracts Register is output in Risk Index order. It is then ordered by Procurement Status, Portfolio, and finally Contract Value. Capital contracts appear at the foot of the Register and contracts of concern (to Commissioning & Procurement Directorate) are flagged at the top.

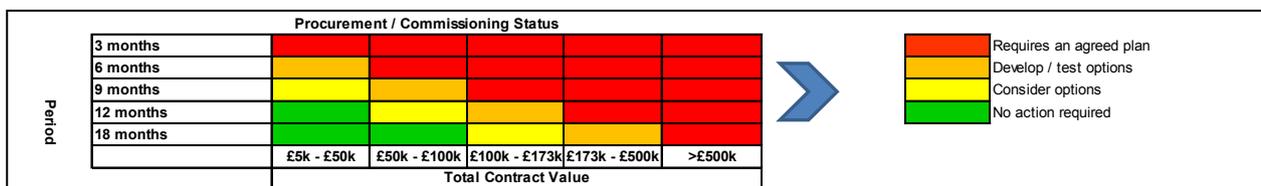
### Risk Index

3.10 The Risk Index is designed to focus attention on contracts presenting the most significant risks to the Council. Risk needs to be controlled to an acceptable level (our risk appetite) rather than entirely eliminated and so the issue is how best to assess and mitigate contract risk. Contract risk is assessed (in the CDB) according to eight separate factors and scored and weighted to produce a Risk Index figure (out of 100). These scores are ragged to provide a visual reference.



### Procurement Status

3.11 A contract's Procurement Status is a combination of the Total Contract Value (X axis) and number of months to expiry (Y axis). The table below is used to assign a ragging colour. Contracts ragged red, amber or yellow require action – which should be set out in the Commentary. Red ragging simply means the contract is nearing expiry and it is not an implied criticism (indeed, all contracts will ultimately be ragged 'red').



## 4. IMPACT ON VULNERABLE ADULTS & CHILDREN

4.1 The Corporate Contracts Register covers all Council services: both those used universally by residents and those specifically directed towards vulnerable adults and children. Addressing the impact of service provision on the vulnerable is a matter for the relevant procurement strategies, contracts, and delivery of specific services rather than this summary register.

## 5. POLICY IMPLICATIONS

- 5.1 The Council's renewed ambition is set out in the 2016-18 update to [Building a Better Bromley](#) and the Contracts Database (and Contract Registers) help in delivering the aims (especially in delivering the 'Excellent Council' aim). For an 'Excellent Council', this activity specifically helps by 'ensuring good contract management to ensure value-for-money and quality services'.

## 6. PROCUREMENT IMPLICATIONS

- 6.1 Most of the Council's (£50k plus) procurement spend is now captured by the Contracts Database. The database will help in ensuring that procurement activity is undertaken in a timely manner, that Contract Procedure Rules are followed, and that Members are able to scrutinise procurement activity in a regular and systematic manner.

## 7. FINANCIAL IMPLICATIONS

- 7.1 The Contracts Database and Contract Registers are not primarily financial tools – the Council has other systems and reports for this purpose such as FBM and the Budget Monitoring reports. However, the CDB and registers do contain financial information both in terms of contract dates and values and also budgets and spend for the current year.

## 8. PERSONNEL IMPLICATIONS

- 8.1 There are no direct personnel implications but the Contracts Database is useful in identifying those officers directly involved in managing the Council's contracts.

## 9. LEGAL IMPLICATIONS

- 9.1 There are no direct legal implications but the Contracts Database does identify those contracts which have a statutory basis and also those laws which should be complied with in delivering the contracted services.
- 9.2 A list of the Council's active contracts may be found on [Bromley.gov.uk](http://Bromley.gov.uk) to aid transparency (this data is updated after each Contracts Sub-Committee meeting).

<b>Non-Applicable Sections:</b>	None
Background Documents: (Access via Contact Officer)	Contracts Register Reports to <a href="#">Contracts Sub-Committee</a>

**Contract Register Report - £50k Education, Children and Families: March 2018**

	MAIN CONTRACT DATA						FINANCE DATA				CONTRACT TERMS					
Risk Index	Contract ID	Owner	Approver	Contract Title	Supplier Name	Portfolio	Total Value	Original Annual Value	Budget	Projection	Proc. Status	Start Date	End Date	Months Duration	Attention	Capital
●	190	Multi Emp. Post Multi Emp. Post	Gillian Palmer	Education - Provision of Full Time Education for Permanently Excluded Pupils and Pupils at Risk of Permanent Exclusion	Bromley Educational Trust	Education, Children and Families	4,515,000	1,505,000	1,472,010	1,501,945	■	01/09/2015	31/08/2018	36		
●	16	DEBI CHRISTIE	Lesley Cox	Education - Framework for Passenger Transport Services - Lot 1 - SEN and Non-SEN Children Transport Services	Multiple Suppliers	Education, Children and Families	15,644,000	3,911,000	4,706,050	4,714,838	■	01/09/2015	31/08/2019	48		
●	3684	DEBI CHRISTIE	Lesley Cox	Parallel Framework for Passenger Transport Services (SEN and Non-SEN Children & Vulnerable persons Transport Services)	Various	Education, Children and Families	15,644,000	3,911,000			■	01/09/2017	31/08/2019	24		
●	317	DEBI CHRISTIE	Lesley Cox	Education - Top-Up Funding for Burwood Special School Places (Substantive Contract)	Bromley Educational Trust	Education, Children and Families	3,175,500	1,058,500	1,831,342	1,873,572	■	01/09/2016	31/08/2019	36		
●	122	MARK SMITH	Janet Bailey	Children's - Holiday and Saturday Group Base Short Break Services for Children and Young People with Learning and/or Physical Disabilities	Riverside School	Education, Children and Families	750,000	169,133	174,260	174,260	■	01/04/2015	31/03/2018	36		
●	306	HELEN NORRIS	Lesley Cox	Education - Health Needs Child Specific Funding in Schools	Multiple Mainstream Schools and Academies	Education, Children and Families	651,900	436,950	214,950	265,394	■	01/04/2016	31/03/2018	24		
●	192	HELEN NORRIS	Lesley Cox	Education - SIPS Support to Multiple Pre-schools and Nursery Settings	Multiple Pre-schools and Maintained Nurseries	Education, Children and Families	451,400	451,400	225,700	225,700	■	01/04/2016	31/03/2018	24		
●	343	RACHEL DUNLEY	Janet Bailey	Children's Cleaning Service for Children & Family Centres & Nurseries	Lodestar Cleaning Contracts Ltd	Education, Children and Families	121,640	60,820	69,400	66,840	■	01/08/2016	31/07/2018	24		
●	1439	Multi Emp. Post Multi Emp. Post	Gillian Palmer	ICT - Capita ONE Integrated Management Information System	Capita Business Services Ltd	Education, Children and Families	246,202	123,202	125,800	125,800	■	01/04/2017	31/03/2019	24		
●	3690	MAYA VADGAMA	DEBI CHRISTIE	Travel Training Contract	Bexley Accessible Transport Scheme (BATS)	Education, Children and Families	214,000	105,000	120,000	96,000	■	01/09/2017	31/08/2019	24		
●	3741	HELEN NORRIS	Lesley Cox	Education - Health Needs Child Specific Funding in Schools 2018/19	Multiple Mainstream Schools and Academies	Education, Children and Families	214,950	214,950			New	01/04/2018	31/03/2019	11		
●	123	MARK SMITH	Janet Bailey	Children's - Network Services, inc. Child-Minding, Buddying and a Sitting Service for Children and Young People with Learning and/or Physical Disabilities	Bromley Mencap	Education, Children and Families	288,000	95,000	101,170	90,000	■	01/04/2015	30/09/2018	42		
●	3606	RACHEL DUNLEY	Janet Bailey	Health and Wellbeing Early Intervention And Prevention Services to Various Providers 2017/18	Multiple Supplier	Education, Children and Families	74,988		74,988	60,438	■	18/04/2017	31/03/2018	11		
●	125	SUE STALEY	Janet Bailey	Children's - Family Group Conference	Daybreak Family Group Conferences	Education, Children and Families	224,901	74,967	93,330	75,000	■	01/04/2016	31/03/2019	36		
●	1465	HELEN NORRIS	Lesley Cox	IT Network - IT Support and Supplies to Specialist Support and Disability Service	Structured Network Solutions UK Ltd	Education, Children and Families	66,027	22,009	9,000	9,000	■	01/02/2017	31/01/2020	36		
●	3701	MARK SMITH	Janet Bailey	THE PROVISION OF HOLIDAY AND SATURDAY GROUP BASED SHORT BREAK SERVICE FOR DISABLED CHILDREN AND YOUNG PEOPLE	Riverside School	Education, Children and Families	576,639	192,213			New	01/04/2018	31/03/2021	36		
●	3742	HELEN NORRIS	Lesley Cox	Education - Inclusion Support (SIPS) to Multiple Pre-schools and Nursery Settings 2018/19	Multiple Pre-schools and Maintained Nurseries	Education, Children and Families	225,700	225,700			New	01/04/2018	31/03/2019	11		
●	3729	STEPHEN JOHN	ADE ADETOSOYE	Your Voice in Health and Social Care	Community Waves	Education, Children and Families	158,362	80			New	01/04/2018	31/03/2020	24		
●	313	SUE STALEY	Janet Bailey	Children's - Support Services to Children at Risk of Sexual Exploitation	Barnardo's	Education, Children and Families	131,700	55,000	40,000	40,000	■	01/07/2016	30/09/2018	27		
●	189	LINDA KING	BETTY MCDONALD	Education - Post-16 Learner Tracker and Transition Support	Royal Borough of Kingston upon Thames	Education, Children and Families	126,390	42,130	44,800	42,155	■	01/04/2015	31/03/2018	36		
●	3609	RACHEL DUNLEY	Janet Bailey	Skills Acquisition Early Intervention and Prevention Services to Various Providers 2017/18	Multiple Supplier	Education, Children and Families	64,381	64,381	64,381	64,381	■	18/04/2017	31/03/2018	11		
●	179	DOREEN PENDERGAST	Multi Emp. Post Multi Emp. Post	Education - Co-ordination of admissions between 32 London boroughs	London Grid For Learning Trust	Education, Children and Families	112,000	14,000	16,771	16,771	■	01/04/2004	31/03/2020	192		
●	312	SHAM KIDANE	Janet Bailey	Children's - Independent Visitor Service for Children Looked After	Asphaleia Ltd	Education, Children and Families	79,305	26,435	25,000	17,000	■	01/08/2016	31/07/2019	36		
●	315	DEBI CHRISTIE	Lesley Cox	Education - Family Support Services for CYP with Social and Communication Needs	Bromley Mencap	Education, Children and Families	79,188	26,477	35,000	26,477	■	08/07/2016	07/07/2019	36		
●	339	BETTY MCDONALD	Janet Bailey	Education - Youth Offending Information System Annual Maintenance	CACI Ltd	Education, Children and Families	65,322	11,343	9,000	9,000	■	01/04/2013	31/03/2019	72		
●	316	DEBI CHRISTIE	Lesley Cox	ICT - Dynamic Purchasing System for SEN Placements	London Borough of Croydon	Education, Children and Families	60,000	15,000	15,000	23,750	■	01/08/2016	31/07/2020	48		
●	3712	LINDA KING	BETTY MCDONALD	Post 16 Learner Tracker	Royal Borough of Kingston upon Thames	Education, Children and Families	126,000	42,000			New	01/04/2018	31/03/2021	36		
●	2610	ROBERT BOLLEN	Gillian Palmer	Poverest Primary School Expansion Works	Neilcott Construction Ltd	Education, Children and Families	4,927,940	4,927,940			■	30/06/2017	09/11/2018	16		Capital
●	1440	ROBERT BOLLEN	Gillian Palmer	Education - Construction - New Build Extension at the Glebe	Lakehouse Construction Ltd	Education, Children and Families	3,675,725	3,675,725			■	01/04/2015	31/03/2018	36		Capital
●	1437	ROBERT BOLLEN	Gillian Palmer	Education - Construction - Castlecombe Primary School 2 Storey Extension	Neilcott Construction Ltd	Education, Children and Families	2,379,083	2,379,083			■	01/04/2017	31/03/2018	11		Capital
●	2606	ROBERT BOLLEN	Gillian Palmer	Capital Works at Leesons Primary School	The McAvoy Group Ltd	Education, Children and Families	3,599,139	2,132,000			■	01/07/2017	30/06/2019	24		Capital

Risk Index	Contract ID	Owner	Approver	Contract Title	Supplier Name	Portfolio	Total Value	Original Annual Value	Budget	Projection	Proc. Status	Start Date	End Date	Months Duration	Attention	Capital
●	3655	ROBERT BOLLEN	Gillian Palmer	Phase 1: Summer Works At Bromley Beacon Academy Orpington Campus Association With Basic Needs Provision 2014-18	Sphere Group Ltd	Education, Children and Families	320,559	320,559			■	01/07/2017	01/09/2018	14		Capital
●	3620	ROBERT BOLLEN	Gillian Palmer	Accessibility Improvement and Hygiene Suite Installation Summer Works at Crofton Junior School	Ensigna Construction Limited	Education, Children and Families	284,731	284,731			■	24/07/2017	01/09/2018	13		Capital
●	145	ROBERT BOLLEN	Gillian Palmer	Education - Construction of Modular Accommodation at Malcolm, Midfield, Scotts Park and Worsley Bridge Primary Schools	Built Offsite Ltd	Education, Children and Families	557,700	370,500			■	01/05/2015	01/09/2019	52		Capital
●	162	ROBERT BOLLEN	Gillian Palmer	Education - Consultancy Services - Multi-Disciplinary Lead Consultancy for expansion works at the Glebe	Pick Everard	Education, Children and Families	241,019	230,469			■	31/12/2013	31/03/2018	51		Capital
●	3654	ROBERT BOLLEN	Gillian Palmer	Summer Works Providing Additional Classroom and Resource Space At St John's CE Primary School	Sphere Group Ltd	Education, Children and Families	138,428	138,428			■	01/07/2017	01/08/2018	13		Capital
●	135	ROBERT BOLLEN	Gillian Palmer	Education - Construction - Asbestos Services at Various Schools re H&S Audit	Riverside Environmental Services Ltd	Education, Children and Families	132,610	132,610			■	01/06/2015	31/05/2018	36		Capital
●	136	ROBERT BOLLEN	Gillian Palmer	Education - Construction - Electrical Services Maintenance at Various Schools re H&S Audit	Melray Ltd	Education, Children and Families	121,884	121,884			■	01/06/2015	31/05/2018	36		Capital
●	332	ROBERT BOLLEN	Gillian Palmer	Education - Construction - Lightning Protection Services at Various Schools re H&S Audit	Mitie Property Services UK Ltd	Education, Children and Families	97,163	97,163			■	01/06/2015	31/05/2018	36		Capital
●	141	ROBERT BOLLEN	Gillian Palmer	Education - Construction - Mechanical Services Maintenance at Various Schools re H&S Audit	Mitie Property Services UK Ltd	Education, Children and Families	87,993	87,993			■	01/06/2015	31/05/2018	36		Capital
●	144	ROBERT BOLLEN	Gillian Palmer	Education - Construction - Water Hygiene Maintenance at Various Schools re H&S Audit	Mitie Property Services UK Ltd	Education, Children and Families	64,884	64,884			■	01/06/2015	31/05/2018	36		Capital
●	163	ROBERT BOLLEN	Gillian Palmer	Education - Consultancy Services - Multi-Disciplinary Services for Hygiene Room Equipment Store at Leesons Primary School	Keegans Ltd	Education, Children and Families	95,220	95,220			■	31/10/2014	31/10/2018	48		Capital
●	174	ROBERT BOLLEN	Gillian Palmer	Education - Consultancy Services - Project Management and Employer's Agent Services in support of the Expansion at Midfield Primary School & Burwood School	Bailey Partnership	Education, Children and Families	89,400	34,500			■	12/05/2014	30/09/2018	52		Capital
●	314	CATHERINE PIMM	ROBERT BOLLEN	Education - Consultancy Services - Multi-Disciplinary Services for the Reconfiguration and extension of SEN Provision at Tubbenden Primary School	ig9 Ltd	Education, Children and Families	65,875	65,875			■	31/07/2016	30/09/2018	26		Capital

Report No.  
ED18065

London Borough of Bromley

PART ONE - PUBLIC

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**Decision Maker:** CHILDREN, EDUCATION AND FAMILIES BUDGET AND PERFORMANCE MONITORING SUB- COMMITTEE

**Date:** Wednesday 18 July 2018

**Decision Type:** Non-Urgent Non-Executive Non-Key

**Title:** EDUCATION, CARE AND HEALTH SERVICES' RISK REGISTER – QUARTER 4, 2017/18

**Contact Officer:** Denise Mantell, Senior Planning and Development Officer  
Tel: 020 8313 4113 E-mail: denise.mantell@bromley.gov.uk

**Chief Officer:** Ade Adetosoye, Deputy Chief Executive & Executive Director: ECHS

**Ward:** N/A

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1. Reason for report

- 1.1 Risk Management is the identification, analysis and overall control of those risks which can impact on the Council's ability to deliver its priorities and objectives. Education, Care and Health Services' Risk Register covers those risks which impact on its ability to deliver its priorities and objectives. This report enables Children, Education and Families Budget and Performance Monitoring Sub-Committee to scrutinise those risks and the actions taken to control them in line with Audit Sub-Committee recommendations.
- 

2. **RECOMMENDATION(S)**

- 2.1 Members are asked to note the current Education, Care and Health Services' Risk Register and the existing controls in place to mitigate the risks.

## Impact on Vulnerable Adults and Children

1. Summary of Impact:
- 

## Corporate Policy

1. Policy Status: Not Applicable
  2. BBB Priority: Children and Young People Excellent Council Safe Bromley Healthy Bromley
- 

## Financial

1. Cost of proposal: Not Applicable:
  2. Ongoing costs: Not Applicable:
  3. Budget head/performance centre:
  4. Total current budget for this head: £
  5. Source of funding:
- 

## Personnel

1. Number of staff (current and additional):
  2. If from existing staff resources, number of staff hours:
- 

## Legal

1. Legal Requirement: Statutory Requirement Non-Statutory - Government Guidance None:  
Further Details
  2. Call-in: Not Applicable:
- 

## Procurement

1. Summary of Procurement Implications:
- 

## Customer Impact

1. Estimated number of users/beneficiaries (current and projected):
- 

## Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments:

### 3. COMMENTARY

#### Background

- 3.1 Risk Management is the identification, analysis and overall control of those risks which can impact on the Council's ability to deliver its priorities and objectives. The Education, Care and Health Services Risk Register feeds into the Corporate Risk Register, via the Corporate Risk Management Group, and comprises the high level departmental risks which are underpinned by more detailed registers contained within the divisional business plans.
- 3.2 A 'check and challenge' exercise was undertaken by Zurich, the local authority's insurers, of the Council's Risk Registers during quarters 2 and 3 2017/18. This provided the Departmental Leadership Teams and Corporate Leadership Team with an independent discussion on risk and one which challenged, refreshed and validated the current risk register content.
- 3.3 The refreshed risk registers were agreed by the Corporate Leadership Team and presented to Audit Sub-Committee on 8 November 2017. Subsequently, the ECHS risk register was presented to Education, Children and Families Budget and Performance Monitoring Sub-Committee as an information briefing on 17 January 2018.
- 3.4 Audit Sub-Committee agreed that the Corporate and Departmental Risk Registers would be reviewed at their meetings twice a year and then subsequently scrutinised by the relevant PDS Committee. Internal processes require that the departmental risk registers be updated and agreed by the Departmental Leadership Team on a quarterly basis and be reviewed by the Corporate Risk Management Group.
- 3.5 In line with recommendations from Audit Sub-Committee the ECHS risk register has been updated on a quarterly basis and agreed by ECHS Departmental Leadership Team. The Risk Register 2017 Quarter 4 update was agreed in April 2018, reviewed by the Corporate Risk Management Group and formed part of the Internal Audit Progress Report which went to Audit Sub-Committee on 24 May 2018.
- 3.6 The Education, Care and Health Services Risk Register is attached as Appendix 1. Since January 2018, when this Sub-Committee last saw the risk register, an additional risk has been added, namely Risk 22 - Failure to deliver partial implementation of Health & Social Care Integration. Members' attention is drawn to those risks of relevance to the Children, Education and Families Portfolio as detailed in the table below.

Risk Reference	Risk
1	Failure to deliver ECHS Financial Strategy
3	Failure to deliver effective Children's Services
4	Recruitment and Retention
5	Failure to deliver effective Housing Needs services
5a	Temporary Accommodation
5b	Capital Grant
6	Inability to deliver an effective Public Health service
7	Business Interruption / Emergency Planning
8	Contracts and Service Level Agreements
9	School Place Planning
10	Not in Education, Employment or Training (NEET)
11	SEN Transport
12	SEN Reforms
13	School Standards
14	Youth Offending

15	Out of Borough Placements
16	Foster Carers
17	Care Leavers' Accommodation
18	Welfare Reform
20	Data Collections
22	Failure to deliver partial implementation of Health & Social Care Integration

3.7 Mitigating actions have reduced 4 high risks to significant risk and one to medium risk, 4 significant risks to medium risk and 1 medium risk to low risk.

Level of Risk	Gross Risk		Net Risk	
	No.	%	No.	%
<b>High</b>	9	41%	4	18%
<b>Significant</b>	4	18%	4	18%
<b>Medium</b>	8	36%	12	55%
<b>Low</b>	1	4%	2	9%
<b>Total</b>	22	100	22	100

#### 4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

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#### 5. POLICY IMPLICATIONS

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#### 6. FINANCIAL IMPLICATIONS

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#### 7. PERSONNEL IMPLICATIONS

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#### 8. LEGAL IMPLICATIONS

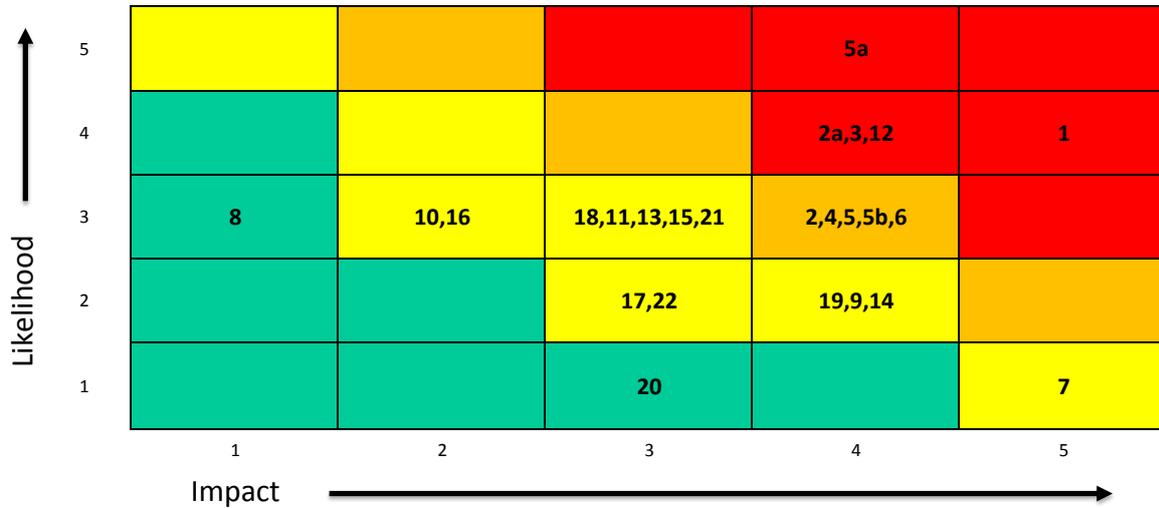
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#### 9. PROCUREMENT IMPLICATIONS

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<b>Non-Applicable Sections:</b>	[List non-applicable sections here]
Background Documents: (Access via Contact Officer)	[Title of document and date]

### ECHS Risk Register



Risk Ref	Risk Description	Gross Risk Rating	Net Risk Rating
1	Failure to deliver ECHS Financial Strategy	25	20
2	Failure to deliver effective Adult Social Care services	16	12
2a	Failure to deliver effective Learning Disability services	16	16
3	Failure to deliver effective Children's services	20	16
4	Recruitment and Retention	20	12
5	Failure to deliver effective Housing Needs services	16	12
5a	Temporary Accommodation	20	20
5b	Capital Grant	16	12
6	Inability to deliver an effective Public Health service	16	12
7	Business Interruption / Emergency Planning	10	5
8	Contracts and Service Level Agreements	4	3
9	School Place Planning	16	8
10	Not in Education, Employment or Training (NEET)	6	6
11	SEND Transport	9	9
12	SEND Reforms	20	16
13	School Standards	9	9
14	Youth Offending	12	8
15	Out of Borough Placements (Children and Young People)	9	9
16	Foster Carers	8	6
17	Care Leavers' accommodation	9	6
18	Welfare Reform	12	9

Risk Ref	Risk Description	Gross Risk Rating	Net Risk Rating
19	Deprivation of Liberty Safeguards	12	8
20	Data Collections	9	3
21	30 hours funded childcare for three and four year olds of working parents	12	9
22	Failure to deliver partial implementation of Health & Social Care Integration	6	6

# ECCHS Risk Register

'Q4 2017/18

REF	DIVISION	RISK TITLE & DESCRIPTION (a line break - press shift & return - must be entered after the risk title)	RISK CAUSE & EFFECT	RISK CATEGORY	GROSS RISK RATING (See next tab for guidance)			EXISTING CONTROLS IN PLACE TO MITIGATE THE RISK	CURRENT RISK RATING (See next tab for guidance)			FURTHER ACTION REQUIRED	RISK OWNER
					LME LHO OD	IMPACT	RISK RATING		LME LHO OD	IMPACT	RISK RATING		
1	All	<b>Failure to deliver ECCHS Financial Strategy</b>	<p><b>Cause(s):</b></p> <ul style="list-style-type: none"> <li>- Continual reduction in Central Government funding</li> <li>- Demographic changes</li> <li>- Increased demand for services</li> <li>- Demand led statutory services (c. 80% of operations) which can be difficult to predict</li> <li>- Increasing cost volatility due to rise of complex, high cost families or placements requiring services.</li> </ul> <p><b>Effect(s):</b></p> <ul style="list-style-type: none"> <li>- Lower than anticipated levels of financial resource</li> <li>- Failure to achieve a balanced budget</li> <li>- Failure to secure economy, efficiency, and effectiveness of use of resources leading to a Qualified Independent Auditors' Report</li> <li>- Objectives of the service not met</li> <li>- Reputation is impacted</li> <li>- Wider goals of the Council are not achieved</li> </ul>	Financial	5	5	25	<ul style="list-style-type: none"> <li>- Budget monitoring and forecasting</li> <li>- Regular review of medium term strategy</li> <li>- Regular reporting to DLT and Members via the Committee reporting process</li> <li>- Match financial planning to Council priorities</li> <li>- Effective contract monitoring arrangements to ensure acceptable quality of service provision and value for money</li> <li>- Monitor demographics, economic indicators and develop insight into future demand</li> <li>- Internal audit framework</li> <li>- Early intervention with service users</li> <li>- Constantly reviewing service operations for potential efficiencies</li> </ul>	4	5	20		ECCHS DLT Ade Adetosoye, Janet Bailey, Sara Bowrey, Naheed Chaudhry, Paul Feven, Stephen John, Nada Lemic, Gillian Palmer.
2	Adult Social Care	<b>Failure to deliver effective Adult Social Care services</b> The Council is unable to deliver an effective adult social care service to fulfil its statutory obligations including the safeguarding of Adults	<p><b>Cause(s):</b></p> <ul style="list-style-type: none"> <li>- Increasing demand</li> <li>- Above compounded by associated longer waiting lists leading to deteriorating condition and ultimately increased service user/ carer costs</li> <li>- Failure to deliver effective safeguarding arrangements</li> <li>- Failure to comply with statutory requirements including the Care Act</li> </ul> <p><b>Effect(s):</b></p> <ul style="list-style-type: none"> <li>- Impact on life chances and outcomes for service users</li> <li>- Failure to keep vulnerable adults safe from harm or abuse</li> </ul>	Legal, Reputational	4	4	16	<p><b>Care Act</b> - Redesigned processes, including amending forms, and operational procedures in place and Care Act compliance training</p> <p><b>Improved Better Care Fund</b> - Programme overseen by the Interim Director of Programmes and the CCG</p> <p><b>Safeguarding</b> - 1. Multi Agency Bromley Adult Safeguarding Board (BSAB) in place. 2. BSAB Training programme (E Learning and Face to Face). 3. Awareness training for vulnerable groups. 4. Care Act compliance training</p> <p><b>Recruitment</b> - Dedicated HR programme of support in place to recruit social workers to front line posts</p> <p><b>Performance Monitoring Framework</b> - Review of Performance Management Indicators</p> <p><b>Procurement and Contract Monitoring</b> - Effective procurement framework and contract monitoring arrangements to ensure acceptable quality of service provision and value for money</p>	3	4	12		Director, Adult Social Care (Stephen John)
2a	Learning Disability Service	<b>Failure to deliver effective Learning Disability services</b> Failure to assess service users, establish eligibility criteria and carry out the review process.	<p><b>Cause(s):</b></p> <ul style="list-style-type: none"> <li>- Failure to identify and meet service users' needs</li> <li>- Provision of service to ineligible clients</li> <li>- Provision of service prior to/without appropriate authorisation</li> <li>- Failure to manage the transition process of service users from Children's Services to Adult Services leading to increased risk of Judicial Review</li> </ul> <p><b>Effect(s):</b></p> <ul style="list-style-type: none"> <li>- Costs associated with Legal process</li> <li>- Ongoing care package costs as a result of Legal process outcome</li> <li>- Placement predictions leading to financial pressures (cross refer ECCHS Budget risk)</li> </ul>	Legal, Reputational	4	4	16	<ul style="list-style-type: none"> <li>- Close monitoring of placements and eligibility criteria</li> <li>- Budget monitoring and forecasting</li> <li>- Regular review of medium term strategy</li> <li>- Regular reporting to DLT and Care Services PDS</li> <li>- Effective contract monitoring arrangements to ensure acceptable quality of service provision and value for money</li> <li>- Hold provider to account for poor performance</li> <li>- Monitor demographics, economic indicators and develop insight into future demand</li> </ul>	4	4	16		Director, Adult Social Care (Stephen John)
3	All Children's Social Care and Safeguarding Sections	<b>Failure to deliver effective Children's services</b> The Council is unable to deliver an effective children's service to fulfil its statutory obligations in safeguarding and protect those at risk of significant harm or death, sexual exploitation or missing from care	<p><b>Cause(s):</b></p> <ul style="list-style-type: none"> <li>- Increasing demand</li> <li>- The Secretary of State could determine that the Council is failing to deliver its Children's Social Care services to an adequate standard and approve alternative delivery arrangements as the most effective way of securing and sustaining improvement. This arrangement could include the removal of service control from the authority.</li> </ul> <p><b>Effect(s):</b></p> <ul style="list-style-type: none"> <li>- Impact on life chances and outcomes for children</li> </ul>	Legal, Reputational	4	5	20	<ul style="list-style-type: none"> <li>- Multi Agency Bromley Children's Safeguarding Board (BCSB) in place and BCSB Training programme</li> <li>- Dedicated HR programme of support in place to recruit social workers to front line posts</li> <li>- Review of Performance Management Indicators</li> <li>- Effective procurement framework and contract monitoring arrangements to ensure acceptable quality of service provision and value for money</li> <li>- Appointment of Deputy Chief Executive with Director of Children's Services responsibility (in post December 2016)</li> <li>- Appointment of Director, Children's Services (in post December 2016)</li> <li>- £50k available for immediate use to build capacity' and £2.3m available on a recurring basis for Children's services</li> <li>- Performance Framework</li> <li>- Quality Assurance Audit Programme</li> <li>- Children's Service Improvement Action Plan refocussed to ensure that Heads of Service and Group Managers are delivering the actions relevant to their teams - Phase 2 commencing 2018</li> <li>- Key events and supporting material developed to ensure improving practice is at the heart of the organisation</li> <li>- Review of team structures</li> <li>- New process for authorising placements developed</li> <li>- Continued reduction of caseloads</li> <li>- Development of CSE and missing unit (ATLAS team in place)</li> <li>- Identified training plan for qualified social workers and other professionals reviewed and updated quarterly</li> </ul>	4	4	16		Director, Children's Services (Janet Bailey)

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'Q4 2017/18

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					LHO OD	IMPACT	RISK RATING		LHO OD	IMPACT	RISK RATING		
4	All	<b>Recruitment and Retention</b> Failure to recruit and retain key skilled staff with suitable experience/qualifications	<b>Cause(s):</b> - Failure to compete with other organisations to recruit the highest quality candidates to build an agile workforce - Small pool of experienced Social Workers, particularly children's <b>Effect(s):</b> - Failure to identify and meet service user needs - Provision of service to ineligible clients - Provision of service prior to/without appropriate authorisation - Lack of skill set results in an inability to deliver effective adults, children's and public health services to fulfil statutory safeguarding obligations, impacting on life chances and outcomes	Personnel	5	4	20	- Dedicated HR role to support managers in recruiting social workers to front line posts - Joint meetings held between HR and employment agencies to improve the quality and speed of locum assignments - Repromotion and review of the current Recruitment and Retention package - Re-promotion of the 'no quit' policy - Recruitment drive to convert locums to permanent staff - Commissioning of improvements to the Council's recruitment web site to include a video virtual tour of the Council - Support in effectively managing staff performance - Provision of training measures to include targeted leadership and management training programmes including partners and other stakeholders - Tailored individual career plan for staff - Bespoke training for first line managers - Training and quality assurance of practice - Provision of regular monitoring information to feed into the corporate governance dashboard - Role on Recruitment and Retention Board	3	4	12	- Review the recruitment/retention of housing staff including packages for retaining staff	Director, Adult Social Care (Stephen John)  Director, Children's Services (Janet Bailey)  Director, Public Health (Nada Lemic)  Director, Housing (Sara Bowrey)
5	Housing Needs	<b>Failure to deliver effective Housing Needs services</b> The Council is unable to deliver an effective Housing Needs service to fulfil its statutory obligations	<b>Cause(s):</b> - very demand led - lack of trained staff - homelessness is increasing number and complexity of cases <b>Effect(s):</b> - Impact on life chances and outcomes for individuals and families in need of Housing Services - Reputational damage - Legal challenge	Legal	4	4	16	- Focus on preventing homelessness and diversion to alternative housing options through:- - Landlord and Tenancy advice support and sustainment - Assistance (including financial aid) to access the private rented sector - Access to employment and training - Debt, money, budgeting and welfare benefits advice, including assistance to resolve rent and mortgage arrears - Sanctuary scheme for the protection of victims of domestic violence - Effective contract monitoring arrangements to ensure acceptable quality of service provision and value for money - Implementation of the More Homes Bromley initiative to ensure the supply reduces the reliance on nightly paid accommodation	3	4	12	- Seek new and alternative forms/supply of temporary accommodation - Continue to develop partnership working with private sector landlords to assist households to remain in private sector accommodation - Work innovatively with a range of providers to increase access to a supply of affordable accommodation - Produce and maintain the new London Borough of Bromley Homelessness strategy ensuring that the strategy promotes partnership working to reduce and prevent homelessness - Monitoring impact of implementation of Homelessness Reduction Act	Director, Housing (Sara Bowrey)
5a	Housing Needs	<b>Temporary Accommodation</b> Inability to effectively manage the volume of people presenting themselves as homeless and the additional pressures placed on the homelessness budgets	<b>Causes:</b> - changes in government funding - rising number of placements (approx. 20 per month) <b>Effect(s):</b> - Failure to fulfil statutory obligations - Impact on life chances and outcomes for individuals and families in temporary accommodation - Increased risk of legal challenge due to provision of unsuitable accommodation (including shared accommodation) - Pressure on other services	Social	5	4	20	- Focus on preventing homelessness and diversion to alternative housing options through:- - Landlord and Tenancy advice support and sustainment - Assistance (including financial aid) to access the private rented sector - Access to employment and training - Debt, money, budgeting and welfare benefits advice, including assistance to resolve rent and mortgage arrears - Sanctuary scheme for the protection of victims of domestic violence - Effective contract monitoring arrangements to ensure acceptable quality of service provision and value for money - Implementation of the More Homes Bromley initiative to ensure the supply reduces the reliance on nightly paid accommodation	5	4	20	- Seek new and alternative forms/supply of temporary accommodation - Continue to develop partnership working with private sector landlords to assist households to remain in private sector accommodation - Work innovatively with a range of providers to increase access to a supply of affordable accommodation - Produce and maintain the new London Borough of Bromley Homelessness strategy ensuring that the strategy promotes partnership working to reduce and prevent homelessness - Monitoring impact of implementation of Homelessness Reduction Act - Complete tender process for modular homes supplier for temporary accommodation	Director, Housing (Sara Bowrey)
5b	Housing Needs (Housing Strategy)	<b>Capital Grant</b> Failure to deliver the Council's affordable housing strategy in support of statutory obligations Lack of infrastructure in place where growth is occurring (Section 106 monies)	<b>Cause(s):</b> - Lack of availability of external capital grant (Housing Associations) to deliver key housing schemes - Lack of available suitable sites within the borough on which to develop new affordable housing schemes over the short to medium term <b>Effect(s):</b> - An inadequate supply of housing will lead to an inability to meet housing needs of a range of client groups in support of statutory housing and homelessness duties.	Social	4	4	16	- Lead negotiations on the affordable housing provision on section 106 applications, ensuring that the affordable housing obligation reflects local adopted planning policy and local statutory and high priority housing need - Determination at planning stage to ensure collection of obligations due - Conditions attached to funding received to ensure it is spent on preventing homelessness	3	4	12	- Review of proposed legislation as it develops	Director, Housing (Sara Bowrey)
6	Public Health	<b>Inability to deliver an effective Public Health service</b> The Council is unable to deliver an effective Public Health service to fulfil its statutory obligations	<b>Cause(s):</b> Reduced budget which has led to funding cuts, reduced service and redundancies. Withdrawal of non-statutory services. <b>Effect(s):</b> - Increased clinical risk to patients and Bromley residents - Reputational risk to council - Gaps and potential blocks in health service between NHS and Local Authority	Professional, Legal, Reputational	4	4	16	- Working with partners including the CCG and Hospital Trust to jointly deliver Public Health functions and mitigate impact of cuts - Effective contract monitoring arrangements to ensure acceptable quality of service provision and value for money	3	4	12	Plans for further integration of some functions and services with CCG	Director, Public Health (Nada Lemic)

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					Likelihood	Impact	Risk Rating		Likelihood	Impact	Risk Rating		
7	All ECHS Divisions	<b>Business Interruption / Emergency Planning</b> Failure to provide Council services or statutory requirements of mass illness/fatalities scenario following a business interruption or emergency planning event	<b>Cause(s):</b> - Business Interruption could be caused by Loss of Facility (fire, flood etc.), Staff (illness, strike) or IT (cyber attack). - Mass fatalities or illness has a range of causes and this risk to the council could be caused by council staff being impacted resulting in failure to manage statutory requirements of mass illness/fatalities scenario (e.g. registering of deaths within timescales) <b>Effect(s):</b> - Business interruption - failure to deliver services, loss of customer / resident satisfaction. - Emergency planning - failure to deliver statutory duties.	Personnel, Reputational	2	5	10	- Business Interruption - Civil protection and emergency planning policies in place at corporate level overseen by the Corporate Risk Management Group - Business Continuity Plans in place at service level - Contracts contain business continuity provision - Communication to all staff prior to all impending industrial action, informing of any possible service disruption as well as explaining implications of strike action for individual staff members  - Emergency Planning - Robust plans in place, including Outbreak Plan, Flu Plan and Pandemic Flu Plan - Alert system via the South East London Health Protection Unit (SEL HPU) - Annual Flu vaccination programme in place - Introduction of Humanitarian and Lead Officer (HALO) role	1	5	5		ECHS DLT
8	All ECHS Divisions	<b>Contracts and Service Level Agreements</b> Failure to effectively procure and/or manage key contractors or partners, leading to the department being unable to deliver key services, including attracting appropriate contractors or partners to deliver services	<b>Cause(s):</b> - Failure of provider - Provider withdrawing from the contract <b>Effect(s):</b> - Failure to deliver required quality/quantity/value for money services	Contractual, Partnership	4	1	4	- Timely and effective procurement process - Effective contract monitoring arrangements to ensure acceptable quality of service provision and value for money - Business Continuity plans - Contracts Sub-Committee established (a sub-committee of the Executive and Resources PDS Committee which considers a range of contracts issues including legal requirements, contract clauses and contract management to ensure value for money). - Traffic light system in use to assess the current status of each procurement project, as part of the Corporate Contract Management System) and any projects with a red status are tracked and reported to fortnightly divisional management team meetings - Commissioners and Procurement and Contract Compliance staff implement recovery plans for projects with red status alerts in order to mitigate all risks and to ensure that the department operates within financial regulations	3	1	3	- Ensuring appropriate adjustment of prices following introduction of the National Living Wage	ECHS DLT
9	Education	<b>School Place Planning</b> Failure to meet the statutory requirement to ensure sufficient school places to meet the needs of the population in the area	<b>Cause(s):</b> - Failure to secure sufficient Primary and Secondary school places in the area - Failure to secure sufficient educational placements for children with disabilities and special educational needs - Failure to secure sufficient alternative provision <b>Effect(s):</b> - Disruption to the education of children and impact on their life chances	Political, Legal, Professional	4	4	16	- Strategic needs analysis (birth rate, dwelling stock and migration) to project demand - Review analysis of demand annually (Primary and Secondary School development plans) - SEND4change to develop model for projecting demand for SEND provision - Implement Basic Need and PSB programmes - Maintain relationships with ESFA	2	4	8		Director, Education (Gillian Palmer)
10	Children's Social Care	<b>Not in Education, Employment or Training (NEET)</b> Failure to meet requirements of Education, Care and Skills Act 2008 - duty on all young people to participate in Education, Employment or Training until their 18th birthday	<b>Cause(s):</b> - Lack of control over Academies <b>Effect(s):</b> - Disruption to Education - Impact on life chances for young people	Professional, Legal	3	2	6	- Provision offered by Bromley Youth Support Programme (BYSP) - Advice and Guidance Drop in sessions - One to one support - Looked After Children NEET support - YOT NEET support - Provision offered by Bromley Education Business Partnership (BEBP) - Bromley Youth Employment Scheme (YES) - Bromley Flexible Learning programme - Mentoring programme - Skills Xtra - Work experience for Children Looked After - N-Sage - Youth Contract - Tracking service in conjunction with South London CCIS Service - 'Door knocking' - Additional NEET worker started, based in Leaving Care service	3	2	6		Director, Children's Services (Janet Bailey)
11	Education	<b>SEND Transport</b> Failure to provide appropriate home to school transport assistance for children and young people with special educational needs and disabilities	<b>Cause(s):</b> - Fluctuating demand year on year - Rising numbers of children meeting criteria for transport provision and associated increase in costs <b>Effect(s):</b> - Disruption to education - Impact on life chances and outcomes for children and young people	Legal Financial	3	3	9	- Budget monitoring and forecasting - Effective contract monitoring arrangements to ensure acceptable quality of service provision and value for money - Travel Training Programme - Route review and rationalisation - Gateway review to improve efficiency	3	3	9	Review of policy	Director, Education (Gillian Palmer)

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					LHO	IMPACT	RISK RATING		LHO	IMPACT	RISK RATING		
12	Education	<b>SEND Reforms</b> Failure to meet expectation of SEND reforms	<b>Cause(s):</b> - Ineffective and inaccurate identification of SEND - Failure of schools to make reasonable adjustments to meet needs of individual children and young people - Failure to provide appropriate and effective support for children with identified needs and their schools - Pattern of provision which does not meet the needs of the local population  <b>Effect(s):</b> - Costs associated with the Legal process - Escalating cost of provision - Impact on education and life chances of children and young people	Financial Legal Professional	5	4	20	- SEND4Change engaged to carry out root and branch review of Bromley's response to SEND reforms - Phase 1 complete and action plan for improvement implemented from Feb 2018 - Readiness for SEND inspection monitored - Transfer of statements to EHC Plans completed by March 2018	4	4	16	SEND4Change Phase 2	Director, Education (Gillian Palmer)
13	Education	<b>School Standards</b> Failure to meet duty to promote educational achievement of all children	<b>Cause(s):</b> - Abdication of responsibility for outcomes for all children - Failure to use available intelligence to recognise when schools are letting children down - Failure to intervene effectively when schools let children down  <b>Effect(s):</b> Impact on life chances and outcomes for children and young people	Political Legal Professional Reputational	3	3	9	- Contact with primary schools sustained through EYFS, KS1 and KS2 moderation - Relationship building with teaching schools via school improvement bid and activity	3	3	9	- Improve collation and analysis of information about performance of schools and outcomes for children - Establish pathways to challenge and support school improvement and outcomes for children - Maximise every contact with schools to balance lack of school improvement and resources	Director, Education (Gillian Palmer)
14	Children's Social Care	<b>Youth Offending</b> Failure to deliver effective youth offending services to protect children and young people and reduce their vulnerability	<b>Cause(s):</b> - Increase in youth offending  <b>Effect(s):</b> - Impact on life chances and outcomes for children - Failure to protect the public and actual or potential victims (assessment of risk to others and planning to manage the risk and protect the public)	Professional Reputational	3	4	12	- Learning from the Youth Justice follow up Inspection of February 2017. Action plan developed, fortnightly Improvement Board implemented to ensure action plan carried out. - Improved inspection result - Good in 2017 - Implementation of Strategic Plan 2017/19 - Youth Justice Board self-assessment audit of National Standards - 2 moderation exercises carried out and YJB assured that this reflected service standards - Bi-monthly audits within quality assurance framework - Monthly YOS performance meeting to review national KPIs, act upon trends and drive improvement plan - Triage support to divert low level offenders from YJS - Packages of support to manage young people's risk appropriately in the community for those who are sent to custody.	2	4	8		Director, Children's Services (Janet Bailey)
15	Education Children's Social Care	<b>Out of Borough Placements (Children and Young People)</b> Inability to reduce reliance on out of borough placements  Financial implications	<b>Cause(s):</b> - Failure to provide/commission sufficient local placements for children with disabilities, special educational needs, and children in care See 12 - SEND Reforms  <b>Effect(s):</b> - Cost implications of out of borough placements (Cross refer ECHS Budget risk) - Impact for children's welfare and development	Professional Financial	3	3	9	- Close monitoring of placements and eligibility criteria - Budget monitoring and forecasting - Regular review of medium term strategy - Effective contract monitoring arrangements to ensure acceptable quality of service provision and value for money - Monitor demographics, economic indicators and develop insight into future demand - Out of borough officer in Placements Team reviewing OOB placements and those placed in Bromley from other authorities See 12 SEND Reforms	3	3	9	Carrying out a review of how to move this forward.	Director, Education (Gillian Palmer)  Director, Children's Services (Janet Bailey)
16	Children's Social Care	<b>Foster Carers</b> Failure to meet the statutory requirement to ensure sufficient local placements to satisfy need	<b>Cause(s):</b> - Failure to recruit sufficient carers, particularly for adolescents, siblings, disabled children, parent and child placements, and BME children  <b>Effect(s):</b> - Lack of suitable carers from independent foster care sources leading to the arrangement of more expensive alternatives - Impact on life chances and outcomes for children	Professional	4	2	8	- Reviewed and refreshed recruitment strategy - dedicated fostering recruitment officer appointed - Reviewed and refreshed Fostering web pages including rebranding and improved navigation - Carried out two borough wide leaflet distributions, via council tax information and environmental information - Monthly drop in sessions being held closer to foster carer homes within Children and Family Centres - Support to SGO carers provided in C&F Centres - Joint training of social work professionals and foster carers - Head of Service attending Fostering Network Groups - Fostering and Adoption Panels merged in January 2018	3	2	6	- Head of Service to lead on the development of improved support and training packages for Foster carers to enable them to Care for children and young people with complex needs and/or challenging behaviour	Director, Children's Services (Janet Bailey)

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17	Housing Needs	<b>Care Leavers' accommodation</b> Failure to provide a sufficient range of safe and suitable housing for care leavers	<b>Cause(s):</b> - Failure to appropriately risk assess housing provision offered to care leavers <b>Effect(s):</b> - Impact on life chances and outcomes for Care Leavers	Legal	3	3	9	<ul style="list-style-type: none"> <li>- Review of all young people in B&amp;B accommodation (post 18 years) undertaken and all were moved into more suitable accommodation.</li> <li>- Pathway plans updated to ensure appropriate support provided in relation to health and education needs.</li> <li>- Full strategic needs assessment of Bromley's young people's accommodation needs funded by DCLG commissioned from St Basils (a specialist service in young people's housing) to inform future decision making and help streamline the housing pathway.</li> <li>- BIS team to work closely with colleagues in the Housing Teams (S&amp;R and Allocations) to review the housing pathway for care leavers and to identify suitable accommodation options for care leavers.</li> <li>- Undertake a review of the current homelessness strategy, ensuring it sets out the policy for housing all young people.</li> <li>- Develop a policy for vulnerable homeless and care leavers as part of the homelessness strategy, outlining the housing pathways, all placement options and alternatives to bed and breakfast accommodation.</li> <li>- Develop and implement a risk assessment framework for care leavers to be used before any placement in new accommodation.</li> <li>- Amend the wider housing policy to ensure it aligns to the new care leaver placement strategy</li> <li>- The BIS Team to adopt the risk assessment tool in practice to ensure that all accommodation to be provided to care leavers is assessed for its suitability, as a safe and secure base, prior to the placement being commissioned.</li> </ul>	2	3	6	- Potentially developing a framework for tendering the Care Leavers accommodation service	Director, Housing (Sara Bowrey) Director, Children's Services (Janet Bailey)
18	Housing Needs	<b>Welfare Reform</b> Impact of Welfare Reform legislation (including Universal Credit).	<b>Cause(s):</b> - Universal Credit payments commenced on 18th January 2016 in Bromley for single people only. From this time, there is no separate Housing. - Benefit payment direct to the Landlord Further roll out planned for 2018 which will increase the impact of this reform <b>Effect(s):</b> - Increased Rent Arrears - Subsequent evictions and landlords reluctant to rent properties to claimants.	Social	4	3	12	<ul style="list-style-type: none"> <li>- Notification, advice and support provided through:-</li> <li>- Housing Association transfers</li> <li>- Negotiations with landlords</li> <li>- Budgeting/debt advice</li> <li>- Moves to cheaper areas</li> <li>- Prevention grants/welfare fund/Credit union loans and savings</li> <li>- Access to child care and employment</li> </ul>	3	3	9	- Work in partnership with Housing Benefit, the DWP, partner landlords and Social Care to minimise the impact of the Welfare Reform Act - Implement awareness raising campaign for Universal Credit Digital rollout and monitor impact from July 2018	Director, Housing (Sara Bowrey)
19	Adult Social Care	<b>Deprivation of Liberty Safeguards</b> Failure to prevent unlawful deprivation of liberty	<b>Cause(s):</b> - Risk increased due to change in legislation increasing scope. <b>Effect(s):</b> - Failure to comply with statutory requirements pursuant to Section 4 and paras 129, 180 and 182 of Schedule A of the Mental Capacity Act 2005 (as amended) to incorporate the Deprivation of Liberty Safeguards 2009)	Legal	3	4	12	<ul style="list-style-type: none"> <li>- Core administrative function maintained</li> <li>- Framework in place to deliver the functions of the Best Interest Assessor and the 'Section 12' Doctor</li> <li>- Rolling out training for all social workers to become Best Interest Assessors</li> <li>- Reviewed IR 35 agreement to manage response to demand</li> </ul>	2	4	8		Director, Adult Social Care (Stephen John)
20	Strategic & Business Support Services	<b>Data Collections</b> Failure to undertake statutory statistical data collections; including pupil census, attainment data and key adults' and children's social care information, thereby adversely affecting government grant allocations and performance assessments	<b>Cause(s):</b> - Business Interruption <b>Effect(s):</b> - Failure to commission effectively - Adverse impact on the timing and quality of decision making assessments	Data and Information	3	3	9	<ul style="list-style-type: none"> <li>- Schedule of statutory returns has been incorporated into the Performance and Information team's work programme</li> <li>- Specialist members of the team for each area</li> <li>- Other staff trained to provide 'back up' for specialist members of the team</li> <li>- Good project planning in place to co-ordinate all data collections including contributions from other services</li> </ul>	1	3	3		Assistant Director, Strategic and Business Support Services (Naheed Chaudhry)
21	Education	<b>30 hours funded childcare for three and four year olds of working parents</b> The Council is unable to provide sufficient places within the local sector to fulfil its Statutory Duty	<b>Cause(s):</b> - Insufficient places within local sector resulting in Local Authority failure to meet its statutory duty - Inability to implement a suitable IT system which supports efficient and timely processing of funding claims <b>Effect(s):</b> - Parental dissatisfaction - Official notification from OIE regarding failure to fulfil statutory duty - Delays in payment to providers, destabilising local businesses.	Political, Reputational	4	3	12	<ul style="list-style-type: none"> <li>- Detailed sufficiency planning in process</li> <li>- Introduce process for capturing vacant nursery placements as part of the claim submissions</li> <li>- Monitor eligibility, confirmations and take up of places to predict growth of demand</li> <li>- Work with ECHS Change and IT provider to ensure best fit IT solution within deadlines</li> </ul>	3	3	9		Director, Education (Gillian Palmer)



## Risk Assessment Guidance

Likelihood	Almost Certain (5)	5	10	15	20	25	<table border="1" style="display: inline-table; vertical-align: middle;"> <tr><td style="background-color: red;">15+</td></tr> <tr><td style="background-color: orange;">10 - 12</td></tr> <tr><td style="background-color: yellow;">5 - 9</td></tr> <tr><td style="background-color: cyan;">1 - 4</td></tr> </table>	15+	10 - 12	5 - 9	1 - 4	<p><b>High Risk</b> - review controls and actions every month</p> <p><b>Significant Risk</b> - review controls and actions every 3 months</p> <p><b>Medium Risk</b> - review controls and actions every 6 months</p> <p><b>Low Risk</b> - review controls and actions at least annually</p>
	15+											
	10 - 12											
	5 - 9											
	1 - 4											
Highly likely (4)	4	8	12	16	20							
Likely (3)	3	6	9	12	15							
Unlikely (2)	2	4	6	8	10							
Remote (1)	1	2	3	4	5							
		Insignificant (1)	Minor (2)	Moderate (3)	Major (4)	Catastrophic (5)		Impact				

Risk Likelihood Key					
	Score - 1	Score - 2	Score - 3	Score - 4	Score - 5
	Remote	Unlikely	Possible	Likely	Definite
Expected frequency	10 - yearly	3 - yearly	Annually	Quarterly	Monthly

Risk Impact Key					
Risk Impact	Score - 1	Score - 2	Score - 3	Score - 4	Score - 5
	Insignificant	Minor	Moderate	Major	Catastrophic
<b>Compliance &amp; Regulation</b>	Minor breach of internal regulations, not reportable	Minor breach of external regulations, not reportable	Breach of internal regulations leading to disciplinary action Breach of external regulations, reportable	Significant breach of external regulations leading to intervention or sanctions	Major breach leading to suspension or discontinuation of business and services
<b>Financial</b>	Less than £50,000	Between £50,000 and £100,000	Between £100,000 and £1,000,000	Between £1,000,000 and £5,000,000	More than £5,000,000
<b>Service Delivery</b>	Disruption to one service for a period of 1 week or less	Disruption to one service for a period of 2 weeks	Loss of one service for between 2-4 weeks	Loss of one or more services for a period of 1 month or more	Permanent cessation of service(s)
<b>Reputation</b>	Complaints from individuals / small groups of residents Low local coverage	Complaints from local stakeholders Adverse local media coverage	Broader based general dissatisfaction with the running of the council Adverse national media coverage	Significant adverse national media coverage Resignation of Director(s)	Persistent adverse national media coverage Resignation / removal of CEX / elected Member
<b>Health &amp; Safety</b>	Minor incident resulting in little harm	Minor Injury to Council employee or someone in the Council's care	Serious Injury to Council employee or someone in the Council's care	Fatality to Council employee or someone in the Council's care	Multiple fatalities to Council employees or individuals in the Council's care

## INSTANT GUIDE TO RISK MANAGEMENT

The Process	Identify your risks	Assess your risks	Control your risks
<p>Risk Management is an important element of the system of internal control. It is based on a process designed to identify and prioritise risks to achieving Bromley's policies, aims and objectives.</p> <p>The Risk Management process is a continuous cycle:</p> <p>Using your objectives Identify your risks&gt; Assess your risks &gt; Control your risks&gt; Monitor and Review your risks.</p> <p>Useful definitions:</p> <p><b>Risk Management</b> is the identification, analysis and overall control of those risks which can impact on the Council's ability to deliver its priorities and objectives.</p> <p><b>Risk</b> is the chance of something happening which will have an impact on objectives.</p> <p>The message is that if you don't manage your risks then you are unlikely to achieve your objectives</p>	<p>Brainstorming session using IE&amp;E plans and departmental objectives, to identify threats and opportunities.</p> <p>Useful analytical tools:</p> <p><b>Political</b> <b>Economic</b> <b>Social</b> <b>Technological</b> <b>Legal</b> <b>Environmental</b></p> <p><b>PESTLE</b> provides a simple and useful framework for identifying and analysing external factors which may have an impact on your service.</p> <p><b>Strengths</b> <b>Weaknesses</b> <b>Opportunities</b> <b>Threats</b></p> <p>Using the <b>PESTLE</b> output <b>SWOT</b> is a technique that can help a service to focus on areas for improvement and opportunities that could be pursued.</p> <p>Remember if it can go wrong it will go wrong.</p>	<p>We use a 5 x 5 matrix to assess risks (see Risk Assessment Guidance tab).</p> <p>Risk is scored using a traffic light system:</p> <p>Red = High Amber = Significant Yellow = Medium Green = Low</p> <p>There are two risk variables that make up the overall risk rating:</p> <p>Impact – how minor / severe is it when it happens? Likelihood – how likely is it / how often does it happen?</p> <p>The Risk Management Toolkit provides detailed guidance on how to score these.</p> <p>Some of these assessments can be based on past experience. In other cases you will need to take a view.</p> <p>We measure both gross risk (before any controls are taken into account) and net or residual risk.</p>	<p>Consider the controls you have in place to mitigate or reduce the risk.</p> <p>What further controls are required? Record these as actions until they are completed.</p> <p>Consider the cost of any controls against the potential benefit gained.</p> <p>What is our <b>Risk Appetite</b>? An element of risk is unavoidable or we would never do anything!</p> <p><b>AVOID</b> a risk – stop doing the activity</p> <p><b>REDUCE</b> a risk – put additional controls in place</p> <p><b>TRANSFER</b> a risk – by insuring or passing the risk to a third party</p> <p><b>TAKE</b> a risk – monitor to ensure the impact and likelihood do not change</p> <p>Risk of service failure can be minimised by ensuring effective <b>Business Continuity</b> Plans are in place. For guidance contact Laurie Grasty x4764..</p>

### Monitor and Review your risks

Risks should be reviewed at least annually and whenever your business plans change.

Remember risks evolve and change over time. Are the controls still effective?

Your aim should be to:

Manage **threats** that may hinder delivery of priorities and maximise **opportunities** that will help to deliver them.

The Bromley Risk Register is maintained centrally by Audit and includes details of the risks, risk owners, controls and actions. Contact James Newell x4842.

Further guidance on **Risk Management** can be found in the Managers' Toolkit on onebromley. This also provides links to the **Risk Management Strategy, Risk Management Toolkit** and **Risk Register**.

The site also provides a link to the **Health and Safety** Unit who carry out H&S risk assessments. For guidance contact the Corporate Safety Advisor Charlotte Faint x7584.

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Report No.  
CSD18112

London Borough of Bromley

PART ONE - PUBLIC

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**Decision Maker:** Education, Children and Families Budget and Performance Monitoring Sub-Committee

**Date:** 18<sup>th</sup> July 2018

**Decision Type:** Non-Urgent                      Non-Executive                      Non-Key

**Title:** UPDATE ON RECOMMENDATIONS FROM THE EDUCATION SELECT COMMITTEE

**Contact Officer:** Philippa Gibbs, Democratic Services Officer  
Tel: 0208 313 4508    E-mail: Philippa.Gibbs@bromley.gov.uk

**Chief Officer:** Mark Bowen, Director of Corporate Services

**Ward:** (All Wards);

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1. Reason for report

At its meeting on 4<sup>th</sup> July 2018, the Education Select Committee referred monitoring action against recommendations made at previous meetings of the Select Committee to its Budget and Performance Monitoring Sub-Committee.

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2. **RECOMMENDATION(S)**

**That the Sub-Committee reviews and comments on progress on the recommendations made at previous meetings of the Education, Children and Families Select Committee.**

## Impact on Vulnerable Adults and Children

1. Summary of Impact: None
- 

## Corporate Policy

1. Policy Status: Existing Policy
  2. BBB Priority: Excellent Council
- 

## Financial

1. Cost of proposal: No Cost
  2. Ongoing costs: Not Applicable
  3. Budget head/performance centre: Democratic Services
  4. Total current budget for this head: £350,650
  5. Source of funding: 2018/19 Revenue Budget
- 

## Personnel

1. Number of staff (current and additional): 8 posts (6.87fte)
  2. If from existing staff resources, number of staff hours: N/A
- 

## Legal

1. Legal Requirement: None
  2. Call-in: Not Applicable: This report does not involve an Executive decision.
- 

## Procurement

1. Summary of Procurement Implications: N/A
- 

## Customer Impact

1. Estimated number of users/beneficiaries (current and projected): This report is intended primarily for the benefit of Committee Members.
- 

## Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: Not Applicable

<b>Non-Applicable Sections:</b>	Impact on Vulnerable People and Children/Policy/Financial/Legal/Personnel/Procurement
Background Documents: (Access via Contact Officer)	Minutes of previous meetings

### 3. COMMENTARY

#### **Progress on Recommendations from Previous Meetings**

- 3.2 The table attached at **Appendix 1**, tracks the progress against recommendations made by the Education Select Committee in 2016/17.
- 3.3 The table attached at **Appendix 2**, tracks the progress against recommendations made by the Education, Children and Families Select Committee in 2017/18.



**REPORTS OF THE EDUCATION SELECT COMMITTEE 2016/17  
Response to Recommendations**

Report 1: The Education Landscape in Bromley

Witnesses: Jane Bailey, Director: Education (LBB)  
Sam Parrett, Principal and CEO: Bromley College  
Jo Brinkley, CEO and Executive Head Teacher: Spring Partnership Trust

	Recommendation	Addressee	Response
1	That the Leader of the Council considers realigning Portfolio Responsibilities to create a Children and Family Portfolio including Youth Offending and Housing.	Executive 14 <sup>th</sup> September 2016	In April 2017, Portfolio responsibilities were realigned with responsibility for children's Services being brought into the terms of reference of the Portfolio Holder for Education (with the Portfolio subsequently renamed Education, Children & Families).
2	That the Council make representations to the Department for Education to strengthen the ' <i>duty to co-operate</i> ' of other parts of the education sector so as to enable the Local Authority fulfil its statutory responsibilities.	Education Portfolio Holder and Director: Education 15 <sup>th</sup> September 2016	Education Department has established a Schools Partnership Board (SPB). This allows all schools and academies to work in full cooperation in the best interests of all Bromley's children.
3	That the Council make representations to the Department for Education that when an authority reaches a position whereby a substantial majority of schools are academies that a 'critical mass' has been reached and that the remaining schools be required to convert.	Education Portfolio Holder and Director: Education 15 <sup>th</sup> September 2016	This proposal is signalled in the White Paper 'Educational Excellence Everywhere', published March 2016. We await the new Secretary of State's views; in the meantime education officers are working closely with the DfE and RSC colleagues on ensuring that all our schools' academy plans come to fruition.
4	That the Portfolio Holder for Education establishes the Government's intentions regarding admission criteria for church schools in order to consider resuming discussions with the Catholic Archdiocese for Southwark with a view to the provision of a secondary school.	Education Portfolio Holder and Director: Education 15 <sup>th</sup> September 2016	The Portfolio Holder will seek a meeting with the relevant officials and report back to the Select Committee. However, it must be recognised that all Basic Need funding has been allocated and the only funding stream available to build a new secondary school is via the Free School route.

	Recommendation	Addressee	Response
5	That the Council notes the urgent need to plan and provide for between 30 and 35 additional forms of entry for secondary education by 2021 and recommends that the Development Control Committee, through the Local Plan, ensures that there are sufficient sites to ensure this can be achieved.	Renewal and Recreation Portfolio Holder 15 <sup>th</sup> September 2016	I believe the new local plan as drafted includes sufficient sites for identified school needs.
		Development Control Committee 6 <sup>th</sup> September 2016	The Chairman stated that education sites were identified and put forward through the Local Plan which had yet to be finalised. As a result, he did not feel Members were currently in a position to ensure the provision of education sites could be achieved.  Councillor Huntington-Thresher reported that whilst the Draft Local Plan had identified a number of sites across the Borough, further consideration should be postponed until public consultation on the Local Plan was complete.  Councillor Dean moved that Members could not support consideration of recommendation 5 for the reasons stated above. This was seconded by Councillor Buttinger.
		Executive 14 <sup>th</sup> September 2016	The Deputy Leader suggested that before looking to build a new school(s), the size of existing schools might need to be reviewed for any potential to expand; if necessary, the Deputy Leader would support an existing secondary school being expanded on Green Belt land.
6	That the Development Control Committee be requested to consider how funding from the Council's Community Infrastructure Levy could be used for education purposes.	Renewal and Recreation Portfolio Holder 15 <sup>th</sup> September 2016	There are rules about the use of CIL. If the monies can be used for education then this will doubtless be considered alongside other necessities.

	Recommendation	Addressee	Response
		Development Control Committee 6 <sup>th</sup> September 2016	<p>The Chairman considered it was not within the remit of DCC to determine how CIL funds should be spent. The onus was on specific Council departments to apply through Resources. The CIL would be operated through the Local Plan with funds being allocated to various community services. Therefore the Committee could not comply with the Education Select Committee's request.</p> <p>The Chief Planner explained that the collection of CIL was governed by regulations and the Council was required to justify its need to charge £35 per sq m. A plan would be formalised indicating how CIL funds would be spent; it was possible that infrastructure costs may amount to more than the Council collects. The plan would be reviewed on a yearly basis. The CIL was closely linked to the draft Local Plan and would be implemented shortly after the adoption of the Local Plan in 2017.</p> <p>The Chairman moved that it was premature to consider recommendation 6 until the operational structure of CIL had been formally approved. Councillor Fawthrop seconded the motion.</p>
7	That the Portfolio Holder for Education considers how the role of the Council as a corporate parent might be strengthened so as to improve the education outcomes for Children Looked After.	Education Portfolio Holder and Director: Education 15 <sup>th</sup> September 2016	This recommendation is intrinsic to the work of The Children's Service Improvement Governance Board; to be found within the Children's Services Improvement Plan.

	Recommendation	Addressee	Response
8	That the Education Department considers whether there is scope for cooperation in the field of SEN provision with Bromley College of Further and Higher Education.	Education Portfolio Holder and Director: Education 15 <sup>th</sup> September 2016	<p>There is currently a very close working relationship/partnership between Bromley SEND Services and Bromley College. Examples of the partnership in action are as follows:</p> <ul style="list-style-type: none"> <li>- the development of suitable courses for young people with complex needs, ensuring young people with SEND who wish to continue their studies can remain in borough and continue to ensure the preparation for adulthood developing independence and resilience to live and work in the community;</li> <li>- SEND Services and Preparing for Adulthood Team have and continue to provide training and support to the college as the college has expanded to meet more diverse and complex needs;</li> <li>- The SEN Managers have also worked closely with the college led multi-academy trust to support their contracting to deliver the provision for pupils with Social, Emotional and Mental Health Needs in the borough. Bromley Education Department will continue to seek opportunities for further partnership work with Bromley College of Further Education across the whole of SEND and in particular with preparing for adulthood.</li> </ul>
9	That the Portfolio Holder and the Director of Education prepare a staffing structure for consideration by the Education Select Committee at its September 2016 meeting.	Education Portfolio Holder and Director: Education 15 <sup>th</sup> September 2016	The Director is reshaping the school improvement service in order to establish and service the schools partnership board and also develop closer oversight of safeguarding in schools.
10	That the Portfolio Holder report back to the Education Select Committee on which services currently sold by the Education Department would be economically viable and sustainable once the future role and structure of the Department is decided.	Education Portfolio Holder and Director: Education 15 <sup>th</sup> September 2016	It is agreed that the Portfolio Holder will report back to the Select Committee once any review has been undertaken. However, in light of recommendation 2.1 and the response in 2.10, we cannot provide a comprehensive answer at this time.

	Recommendation	Addressee	Response
11	That the Council explores what further co-operation could be undertaken with the Bromley College of Further and Higher Education in helping people into work and acquiring skills for employment.	Education Portfolio Holder and Director: Education 15 <sup>th</sup> September 2016	The Department values its relationship with Bromley College and considers it an important partner. The Department is also very keen to focus on ensuring post sixteen education and reducing the gap between high and under-performing students. All of these strands of work, together with helping people into employment, can be better achieved by increasing and maintain cooperation between our organisations.
12	That the Master Plan for Biggin Hill be expedited to enable an Academy for Aeronautical, Engineering and Motor Vehicles to be established at the Airport by Bromley College of Further and Higher Education.	Renewal and Recreation Portfolio Holder 15 <sup>th</sup> September 2016	We are progressing the academy at Biggin Hill. There are many issues to be resolved including site ownership.

A motion to note the response of the Education Select Committee to the responses received concerning the First Select Committee Report on the Education Landscape in Bromley was moved by Councillor Nicholas Bennett, seconded by Councillor Neil Reddin and **CARRIED** at the meeting of Council on 12<sup>th</sup> December 2016.

## Report 2: Alternative Education

Witnesses: Neil Miller, Headteacher: Bromley Beacon Academy and Bromley Trust Academy  
 Jenny MacDonald, Senior Education Welfare Officer (LBB)  
 Debbie Partington, Lead Teacher for Home and Hospital Tuition (LBB)  
 Mr Kevin Grant, Home Tutor, Alternative Education and Welfare (LBB)

	Recommendation	Addressee	Response
1	The School Partnership Board consider how the progress of pupils who have attended the Bromley Academy Trust can be better monitored so prevent readmittance and to enable evaluation of the outcomes of the Academy.	Director: Education 17 <sup>th</sup> January 2017	<p>It should be noted that the School Partnership Board is school led and cannot be directed by the Local Authority; the potential future governorship arrangements and terms of reference are in development. However, LA officers will raise this with the Schools Partnership Board Chairman for possible inclusion as an item, or standing item, at future meetings.</p> <p>The onus for monitoring the progress of pupils reintegrating mainstream education falls more to LA officers and BTA. In 2017, officers will seek to revise the current contract with BTA for the funding of Alternative Provision places to improve the monitoring and reporting requirements, particularly in relation to leavers and outcomes.</p> <p>In addition, a number of work streams are in progress concerning the strategy for preventing permanent exclusions – part of this will be consideration of additional support for BTA learners transferring back into mainstream education at a Bromley school.</p>

	Recommendation	Addressee	Response
2	That the School Partnership Board examine how best practice can be disseminated with regard to the provision of work for pupils unable to attend school through ill health.	Director: Education 17 <sup>th</sup> January 2017	<p>As above, this will be raised with the Chairman of the Schools Partnership Board for possible inclusion at future meetings.</p> <p>The guidance on provision for pupils who cannot attend school due to health needs sets out a number of expectations of the school and the LA both for supporting learning while away from school and in working together to set up individually tailored reintegration plans for each child.</p> <p>As part of a review of the Home &amp; Hospital service, we will seek to strengthen the monitoring of school engagement with the child's learning while they are out of school and at reintegration and, where there are concerns, we will feed back to schools directly and via the Partnership Board with a clear evidence base.</p>
3	That the School Partnership Board consider how the work of the Core Panel can be made more widely known to schools and to consider whether standardised information questionnaires regarding pupils in need of support through alternative provision might be helpful.	Director: Education 17 <sup>th</sup> January 2017	As part of the development of the strategy for permanent exclusions, work is currently being undertaken to revise the terms of reference of the Core Panel and to develop a standardised referral form. It is intended to produce a transparent Core Panel guidance book which will be distributed to all schools in Bromley on a regular basis. Awareness raising will also be conducted through the Schools Partnership Board.
4	That the School Partnership Board identify best practice for the reintegration of pupils into mainstream education and encourage all schools to adopt it.	Director: Education 17 <sup>th</sup> January 2017	Officers will be discussing best practice for the reintegration of pupils into mainstream education through a number of routes including as part of its contract relationship with BTA, as part of the Fair Access Protocol and Core Panel arrangements, and we will seek to raise it with the Schools Partnership Board.
5	That if required, further analysis of the reasons for the rise in the number of children with mental health problems be undertaken in the light of the findings of the review by CAMHS.	Director: Education 17 <sup>th</sup> January 2017	Noted; we will await the completion of the CAMHS Review.

	Recommendation	Addressee	Response
6	That the Executive be requested to examine what resources from other sources including the CGC might be accessed to ensure a seamless service for children in education with serious medical needs.	Director: Education 17 <sup>th</sup> January 2017	This will be followed up with Health colleagues, while noting that the statutory guidance on school pupils with medical conditions gives clear expectations and responsibilities to schools and alternative provision providers (including the Home & Hospital provision) to ensure arrangements are put in place to accommodate their needs. In particular, the Home and Hospital service will seek to strengthen its arrangements with CAMHS, given the primary needs of the majority of Home & Hospital are mental, emotional and behavioural health needs.
7	<p>That the Council directly and through the Members of Parliament for the Borough makes representations to the Government for the following changes in the law:</p> <ol style="list-style-type: none"> <li>1) To introduce a registration system for all young people not educated in a formal school.</li> <li>2) To enshrine in law the right of parents to home educate such a right is subsidiary to the right of every child to a proper education so as to be able to find employment and be a full member of the community.</li> <li>3) To ensure that Local Authorities have the power investigate and ensure that children outside the formal education system are safe and well.</li> <li>4) That the recommendations of the Badman Report and the Select Committee on Education Report be taken into account in drafting other legislative proposals.</li> </ol>	Director: Education 17 <sup>th</sup> January 2017	<p>A draft letter concerning these topics, noting that several proposals arising from the Badman Report in 2009 were not taken forward through legislation, and whether it is intended to revisit these proposals will be prepared to go to:</p> <ul style="list-style-type: none"> <li>• The Secretary of State for Education;</li> <li>• Bromley Members of Parliament;</li> <li>• The Regional Schools Commissioner</li> </ul>

	Recommendation	Addressee	Response
		Executive 8 <sup>th</sup> February 2017	<p>Members recognised that there was a balance between allowing parents to exercise choice about how their children were educated and the child's right to a good education, but Councillor Bennett felt that safeguarding and ensuring a decent education should have the greater importance. Some Members present took a contrary view that parents should have choice and should not have to be dictated to by the education establishment.</p> <p>The Leader confirmed that the local MPs had been contacted about the issue of home education, and they had responded requesting further information.</p>

A motion to invite the Leader and appropriate Portfolio Holders to consider the recommendations in the report and (a) refer the recommendations to Service Directors where appropriate and (b) provide a written response to the Education Select Committee for consideration at their next meeting on 17<sup>th</sup> January 2017 was moved by Councillor Nicholas Bennett, seconded by Councillor Neil Reddin and **CARRIED** at the meeting of Council on 12<sup>th</sup> December 2016.

### Report 3: Supporting Under Performing Pupils

Witnesses: Jaki Moody Primary Education Advisor for English (LBB)  
 Rachel Dunley Bromley Children's Project Manager (LBB)  
 Kieran Osborne, Chairman Schools' Partnership Board  
 Mary Cava, Joint Head of SEN (LBB)  
 Helen Priest, Head Teacher Bromley Virtual School (LBB)

	Recommendation	Addressee	Response
1	That further information be provided to the Education Select Committee concerning all the assessments carried out in pre-school settings before the end of the Foundation Stage, including the number of referrals for SEN as this is the group of children identified as not making the progress expected in the earliest stage of education.	Director of Education	<p>The EYFS requires formative (ongoing) assessment as part of the learning and development process. Providers are required under the EYFS to review the progress of children between two and three. This 2 year old check identifies the child's strengths and areas where progress is less than expected. The checks are used to develop targeted plans and involve other professionals when required. Ofsted inspections include the two year old check.</p> <p>The EY Quality team have developed review templates and tracker sheets used to monitor all children's progress. These are used to identify where children are below age related expectations. Training has been delivered to providers on tracking and planning support strategies.</p> <p>Currently there is no data available on number of 2 year old checks that have been completed and the percentage of those identified as needing additional support. No data is available based on the overall tracking of children.</p> <p>The Quality Team have plans in place to undertake visits to a cross section of providers to look at tracking and assessment during the summer 2017. Longer term we are looking to develop a system to collate data from providers around 2 year old checks and tracking of 3 and 4 year olds as this will help to identify areas for future focus and raise quality.</p>

	Recommendation	Addressee	Response
2	That more action be taken to facilitate and improve information sharing between pre-school and early years settings in order to smooth the transition process.	Director of Education	<p>A transition document has been developed in partnership with providers which includes the child's stage of development and focus for future input/support.</p> <p>The Quality Team are currently working on developing 'hubs' which will include schools, PVI's, childminders and out of school providers within localities. Some already in place, more need to be established. These will meet termly to develop partnership working, information sharing, best practice and developing links with relation to the shared delivery of the 30 hours offer.</p> <p>The hubs will review current transition document and processes and looking to develop local models of good practice.</p> <p>Reception teachers often visit the EY provision prior to transition to gather information and meet the children.</p>
3	That further work be undertaken to help all parents understand the importance of giving consent for professionals to contact preschool settings.	Bromley Children's Project Manager	<p>Awareness was raised last year with all providers to include information sharing and consent within their registration forms. Awareness campaign needs to be directed to parents and this could be linked with the promotion of the 30 hour funding. This requires greater information sharing when children are attending more than one provision in order to access their full entitlement.</p> <p>The 2 year old check provides a good opportunity to discuss information sharing with parents as the check is done in partnership with the Health Visitor.</p>
4	That more work should be done to develop a standard protocol and pro forma for information sharing as children and young people progress through the education system.	Director of Education	<p>The EY's Transition document could be a starting point for information sharing regarding the child's education.</p> <p>More work will need to be done to look into how this could work and how we could get all schools and EY's providers to sign up. Information management and sharing is currently undergoing review in response to the new General Data Protection Regulations due to come in in May 2018. A new protocol will need to take into account the requirements of the new regulations.</p>

	Recommendation	Addressee	Response
5	That robust systems be established to support pupils as they transfer from primary to secondary school ensuring that accurate and correct information is shared between the schools in order to provide a seamless transition for pupils and support their progress and achievement.	Schools' Partnership Board	<p>Bromley EBP provides support to this agenda through the Mentoring Initiative. Referrals are taken from social workers, primary schools and other agencies for young people who would benefit from regular volunteer mentor support to help with their transition to secondary school.</p> <p>In many occasions, the Mentor will continue to support the young person during Year 7 to help them settle in.</p>
6	That the Schools Partnership Board be asked to review support given to improving school standards in order to give all pupils every available opportunity.	Schools' Partnership Board	The Interim Schools Partnership Board is overseeing a project on Closing the Gap and is organising a conference on this topic for the next academic year.
7	That signposting to non-university education be expanded in order to ensure that students are aware of the variety of career opportunities available through vocational training and to support parity of esteem between vocational and academic education.	Director of Education	<p>Through the Youth Employment Scheme funding is accessed to provide employability events for sixth form students NOT intending to go onto University education. 7 events have been held in 2016/17 for 13 schools and the college with over 350 young benefitting from employer input on career opportunities available without degree education. A key part of the programme is promoting the benefits of apprenticeships and the range of qualifications available.</p> <p>All young people NOT going onto HE will be contacted after exams to offer further support. Promotional material for YES will be distributed to all schools for results days.</p> <p><b>Heads of Sixth Form</b> – Good relationships have been developed with the schools and dates for Next Steps funded activities offered to all Bromley Ho6 in October 2016. Ho6 continue to refer young people potentially dropping out to YES.</p> <p><b>Apprenticeships</b> – BEBP continues to work with the National Apprenticeship Service/LSEC and to promote the range of opportunities through our work on YES and working with employers to encourage them to consider taking on apprentices.</p> <p><b>Alternative Provision</b> – BEBP has historically coordinated the flexible learning programme which was offered to schools via the 14-19 Network. Currently we facilitate the programme for young learners on ESOL placements. Relationships with other local AP providers has decreased.</p>

	Recommendation	Addressee	Response
8	That the Schools Partnership Board be the vehicle for coordinating the provision of careers advice across the Borough.	Director of Education/Schools' Partnership Board	<p><b>Careers Education Advice and Guidance</b></p> <p><b>Work Experience</b> – Bromley EBP provides a package of sold services to schools to help them deliver quality, safe and sustainable work placements. During 2016/17 - 8 Bromley schools are in the Network. WEX Coordinators are either Careers professionals or based within Careers Department. BEBP also offers bespoke work placement service particularly aimed at vulnerable young people to help enhance their employability and career management.</p> <p><b>Employability Support</b> – BEBP offers a sold service of employer led events to schools to support their career management programme including mock interviews, career talks and enterprise events for KS4 and 5. Events involving local and national employers are delivered in school and always involve a focus on apprenticeship opportunities. A Sold Service offer will be communicated to schools and available on-line by July 2017</p>
9	That a review of the progress made in implementing the Committee recommendation in this and other reports published in the municipal year be published in April 2018.	Director of Education/Democratic Services Officer	This will be built into the ECHS forward plan.

## Report 4: Children Missing Education

Witnesses: Ms Jenny MacDonald, Senior Education Welfare Officer (LBB)  
 Ms Linda King, Youth Support Programme Manager (Universal) (LBB)  
 Ms Stella Marshall, NEET Support Programme Officer (LBB)  
 Helen Priest, Head Teacher Bromley Virtual School (LBB) (Written Evidence)  
 Bromley Youth Council submitted a paper providing their views on why young people may not be attending school.

	Recommendation	Addressee	Response
1	That schools across the Borough be encouraged to alert the Senior Education Welfare Officer where a child's sporadic and irregular attendance becomes a cause for concern	Portfolio Holder for Education, Children & Families/Director of Education	<p>Since September 2017, each school has a single point of contact (SPOC) within the Education Welfare Service (EWS). This mirrors the approach adopted in Children's Social Care. The EWS SPOCs telephoned every school in September to ensure that schools' administrative staff understood reporting arrangements.</p> <p>The EWS is working with 1289 children whose absence is persistent, providing support to effect improvement and taking formal action where necessary. In January 2018, the EWS SPOC will ask schools to identify any other pupils whose attendance falls below 90% with a view to earlier intervention.</p>
2	That the Chairman of the Education, Children & Families Select Committee write to the Department for Education (DfE) to encourage exercise of its powers through the regular to ensure that all London Authorities comply with the London Protocol and provide notification when families move from one Local Authority area into another.	Chairman of the Education, Children & Families Select Committee	The Chairman sent a letter to Robert Goodwill MP (Minister of State for Children and Families, Department for Education) on 26 July 2017, outlining the issues identified by the Select Committee.
3	That the Local Authority approach the Department for Education (DfE) to seek a review of the Participation Formula used by the DfE to identify NEET status as the current approach does not take young people's personal circumstances into account and skews the data.	Portfolio Holder for Education, Children & Families/Director of Children's Social Care	This was discussed at the meeting of Directors for Children's services in October 2017 and a representation has been made through the group to the Department of Education.

	Recommendation	Addressee	Response
4	That the Council's newly established Housing Panel ensure that young and vulnerable people are always given priority in respect of available support in line with the Local Authority's Corporate Parenting responsibilities.	Director of Housing/Head of CLA and Care Leavers	The Head of Service for CLA and Care Leavers chairs the Care Leavers' Panel which is also attended by colleagues in Housing. This panel considers holistically all issue with regard to housing and support for our vulnerable young people and care leavers, including their Education Training and Employment status. Our care leavers referral to housing is good and the inclusion of colleagues from Housing on the panel negates any delay for appropriate accommodation and floating support in line with each individual's identified need.
5	The Committee notes that as Corporate Parents the Council maintains a responsibility to support young care leavers into any suitable education, employment and training.	Leader of the Council/Deputy Chief Executive	The Council has set out through the Corporate Parenting Strategy and the Leaving Care Strategy its commitments to children in its care. The document sets out our commitments to care leavers' employment, education and training. The corporate parenting board will scrutinise the delivery of these actions

**REPORTS OF THE EDUCATION, CHILDREN AND FAMILIES SELECT COMMITTEE 2017/18  
Response to Recommendations**

Report 1: The Children’s Services Landscape in Bromley

Witnesses: Ade Adetosoye, Deputy Chief Executive and Executive Director (ECHS), LBB  
 Janet Bailey, Interim Director of Children’s Services, LBB  
 Isobel Cattermole, Independent Chairman of the Bromley Children’s Service Improvement Governance Board  
 Jim Gamble QPM, Independent Chairman of Bromley Safeguarding Children’s Board

	Recommendation	Addressee	Response
1	That the provision of communications support within the Council be reviewed to ensure sufficient capacity to disseminate key messages and information within the Bromley partnership.	Chief Executive/Leader of the Council, LBB	A review of departmental communications is being undertaken and a report will be available to the leadership team in Education, Care and Health in April 2018
2	That an in-depth analysis of the Children’s Joint Strategic Needs Assessment and a comprehensive review of the changing demography of the Borough be undertaken to inform the provision of services over the next 5 to 10 years.	Deputy Chief Executive and Executive Director ECHS, LBB	This will be addressed in part by the JSNA which is about to be published, and in part by a refresh of the Children’s JSNA later this year.
3	That the Leader and Portfolio Holder for Education, Children and Families make further representations, once the review of the changing demographics of the Borough is completed, to the Government to ensure that adequate funding for the Local Authority and its partners to enable them to meet their increasing obligations to vulnerable children and families in the Borough.	Leader of the Council/Portfolio Holder for Education, Children and Families	The Local authority makes regular representations to central government and this particular issue was raised with Ministers in Dec 2017. We will continue to keep this item on the agenda when we meet with Government officials.

	Recommendation	Addressee	Response
4	That work to foster a transparent, honest corporate culture to ensure that Members are provided with accurate information to enable them to provide the necessary support to Officers through respectful challenge.	Chief Executive/Leader of the Council/Director of HR, LBB	This is being discussed both at an officer level and with the Executive. The Council scheme of delegation approved by Full Council expects officers to provide members with accurate information to enable them make decisions.
5	That maintenance of the office environment be kept under review to ensure that the recent improvements that have been made are sustained and that the working environment is conducive to a happy, healthy and productive workforce.	Director of HR, LBB	This is an action that we keep under review. The deep cleaning of office accommodation happened in December 2017. The Children's Social Care department is also considering opening a reception area for its clients in April 2018 which will be user friendly.
6	That the Local Authority and Bromley Safeguarding Children Board work with partner organisations to actively encourage attendance at and engagement with multi-agency training events.	Chief Executive, LBB/Chairman of Bromley Safeguarding Children's Board	Attendance of key agencies at training events is being monitored by the Chairman of the Safeguarding Board. Regular reports are being provided to the safeguarding board by the training subcommittee on a regular basis. The Chairman of the board has written to organisations where attendance has been poor.
7	The Committee supports the need to analyse the impact of early intervention and to develop policies which prevent children from being taken into care or requiring considerable support.	-	Early intervention is now one of the 6 priorities of the Children and Young People's Plan 2018. The principles agreed by all partners are to provide early intervention and help to families to prevent children from being taken into care.
8	That in the 2018/19 Municipal Year, the Education, Children and Families Select Committee monitor progress made against the issues and recommendations within the reports submitted by the Commissioner for Children's Services in Bromley (in October 2016 and April 2017).	Chairman of the Education, Children and Families Select Committee/Democratic Services Officer.	The recommendations from the Children's Commissioner for Bromley will be presented to the improvement board on a monthly basis from Jan 2018 to ensure that key actions are delivered upon.

Report 2: Child and Adolescent Mental Health Services

Witnesses: Daniel Taegtmeyer, Head of Integrated Commissioning and Transformation (Bromley Clinical Commissioning Group), Dr Jenny Selway, Consultant in Public Health Medicine (LBB),  
 Claire Ely, Director (Bromley Y),  
 Ernest Noad, Chairman (Bromley Wellbeing Service)  
 Beverley Mack, Associate Director (Oxleas NHS Foundation Trust)  
 Stephen Whitmore, Director: Children and Young People’s Services (Oxleas NHS Foundation Trust)

	Recommendation	Addressee	Response
1	That health partners undertake an analysis of specialist mental health provision across the Borough, including eating disorder, autism spectrum disorder and self-harm services, and for this to be considered against the number of referrals and waiting list duration to identify if additional specialist provision is required in any particular area of treatment.	Health Partners	<p>A review of the current referral and care pathways, activity and outcomes are under on-going review through the contract review processes (Bromley Y for Wellbeing, South London and Maudsley and Oxleas).</p> <p>All services commissioned by the NHS are required to submit activity and outcomes data to the national mental health services dataset.</p> <p>The CCG also reports activity and outcomes to NHS England. Out Healthier South East London also report against a Mental Health delivery plan on a quarterly basis.</p> <p>The Local Transformation Plan commits the partnership to a full review of Early Intervention Psychosis services.</p> <p>The South London Partnership New Models of Care is also carrying out extensive service and demand reviews for the most vulnerable group of children who are currently the most likely to be admitted to in patient units.</p> <p>Crisis Care services are currently being developed with a local crisis line and new potential models of crisis care being implemented across the SE London. Oxleas has carried out a comprehensive review of their Paediatric Liaison services and as a result of the review the CCG is investing additional resources in the PRUH to ensure that all CYP who present at A&amp;E can expect to receive dedicated CAMHs interventions and assessment until midnight 7/7 days</p> <p>The CCG is leading a full co-production process, to design sustainable services to meet rising acuity of need.</p>

	Recommendation	Addressee	Response
2	That a standard format for the collection of health data be developed to support comparison and provide an holistic picture of service users.	Bromley CCG, Oxleas NHS Foundation Trust, Bromley Wellbeing Service	<p>NHS Bromley and its partners have developed a local minimum dataset to provide accurate patient level data (anonymised) for the purposes of commissioning.</p> <p>This data is currently analysed by the CCG and the initial findings from the data analysis was included in the Select Committee report (October 2017).</p> <p>Data collection and analysis is subject to further development. The data collection and analysis commenced in 2016/2017 and this means that robust comparator data to review progress against previous years is not possible.</p> <p>Each service which receives funding from the NHS is now required to submit data to the National Minimum Mental Health Services dataset</p>
3	That health partners work to develop arrangements to share live information on waiting lists across a full range of mental health and emotional wellbeing service areas.	Health Partners	<p>Arrangements for live reporting on waiting times is being developed, subject to the data having been validated prior to circulation. Progress against this will be reported by end of Q2 (2018/2019).</p> <p>Specialist community CAMHs activity and waiting times are currently reported through the Contract Monitoring Board monthly.</p> <p>Bromley Y for Wellbeing report waiting times through the quarterly contract monitoring process led by LB Bromley.</p>
4	That funding a for the provision of child and adolescent mental health services benchmarking exercise be undertaken for comparison with statistical neighbours to identify any disparity in funding levels.	Bromley CCG	<p>The Bromley investments in emotional wellbeing and mental health are embedded. The attached data reflects both CCG and LBB investments in to local services. The embedded data includes core investments and includes CAMHs Transformation Plan investments separately.</p> <p>Activity and outcomes data from emotional wellbeing and mental health services are set out in the Select Committee report of October 2017</p> <p>It has not been possible to access investment data from neighbouring Boroughs. Investments in emotional wellbeing and mental health across SE London are currently going through a validation process and are not available for the purposes of comparison.</p> <p> CAMHS Investments Bromley 2014 2018.x</p>

	Recommendation	Addressee	Response
5	That an evaluation of the effectiveness of early intervention be undertaken.	Bromley Wellbeing Service	NHS Bromley CCG is conducting an evaluation with Bromley Y for Wellbeing. The evaluation will be completed by the end of Q2 (2018/2019).

### Report 3: Impact of Early Intervention Services

Witnesses: Rachael Dunley, Head of Early Intervention and Family Support (LBB),  
 Deborah Cole, Team Manager: Children and Family Centre and FSPP (LBB),  
 Barrie Cull, Internal Auditor (LBB),  
 PS Alex Komoroczy (Metropolitan Police), and  
 PCSO Sue Kennedy (Metropolitan Police)

	Recommendation	Addressee	Response
1	That Early Intervention be given greater prominence and that there be a greater emphasis on Early Intervention and the savings and efficiencies that Early Intervention can deliver across multi-agency partnership boards, such as the Bromley Health and Wellbeing Board.	Deputy Chief Executive/Leader of the Council	An update on the recommendations will be tabled at the meeting
2	That consideration be given to including the Head of Early Intervention and Family Support as a member of the Bromley Health and Wellbeing Board to ensure a continued focus on Early Intervention.	Deputy Chief Executive/Leader of the Council	
3	That a comprehensive, independent review of communication between schools and the Council, including services within the Children's Social Care division, to see where improvement may be made.	Deputy Chief Executive	
4	That the budget for Early Intervention in Bromley be protected in future years, as far as practicable, to ensure the continued success of Early Intervention services.	Director of Finance/Deputy Chief Executive	

	Recommendation	Addressee	Response
5	That Bromley Children Project continue to increase and strengthen partnership working and identify new partners, with a focus on services that support sustained changes for families.	Head of Early Intervention	

Report 4: Early Years, Childminding and the 30 Hour Challenge

Witnesses: Carol Arnfield, Head of Early Years, School Standards and Adult Education (LBB),  
Liz Hodgeman, Early Years Strategy Manager (LBB), and  
Angela Leeves, Early Years Provider and Chairman of the Early Years Development and Childcare Partnership.

	Recommendation	Addressee	Response
1	That steps be taken to ensure wider promotion of the requirement to register for those providing care in their home for more than two hours a day.	Head of Early Years, School Standards and Adult Education	An update on the recommendations will be tabled at the meeting
2	That Early Years Provision be included in any review of Special Educational Needs and Disability (SEND) Reform, including co-production and the Local Offer.	Director of Education	
3	That an Early Years version of the Bromley Schools' Circular be produced with support from other Council services, such as design and communication, as appropriate.	Head of Early Years, School Standards and Adult Education/ Communications Executive	
4	That the potential for marketing the new bespoke IT system to other local authorities with comparable IT infrastructure be explored.	Head of Early Years, School Standards and Adult Education	
5	That work continue to explore the potential to develop the two Local Authority maintained nurseries as 'training hubs' for students and apprenticeships and the Committee be provided with an update in March 2019.	Head of Early Years, School Standards and Adult Education	

	Recommendation	Addressee	Response
6	That the excellent quality of the Early Years provision available in Bromley as well as upcoming opportunities for training and employment in the Early Years sector be more widely publicised.	Head of Early Years, School Standards and Adult Education	

**REPORTS OF THE EDUCATION SELECT COMMITTEE 2016/17**  
**Response to Recommendations**

Report 1: The Education Landscape in Bromley

Witnesses: Jane Bailey, Director: Education (LBB)  
 Sam Parrett, Principal and CEO: Bromley College  
 Jo Brinkley, CEO and Executive Head Teacher: Spring Partnership Trust

	Recommendation	Addressee	Response
1	That the Leader of the Council considers realigning Portfolio Responsibilities to create a Children and Family Portfolio including Youth Offending and Housing.	Executive 14 <sup>th</sup> September 2016	In April 2017, Portfolio responsibilities were realigned with responsibility for children's Services being brought into the terms of reference of the Portfolio Holder for Education (with the Portfolio subsequently renamed Education, Children & Families).
2	That the Council make representations to the Department for Education to strengthen the ' <i>duty to co-operate</i> ' of other parts of the education sector so as to enable the Local Authority fulfil its statutory responsibilities.	Education Portfolio Holder and Director: Education 15 <sup>th</sup> September 2016	Education Department has established a Schools Partnership Board (SPB). This allows all schools and academies to work in full cooperation in the best interests of all Bromley's children.
3	That the Council make representations to the Department for Education that when an authority reaches a position whereby a substantial majority of schools are academies that a 'critical mass' has been reached and that the remaining schools be required to convert.	Education Portfolio Holder and Director: Education 15 <sup>th</sup> September 2016	This proposal is signalled in the White Paper 'Educational Excellence Everywhere', published March 2016. We await the new Secretary of State's views; in the meantime education officers are working closely with the DfE and RSC colleagues on ensuring that all our schools' academy plans come to fruition.
4	That the Portfolio Holder for Education establishes the Government's intentions regarding admission criteria for church schools in order to consider resuming discussions with the Catholic Archdiocese for Southwark with a view to the provision of a secondary school.	Education Portfolio Holder and Director: Education 15 <sup>th</sup> September 2016	The Portfolio Holder will seek a meeting with the relevant officials and report back to the Select Committee. However, it must be recognised that all Basic Need funding has been allocated and the only funding stream available to build a new secondary school is via the Free School route.

	Recommendation	Addressee	Response
5	That the Council notes the urgent need to plan and provide for between 30 and 35 additional forms of entry for secondary education by 2021 and recommends that the Development Control Committee, through the Local Plan, ensures that there are sufficient sites to ensure this can be achieved.	Renewal and Recreation Portfolio Holder 15 <sup>th</sup> September 2016	I believe the new local plan as drafted includes sufficient sites for identified school needs.
		Development Control Committee 6 <sup>th</sup> September 2016	The Chairman stated that education sites were identified and put forward through the Local Plan which had yet to be finalised. As a result, he did not feel Members were currently in a position to ensure the provision of education sites could be achieved.  Councillor Huntington-Thresher reported that whilst the Draft Local Plan had identified a number of sites across the Borough, further consideration should be postponed until public consultation on the Local Plan was complete.  Councillor Dean moved that Members could not support consideration of recommendation 5 for the reasons stated above. This was seconded by Councillor Buttinger.
		Executive 14 <sup>th</sup> September 2016	The Deputy Leader suggested that before looking to build a new school(s), the size of existing schools might need to be reviewed for any potential to expand; if necessary, the Deputy Leader would support an existing secondary school being expanded on Green Belt land.
6	That the Development Control Committee be requested to consider how funding from the Council's Community Infrastructure Levy could be used for education purposes.	Renewal and Recreation Portfolio Holder 15 <sup>th</sup> September 2016	There are rules about the use of CIL. If the monies can be used for education then this will doubtless be considered alongside other necessities.

	Recommendation	Addressee	Response
		Development Control Committee 6 <sup>th</sup> September 2016	<p>The Chairman considered it was not within the remit of DCC to determine how CIL funds should be spent. The onus was on specific Council departments to apply through Resources. The CIL would be operated through the Local Plan with funds being allocated to various community services. Therefore the Committee could not comply with the Education Select Committee's request.</p> <p>The Chief Planner explained that the collection of CIL was governed by regulations and the Council was required to justify its need to charge £35 per sq m. A plan would be formalised indicating how CIL funds would be spent; it was possible that infrastructure costs may amount to more than the Council collects. The plan would be reviewed on a yearly basis. The CIL was closely linked to the draft Local Plan and would be implemented shortly after the adoption of the Local Plan in 2017.</p> <p>The Chairman moved that it was premature to consider recommendation 6 until the operational structure of CIL had been formally approved. Councillor Fawthrop seconded the motion.</p>
7	That the Portfolio Holder for Education considers how the role of the Council as a corporate parent might be strengthened so as to improve the education outcomes for Children Looked After.	Education Portfolio Holder and Director: Education 15 <sup>th</sup> September 2016	This recommendation is intrinsic to the work of The Children's Service Improvement Governance Board; to be found within the Children's Services Improvement Plan.

	Recommendation	Addressee	Response
8	That the Education Department considers whether there is scope for cooperation in the field of SEN provision with Bromley College of Further and Higher Education.	Education Portfolio Holder and Director: Education 15 <sup>th</sup> September 2016	<p>There is currently a very close working relationship/partnership between Bromley SEND Services and Bromley College. Examples of the partnership in action are as follows:</p> <ul style="list-style-type: none"> <li>- the development of suitable courses for young people with complex needs, ensuring young people with SEND who wish to continue their studies can remain in borough and continue to ensure the preparation for adulthood developing independence and resilience to live and work in the community;</li> <li>- SEND Services and Preparing for Adulthood Team have and continue to provide training and support to the college as the college has expanded to meet more diverse and complex needs;</li> <li>- The SEN Managers have also worked closely with the college led multi-academy trust to support their contracting to deliver the provision for pupils with Social, Emotional and Mental Health Needs in the borough. Bromley Education Department will continue to seek opportunities for further partnership work with Bromley College of Further Education across the whole of SEND and in particular with preparing for adulthood.</li> </ul>
9	That the Portfolio Holder and the Director of Education prepare a staffing structure for consideration by the Education Select Committee at its September 2016 meeting.	Education Portfolio Holder and Director: Education 15 <sup>th</sup> September 2016	The Director is reshaping the school improvement service in order to establish and service the schools partnership board and also develop closer oversight of safeguarding in schools.
10	That the Portfolio Holder report back to the Education Select Committee on which services currently sold by the Education Department would be economically viable and sustainable once the future role and structure of the Department is decided.	Education Portfolio Holder and Director: Education 15 <sup>th</sup> September 2016	It is agreed that the Portfolio Holder will report back to the Select Committee once any review has been undertaken. However, in light of recommendation 2.1 and the response in 2.10, we cannot provide a comprehensive answer at this time.

	Recommendation	Addressee	Response
11	That the Council explores what further co-operation could be undertaken with the Bromley College of Further and Higher Education in helping people into work and acquiring skills for employment.	Education Portfolio Holder and Director: Education 15 <sup>th</sup> September 2016	The Department values its relationship with Bromley College and considers it an important partner. The Department is also very keen to focus on ensuring post sixteen education and reducing the gap between high and under-performing students. All of these strands of work, together with helping people into employment, can be better achieved by increasing and maintain cooperation between our organisations.
12	That the Master Plan for Biggin Hill be expedited to enable an Academy for Aeronautical, Engineering and Motor Vehicles to be established at the Airport by Bromley College of Further and Higher Education.	Renewal and Recreation Portfolio Holder 15 <sup>th</sup> September 2016	We are progressing the academy at Biggin Hill. There are many issues to be resolved including site ownership.

A motion to note the response of the Education Select Committee to the responses received concerning the First Select Committee Report on the Education Landscape in Bromley was moved by Councillor Nicholas Bennett, seconded by Councillor Neil Reddin and **CARRIED** at the meeting of Council on 12<sup>th</sup> December 2016.

## Report 2: Alternative Education

Witnesses: Neil Miller, Headteacher: Bromley Beacon Academy and Bromley Trust Academy  
 Jenny MacDonald, Senior Education Welfare Officer (LBB)  
 Debbie Partington, Lead Teacher for Home and Hospital Tuition (LBB)  
 Mr Kevin Grant, Home Tutor, Alternative Education and Welfare (LBB)

	Recommendation	Addressee	Response
1	The School Partnership Board consider how the progress of pupils who have attended the Bromley Academy Trust can be better monitored so prevent readmittance and to enable evaluation of the outcomes of the Academy.	Director: Education 17 <sup>th</sup> January 2017	<p>It should be noted that the School Partnership Board is school led and cannot be directed by the Local Authority; the potential future governorship arrangements and terms of reference are in development. However, LA officers will raise this with the Schools Partnership Board Chairman for possible inclusion as an item, or standing item, at future meetings.</p> <p>The onus for monitoring the progress of pupils reintegrating mainstream education falls more to LA officers and BTA. In 2017, officers will seek to revise the current contract with BTA for the funding of Alternative Provision places to improve the monitoring and reporting requirements, particularly in relation to leavers and outcomes.</p> <p>In addition, a number of work streams are in progress concerning the strategy for preventing permanent exclusions – part of this will be consideration of additional support for BTA learners transferring back into mainstream education at a Bromley school.</p>

	Recommendation	Addressee	Response
2	That the School Partnership Board examine how best practice can be disseminated with regard to the provision of work for pupils unable to attend school through ill health.	Director: Education 17 <sup>th</sup> January 2017	<p>As above, this will be raised with the Chairman of the Schools Partnership Board for possible inclusion at future meetings.</p> <p>The guidance on provision for pupils who cannot attend school due to health needs sets out a number of expectations of the school and the LA both for supporting learning while away from school and in working together to set up individually tailored reintegration plans for each child.</p> <p>As part of a review of the Home &amp; Hospital service, we will seek to strengthen the monitoring of school engagement with the child's learning while they are out of school and at reintegration and, where there are concerns, we will feed back to schools directly and via the Partnership Board with a clear evidence base.</p>
3	That the School Partnership Board consider how the work of the Core Panel can be made more widely known to schools and to consider whether standardised information questionnaires regarding pupils in need of support through alternative provision might be helpful.	Director: Education 17 <sup>th</sup> January 2017	As part of the development of the strategy for permanent exclusions, work is currently being undertaken to revise the terms of reference of the Core Panel and to develop a standardised referral form. It is intended to produce a transparent Core Panel guidance book which will be distributed to all schools in Bromley on a regular basis. Awareness raising will also be conducted through the Schools Partnership Board.
4	That the School Partnership Board identify best practice for the reintegration of pupils into mainstream education and encourage all schools to adopt it.	Director: Education 17 <sup>th</sup> January 2017	Officers will be discussing best practice for the reintegration of pupils into mainstream education through a number of routes including as part of its contract relationship with BTA, as part of the Fair Access Protocol and Core Panel arrangements, and we will seek to raise it with the Schools Partnership Board.
5	That if required, further analysis of the reasons for the rise in the number of children with mental health problems be undertaken in the light of the findings of the review by CAMHS.	Director: Education 17 <sup>th</sup> January 2017	Noted; we will await the completion of the CAMHS Review.

	Recommendation	Addressee	Response
6	That the Executive be requested to examine what resources from other sources including the CGC might be accessed to ensure a seamless service for children in education with serious medical needs.	Director: Education 17 <sup>th</sup> January 2017	This will be followed up with Health colleagues, while noting that the statutory guidance on school pupils with medical conditions gives clear expectations and responsibilities to schools and alternative provision providers (including the Home & Hospital provision) to ensure arrangements are put in place to accommodate their needs. In particular, the Home and Hospital service will seek to strengthen its arrangements with CAMHS, given the primary needs of the majority of Home & Hospital are mental, emotional and behavioural health needs.
7	<p>That the Council directly and through the Members of Parliament for the Borough makes representations to the Government for the following changes in the law:</p> <ol style="list-style-type: none"> <li>1) To introduce a registration system for all young people not educated in a formal school.</li> <li>2) To enshrine in law the right of parents to home educate such a right is subsidiary to the right of every child to a proper education so as to be able to find employment and be a full member of the community.</li> <li>3) To ensure that Local Authorities have the power investigate and ensure that children outside the formal education system are safe and well.</li> <li>4) That the recommendations of the Badman Report and the Select Committee on Education Report be taken into account in drafting other legislative proposals.</li> </ol>	Director: Education 17 <sup>th</sup> January 2017	<p>A draft letter concerning these topics, noting that several proposals arising from the Badman Report in 2009 were not taken forward through legislation, and whether it is intended to revisit these proposals will be prepared to go to:</p> <ul style="list-style-type: none"> <li>• The Secretary of State for Education;</li> <li>• Bromley Members of Parliament;</li> <li>• The Regional Schools Commissioner</li> </ul>

	Recommendation	Addressee	Response
		Executive 8 <sup>th</sup> February 2017	<p>Members recognised that there was a balance between allowing parents to exercise choice about how their children were educated and the child's right to a good education, but Councillor Bennett felt that safeguarding and ensuring a decent education should have the greater importance. Some Members present took a contrary view that parents should have choice and should not have to be dictated to by the education establishment.</p> <p>The Leader confirmed that the local MPs had been contacted about the issue of home education, and they had responded requesting further information.</p>

A motion to invite the Leader and appropriate Portfolio Holders to consider the recommendations in the report and (a) refer the recommendations to Service Directors where appropriate and (b) provide a written response to the Education Select Committee for consideration at their next meeting on 17<sup>th</sup> January 2017 was moved by Councillor Nicholas Bennett, seconded by Councillor Neil Reddin and **CARRIED** at the meeting of Council on 12<sup>th</sup> December 2016.

### Report 3: Supporting Under Performing Pupils

Witnesses: Jaki Moody Primary Education Advisor for English (LBB)  
 Rachel Dunley Bromley Children's Project Manager (LBB)  
 Kieran Osborne, Chairman Schools' Partnership Board  
 Mary Cava, Joint Head of SEN (LBB)  
 Helen Priest, Head Teacher Bromley Virtual School (LBB)

	Recommendation	Addressee	Response
1	That further information be provided to the Education Select Committee concerning all the assessments carried out in pre-school settings before the end of the Foundation Stage, including the number of referrals for SEN as this is the group of children identified as not making the progress expected in the earliest stage of education.	Director of Education	<p>The EYFS requires formative (ongoing) assessment as part of the learning and development process. Providers are required under the EYFS to review the progress of children between two and three. This 2 year old check identifies the child's strengths and areas where progress is less than expected. The checks are used to develop targeted plans and involve other professionals when required. Ofsted inspections include the two year old check.</p> <p>The EY Quality team have developed review templates and tracker sheets used to monitor all children's progress. These are used to identify where children are below age related expectations. Training has been delivered to providers on tracking and planning support strategies.</p> <p>Currently there is no data available on number of 2 year old checks that have been completed and the percentage of those identified as needing additional support. No data is available based on the overall tracking of children.</p> <p>The Quality Team have plans in place to undertake visits to a cross section of providers to look at tracking and assessment during the summer 2017. Longer term we are looking to develop a system to collate data from providers around 2 year old checks and tracking of 3 and 4 year olds as this will help to identify areas for future focus and raise quality.</p>

	Recommendation	Addressee	Response
2	That more action be taken to facilitate and improve information sharing between pre-school and early years settings in order to smooth the transition process.	Director of Education	<p>A transition document has been developed in partnership with providers which includes the child's stage of development and focus for future input/support.</p> <p>The Quality Team are currently working on developing 'hubs' which will include schools, PVI's, childminders and out of school providers within localities. Some already in place, more need to be established. These will meet termly to develop partnership working, information sharing, best practice and developing links with relation to the shared delivery of the 30 hours offer.</p> <p>The hubs will review current transition document and processes and looking to develop local models of good practice.</p> <p>Reception teachers often visit the EY provision prior to transition to gather information and meet the children.</p>
3	That further work be undertaken to help all parents understand the importance of giving consent for professionals to contact preschool settings.	Bromley Children's Project Manager	<p>Awareness was raised last year with all providers to include information sharing and consent within their registration forms. Awareness campaign needs to be directed to parents and this could be linked with the promotion of the 30 hour funding. This requires greater information sharing when children are attending more than one provision in order to access their full entitlement.</p> <p>The 2 year old check provides a good opportunity to discuss information sharing with parents as the check is done in partnership with the Health Visitor.</p>
4	That more work should be done to develop a standard protocol and pro forma for information sharing as children and young people progress through the education system.	Director of Education	<p>The EY's Transition document could be a starting point for information sharing regarding the child's education.</p> <p>More work will need to be done to look into how this could work and how we could get all schools and EY's providers to sign up. Information management and sharing is currently undergoing review in response to the new General Data Protection Regulations due to come in in May 2018. A new protocol will need to take into account the requirements of the new regulations.</p>

	Recommendation	Addressee	Response
5	That robust systems be established to support pupils as they transfer from primary to secondary school ensuring that accurate and correct information is shared between the schools in order to provide a seamless transition for pupils and support their progress and achievement.	Schools' Partnership Board	<p>Bromley EBP provides support to this agenda through the Mentoring Initiative. Referrals are taken from social workers, primary schools and other agencies for young people who would benefit from regular volunteer mentor support to help with their transition to secondary school.</p> <p>In many occasions, the Mentor will continue to support the young person during Year 7 to help them settle in.</p>
6	That the Schools Partnership Board be asked to review support given to improving school standards in order to give all pupils every available opportunity.	Schools' Partnership Board	The Interim Schools Partnership Board is overseeing a project on Closing the Gap and is organising a conference on this topic for the next academic year.
7	That signposting to non-university education be expanded in order to ensure that students are aware of the variety of career opportunities available through vocational training and to support parity of esteem between vocational and academic education.	Director of Education	<p>Through the Youth Employment Scheme funding is accessed to provide employability events for sixth form students NOT intending to go onto University education. 7 events have been held in 2016/17 for 13 schools and the college with over 350 young benefitting from employer input on career opportunities available without degree education. A key part of the programme is promoting the benefits of apprenticeships and the range of qualifications available.</p> <p>All young people NOT going onto HE will be contacted after exams to offer further support. Promotional material for YES will be distributed to all schools for results days.</p> <p><b>Heads of Sixth Form</b> – Good relationships have been developed with the schools and dates for Next Steps funded activities offered to all Bromley Ho6 in October 2016. Ho6 continue to refer young people potentially dropping out to YES.</p> <p><b>Apprenticeships</b> – BEBP continues to work with the National Apprenticeship Service/LSEC and to promote the range of opportunities through our work on YES and working with employers to encourage them to consider taking on apprentices.</p> <p><b>Alternative Provision</b> – BEBP has historically coordinated the flexible learning programme which was offered to schools via the 14-19 Network. Currently we facilitate the programme for young learners on ESOL placements. Relationships with other local AP providers has decreased.</p>

	Recommendation	Addressee	Response
8	That the Schools Partnership Board be the vehicle for coordinating the provision of careers advice across the Borough.	Director of Education/Schools' Partnership Board	<p><b>Careers Education Advice and Guidance</b></p> <p><b>Work Experience</b> – Bromley EBP provides a package of sold services to schools to help them deliver quality, safe and sustainable work placements. During 2016/17 - 8 Bromley schools are in the Network. WEX Coordinators are either Careers professionals or based within Careers Department. BEBP also offers bespoke work placement service particularly aimed at vulnerable young people to help enhance their employability and career management.</p> <p><b>Employability Support</b> – BEBP offers a sold service of employer led events to schools to support their career management programme including mock interviews, career talks and enterprise events for KS4 and 5. Events involving local and national employers are delivered in school and always involve a focus on apprenticeship opportunities. A Sold Service offer will be communicated to schools and available on-line by July 2017</p>
9	That a review of the progress made in implementing the Committee recommendation in this and other reports published in the municipal year be published in April 2018.	Director of Education/Democratic Services Officer	This will be built into the ECHS forward plan.

## Report 4: Children Missing Education

Witnesses: Ms Jenny MacDonald, Senior Education Welfare Officer (LBB)  
 Ms Linda King, Youth Support Programme Manager (Universal) (LBB)  
 Ms Stella Marshall, NEET Support Programme Officer (LBB)  
 Helen Priest, Head Teacher Bromley Virtual School (LBB) (Written Evidence)  
 Bromley Youth Council submitted a paper providing their views on why young people may not be attending school.

	Recommendation	Addressee	Response
1	That schools across the Borough be encouraged to alert the Senior Education Welfare Officer where a child's sporadic and irregular attendance becomes a cause for concern	Portfolio Holder for Education, Children & Families/Director of Education	<p>Since September 2017, each school has a single point of contact (SPOC) within the Education Welfare Service (EWS). This mirrors the approach adopted in Children's Social Care. The EWS SPOCs telephoned every school in September to ensure that schools' administrative staff understood reporting arrangements.</p> <p>The EWS is working with 1289 children whose absence is persistent, providing support to effect improvement and taking formal action where necessary. In January 2018, the EWS SPOC will ask schools to identify any other pupils whose attendance falls below 90% with a view to earlier intervention.</p>
2	That the Chairman of the Education, Children & Families Select Committee write to the Department for Education (DfE) to encourage exercise of its powers through the regular to ensure that all London Authorities comply with the London Protocol and provide notification when families move from one Local Authority area into another.	Chairman of the Education, Children & Families Select Committee	The Chairman sent a letter to Robert Goodwill MP (Minister of State for Children and Families, Department for Education) on 26 July 2017, outlining the issues identified by the Select Committee.
3	That the Local Authority approach the Department for Education (DfE) to seek a review of the Participation Formula used by the DfE to identify NEET status as the current approach does not take young people's personal circumstances into account and skews the data.	Portfolio Holder for Education, Children & Families/Director of Children's Social Care	This was discussed at the meeting of Directors for Children's services in October 2017 and a representation has been made through the group to the Department of Education.

	Recommendation	Addressee	Response
4	That the Council's newly established Housing Panel ensure that young and vulnerable people are always given priority in respect of available support in line with the Local Authority's Corporate Parenting responsibilities.	Director of Housing/Head of CLA and Care Leavers	The Head of Service for CLA and Care Leavers chairs the Care Leavers' Panel which is also attended by colleagues in Housing. This panel considers holistically all issue with regard to housing and support for our vulnerable young people and care leavers, including their Education Training and Employment status. Our care leavers referral to housing is good and the inclusion of colleagues from Housing on the panel negates any delay for appropriate accommodation and floating support in line with each individual's identified need.
5	The Committee notes that as Corporate Parents the Council maintains a responsibility to support young care leavers into any suitable education, employment and training.	Leader of the Council/Deputy Chief Executive	The Council has set out through the Corporate Parenting Strategy and the Leaving Care Strategy its commitments to children in its care. The document sets out our commitments to care leavers' employment, education and training. The corporate parenting board will scrutinise the delivery of these actions

**REPORTS OF THE EDUCATION, CHILDREN AND FAMILIES SELECT COMMITTEE 2017/18  
Response to Recommendations**

Report 1: The Children’s Services Landscape in Bromley

Witnesses: Ade Adetosoye, Deputy Chief Executive and Executive Director (ECHS), LBB  
 Janet Bailey, Interim Director of Children’s Services, LBB  
 Isobel Cattermole, Independent Chairman of the Bromley Children’s Service Improvement Governance Board  
 Jim Gamble QPM, Independent Chairman of Bromley Safeguarding Children’s Board

	Recommendation	Addressee	Response
1	That the provision of communications support within the Council be reviewed to ensure sufficient capacity to disseminate key messages and information within the Bromley partnership.	Chief Executive/Leader of the Council, LBB	A review of departmental communications is being undertaken and a report will be available to the leadership team in Education, Care and Health in April 2018
2	That an in-depth analysis of the Children’s Joint Strategic Needs Assessment and a comprehensive review of the changing demography of the Borough be undertaken to inform the provision of services over the next 5 to 10 years.	Deputy Chief Executive and Executive Director ECHS, LBB	This will be addressed in part by the JSNA which is about to be published, and in part by a refresh of the Children’s JSNA later this year.
3	That the Leader and Portfolio Holder for Education, Children and Families make further representations, once the review of the changing demographics of the Borough is completed, to the Government to ensure that adequate funding for the Local Authority and its partners to enable them to meet their increasing obligations to vulnerable children and families in the Borough.	Leader of the Council/Portfolio Holder for Education, Children and Families	The Local authority makes regular representations to central government and this particular issue was raised with Ministers in Dec 2017. We will continue to keep this item on the agenda when we meet with Government officials.

	Recommendation	Addressee	Response
4	That work to foster a transparent, honest corporate culture to ensure that Members are provided with accurate information to enable them to provide the necessary support to Officers through respectful challenge.	Chief Executive/Leader of the Council/Director of HR, LBB	This is being discussed both at an officer level and with the Executive. The Council scheme of delegation approved by Full Council expects officers to provide members with accurate information to enable them make decisions.
5	That maintenance of the office environment be kept under review to ensure that the recent improvements that have been made are sustained and that the working environment is conducive to a happy, healthy and productive workforce.	Director of HR, LBB	This is an action that we keep under review. The deep cleaning of office accommodation happened in December 2017. The Children's Social Care department is also considering opening a reception area for its clients in April 2018 which will be user friendly.
6	That the Local Authority and Bromley Safeguarding Children Board work with partner organisations to actively encourage attendance at and engagement with multi-agency training events.	Chief Executive, LBB/Chairman of Bromley Safeguarding Children's Board	Attendance of key agencies at training events is being monitored by the Chairman of the Safeguarding Board. Regular reports are being provided to the safeguarding board by the training subcommittee on a regular basis. The Chairman of the board has written to organisations where attendance has been poor.
7	The Committee supports the need to analyse the impact of early intervention and to develop policies which prevent children from being taken into care or requiring considerable support.	-	Early intervention is now one of the 6 priorities of the Children and Young People's Plan 2018. The principles agreed by all partners are to provide early intervention and help to families to prevent children from being taken into care.
8	That in the 2018/19 Municipal Year, the Education, Children and Families Select Committee monitor progress made against the issues and recommendations within the reports submitted by the Commissioner for Children's Services in Bromley (in October 2016 and April 2017).	Chairman of the Education, Children and Families Select Committee/Democratic Services Officer.	The recommendations from the Children's Commissioner for Bromley will be presented to the improvement board on a monthly basis from Jan 2018 to ensure that key actions are delivered upon.

Report 2: Child and Adolescent Mental Health Services

Witnesses: Daniel Taegtmeyer, Head of Integrated Commissioning and Transformation (Bromley Clinical Commissioning Group), Dr Jenny Selway, Consultant in Public Health Medicine (LBB),  
 Claire Ely, Director (Bromley Y),  
 Ernest Noad, Chairman (Bromley Wellbeing Service)  
 Beverley Mack, Associate Director (Oxleas NHS Foundation Trust)  
 Stephen Whitmore, Director: Children and Young People’s Services (Oxleas NHS Foundation Trust)

	Recommendation	Addressee	Response
1	That health partners undertake an analysis of specialist mental health provision across the Borough, including eating disorder, autism spectrum disorder and self-harm services, and for this to be considered against the number of referrals and waiting list duration to identify if additional specialist provision is required in any particular area of treatment.	Health Partners	<p>A review of the current referral and care pathways, activity and outcomes are under on-going review through the contract review processes (Bromley Y for Wellbeing, South London and Maudsley and Oxleas).</p> <p>All services commissioned by the NHS are required to submit activity and outcomes data to the national mental health services dataset.</p> <p>The CCG also reports activity and outcomes to NHS England. Out Healthier South East London also report against a Mental Health delivery plan on a quarterly basis.</p> <p>The Local Transformation Plan commits the partnership to a full review of Early Intervention Psychosis services.</p> <p>The South London Partnership New Models of Care is also carrying out extensive service and demand reviews for the most vulnerable group of children who are currently the most likely to be admitted to in patient units.</p> <p>Crisis Care services are currently being developed with a local crisis line and new potential models of crisis care being implemented across the SE London. Oxleas has carried out a comprehensive review of their Paediatric Liaison services and as a result of the review the CCG is investing additional resources in the PRUH to ensure that all CYP who present at A&amp;E can expect to receive dedicated CAMHs interventions and assessment until midnight 7/7 days</p> <p>The CCG is leading a full co-production process, to design sustainable services to meet rising acuity of need.</p>

	Recommendation	Addressee	Response
2	That a standard format for the collection of health data be developed to support comparison and provide an holistic picture of service users.	Bromley CCG, Oxleas NHS Foundation Trust, Bromley Wellbeing Service	<p>NHS Bromley and its partners have developed a local minimum dataset to provide accurate patient level data (anonymised) for the purposes of commissioning.</p> <p>This data is currently analysed by the CCG and the initial findings from the data analysis was included in the Select Committee report (October 2017).</p> <p>Data collection and analysis is subject to further development. The data collection and analysis commenced in 2016/2017 and this means that robust comparator data to review progress against previous years is not possible.</p> <p>Each service which receives funding from the NHS is now required to submit data to the National Minimum Mental Health Services dataset</p>
3	That health partners work to develop arrangements to share live information on waiting lists across a full range of mental health and emotional wellbeing service areas.	Health Partners	<p>Arrangements for live reporting on waiting times is being developed, subject to the data having been validated prior to circulation. Progress against this will be reported by end of Q2 (2018/2019).</p> <p>Specialist community CAMHs activity and waiting times are currently reported through the Contract Monitoring Board monthly.</p> <p>Bromley Y for Wellbeing report waiting times through the quarterly contract monitoring process led by LB Bromley.</p>
4	That funding a for the provision of child and adolescent mental health services benchmarking exercise be undertaken for comparison with statistical neighbours to identify any disparity in funding levels.	Bromley CCG	<p>The Bromley investments in emotional wellbeing and mental health are embedded. The attached data reflects both CCG and LBB investments in to local services. The embedded data includes core investments and includes CAMHs Transformation Plan investments separately.</p> <p>Activity and outcomes data from emotional wellbeing and mental health services are set out in the Select Committee report of October 2017</p> <p>It has not been possible to access investment data from neighbouring Boroughs. Investments in emotional wellbeing and mental health across SE London are currently going through a validation process and are not available for the purposes of comparison.</p> <p> CAMHS Investments Bromley 2014 2018.x</p>

	Recommendation	Addressee	Response
5	That an evaluation of the effectiveness of early intervention be undertaken.	Bromley Wellbeing Service	NHS Bromley CCG is conducting an evaluation with Bromley Y for Wellbeing. The evaluation will be completed by the end of Q2 (2018/2019).

### Report 3: Impact of Early Intervention Services

Witnesses: Rachael Dunley, Head of Early Intervention and Family Support (LBB),  
 Deborah Cole, Team Manager: Children and Family Centre and FSPP (LBB),  
 Barrie Cull, Internal Auditor (LBB),  
 PS Alex Komoroczy (Metropolitan Police), and  
 PCSO Sue Kennedy (Metropolitan Police)

	Recommendation	Addressee	Response
1	That Early Intervention be given greater prominence and that there be a greater emphasis on Early Intervention and the savings and efficiencies that Early Intervention can deliver across multi-agency partnership boards, such as the Bromley Health and Wellbeing Board.	Deputy Chief Executive/Leader of the Council	An update on the recommendations will be tabled at the meeting
2	That consideration be given to including the Head of Early Intervention and Family Support as a member of the Bromley Health and Wellbeing Board to ensure a continued focus on Early Intervention.	Deputy Chief Executive/Leader of the Council	
3	That a comprehensive, independent review of communication between schools and the Council, including services within the Children's Social Care division, to see where improvement may be made.	Deputy Chief Executive	
4	That the budget for Early Intervention in Bromley be protected in future years, as far as practicable, to ensure the continued success of Early Intervention services.	Director of Finance/Deputy Chief Executive	

	Recommendation	Addressee	Response
5	That Bromley Children Project continue to increase and strengthen partnership working and identify new partners, with a focus on services that support sustained changes for families.	Head of Early Intervention	

Report 4: Early Years, Childminding and the 30 Hour Challenge

Witnesses: Carol Arnfield, Head of Early Years, School Standards and Adult Education (LBB),  
Liz Hodgeman, Early Years Strategy Manager (LBB), and  
Angela Leeves, Early Years Provider and Chairman of the Early Years Development and Childcare Partnership.

	Recommendation	Addressee	Response
1	That steps be taken to ensure wider promotion of the requirement to register for those providing care in their home for more than two hours a day.	Head of Early Years, School Standards and Adult Education	An update on the recommendations will be tabled at the meeting
2	That Early Years Provision be included in any review of Special Educational Needs and Disability (SEND) Reform, including co-production and the Local Offer.	Director of Education	
3	That an Early Years version of the Bromley Schools' Circular be produced with support from other Council services, such as design and communication, as appropriate.	Head of Early Years, School Standards and Adult Education/ Communications Executive	
4	That the potential for marketing the new bespoke IT system to other local authorities with comparable IT infrastructure be explored.	Head of Early Years, School Standards and Adult Education	
5	That work continue to explore the potential to develop the two Local Authority maintained nurseries as 'training hubs' for students and apprenticeships and the Committee be provided with an update in March 2019.	Head of Early Years, School Standards and Adult Education	

	Recommendation	Addressee	Response
6	That the excellent quality of the Early Years provision available in Bromley as well as upcoming opportunities for training and employment in the Early Years sector be more widely publicised.	Head of Early Years, School Standards and Adult Education	

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