

## **EDUCATION POLICY DEVELOPMENT AND SCRUTINY COMMITTEE**

Minutes of the meeting held at 7.00 pm on 8 July 2015

### **Present:**

Councillor Nicholas Bennett J.P. (Chairman)  
Councillor Neil Reddin FCCA (Vice-Chairman)  
Councillors Teresa Ball, Julian Benington, Kevin Brooks,  
Alan Collins, Mary Cooke, Judi Ellis and Stephen Wells

Hannah Barnard, Darren Jenkins, Joan McConnell, Alison  
Regester, Mylene Williams and Tony Wright-Jones

### **Also Present:**

Councillor Peter Fortune, Portfolio Holder for Education  
Councillor Tom Philpott, Executive Support Assistant to the Portfolio  
Holder for Education  
Councillors Peter Dean, Robert Evans, Colin Smith and Michael Turner

## **1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**

Apologies for absence were received from Councillor Kathy Bance and Councillor Ellie Harmer. Councillor Kevin Brooks and Councillor Stephen Wells attended as their respective substitutes.

## **2 CO-OPTIONS TO THE EDUCATION PDS COMMITTEE 2015/16**

### **Report CSD15061**

The Committee considered a report outlining Co-opted Membership appointments to the Education PDS Committee for 2015/16.

### **RESOLVED that:**

- 1) The following Parent Governor Representative appointments be made to the Education PDS Committee for 2015/16 with voting rights:**
  - Mrs Mylene Williams, Primary Parent Governor
  - Mr Tony Wright-Jones, Secondary Parent Governor
  - Mr Darren Jenkins, Special School Parent Governor
  
- 2) Mrs Mary Capon representing the Church of England and Mrs Joan McConnell representing the Roman Catholic Church be**

**appointed as Co-opted Members to the Education PDS Committee for 2015/16 with voting rights;**

**3) The following Education PDS Co-opted Membership appointments be made to the Education PDS Committee for 2015/16 without voting rights:**

- **Mrs Alison Register as Pre-School Settings Representative**
- **Miss Hannah Barnard as Young Peoples Representative**

### **3 RECONSTITUTION OF WORKING GROUPS OF THE EDUCATION PDS COMMITTEE**

#### **Report CSD15085**

The Committee considered a report outlining the proposed reconstitution of working groups of the Education PDS Committee for 2015/16.

The Chairman highlighted the priority for primary and secondary school place planning and proposed that the School Places Working Group be reconvened for 2015/16. This was supported by the Members of the Education PDS Committee and Member nominations were confirmed as Councillor Judi Ellis as Chairman, Councillors Kathy Bance, Nicholas Bennett JP, Mary Cooke and Neil Reddin, and Co-opted Members, Joan McConnell, Tony Wright-Jones and Mylene Williams.

The Chairman noted that in 2014/15, the Education PDS Committee established a School Improvement Panel to be convened when schools identified as requiring improvement were failing to make satisfactory progress, and a Progress of Academy Status Panel to be convened to ensure that schools were supported in progressing to academy status. The Chairman proposed that these two panels be reconstituted as a single School Improvement Panel for 2015/16 to reflect Government policy for the academisation of schools failing to meet the required standards where appropriate. This was supported by the Members of the Education PDS Committee and Member nominations were confirmed as Councillor Mary Cooke as Chairman, Councillors Teresa Ball, Nicholas Bennett JP, Julian Benington, Alan Collins and Neil Reddin, and Co-opted Member, Darren Jenkins.

#### **RESOLVED that:**

- 1) The School Places Working Group be reconvened for 2015/16 to develop recommendations for further temporary and permanent expansions of primary schools and for membership to comprise Councillor Judi Ellis as Chairman, Councillors Kathy Bance, Nicholas Bennett JP, Mary Cooke and Neil Reddin, and Co-opted Members, Joan McConnell, Tony Wright-Jones and Mylene Williams; and,**

- 2) The School Improvement Panel and the Progress of Academy Status Panel be convened for 2015/16 as a single School Improvement Panel to reflect Government policy for the academisation of schools failing to meet the required standards where appropriate and for membership to comprise Councillor Mary Cooke as Chairman, Councillors Teresa Ball, Nicholas Bennett JP, Julian Benington, Alan Collins and Neil Reddin, and Co-opted Member, Darren Jenkins.**

#### **4 DECLARATIONS OF INTEREST**

Councillor Teresa Ball declared that she was a Governor of Bromley Adult Education College.

Councillor Julian Benington declared that he was a Governor of Charles Darwin School.

Councillor Nicholas Bennett JP declared that he was a Governor of Bromley College of Further and Higher Education and of Southborough Primary School.

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

Councillor Judi Ellis declared that she was a Governor of Riverside School and Midfield Primary School, that she was a member of the Interim Executive Board of Burwood School, that her son was the Head teacher of Biggin Hill Primary School and that she had two grandchildren attending Tubbenden Primary School.

Councillor Robert Evans declared that he was a Member of the Court of St Olave's and St Saviour's.

Councillor Peter Fortune declared that his wife was a teacher at Perry Hall Primary School.

Councillor Tom Philpott declared that he was a Governor of Hawes Down Junior School.

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

Councillor Michael Turner declared that he was a Governor of Bromley Adult Education College.

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

Mr Darren Jenkins, Parent Governor representative, declared that he was a Governor of Riverside School and Wickham Common Primary School, and that he had a child attending Wickham Common Primary School and a child attending The Glebe School.

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

Mrs Mylene Williams, Parent Governor representative, declared that she was a Governor of St Paul's Cray C.E. Primary School and that she had a child who attended St Paul's Cray C.E. Primary School.

Mr Tony Wright-Jones, Parent Governor representative, declared that he was a Governor of St Olave's and St Saviour's Grammar School.

**5 MINUTES OF THE EDUCATION PDS COMMITTEE MEETING  
HELD ON 10TH MARCH 2015 AND 13TH MAY 2015 AND  
MATTERS OUTSTANDING FROM PREVIOUS MEETINGS**

**RESOLVED** that the minutes of the meeting held on 10<sup>th</sup> March 2015 and 13<sup>th</sup> May 2015 be agreed and that matters outstanding be noted.

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

No questions had been received.

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

Eleven oral questions were received from Rosalind Luff, Bryan Freake, Michaela Mahon and Paula Hollywood and are attached at **Appendix A**.

Two written questions were received from Eddie Lynch, Bromley Mencap on behalf of a parent and Yvette Connor and are attached at **Appendix B**.

**8 PORTFOLIO HOLDER UPDATE**

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

The demand for primary-level pupil places across the Borough continued to be high, and it had been identified that a significant increase in secondary level pupil-places would be required across the Borough in future years.

As an increasing number of schools converted to academy status and free schools were established across the Borough, consideration was being given to the way that education provision would be delivered across the Borough into the future, and how the Local Authority could most effectively work with

schools to fulfil its statutory responsibilities around the safeguarding of children and young people.

**RESOLVED that the Portfolio Holder update be noted.**

## **9 PORTFOLIO HOLDER PROPOSED DECISIONS**

### **A) REVISED INSTRUMENT OF GOVERNMENT - ST OLAVE'S AND ST SAVIOUR'S GRAMMAR SCHOOL -**

#### **Report ED15094**

The Portfolio Holder introduced a report outlining a proposed new Instrument of Government for St Olave's and St Saviour's Grammar school.

In April 2015, the Governing Body of St Olave's & St Saviour's Grammar school notified the Local Authority that the school wished to secure a new Instrument of Government. The report seeking the approval of the new Instrument of Government was published on the Bromley Council website on 17<sup>th</sup> April 2015 and made available for scrutiny by Members until 24<sup>th</sup> April 2015, under the provisions made in the Council's Constitution to enable certain classes of decisions considered non-contentious to be made outside of the normal decision making process as an 'independent decision' where there was agreement with the Portfolio Holder and the relevant PDS Committee. A number of concerns were raised by Members and a Co-opted Member during the scrutiny period, and as the Local Authority was bound by the rules of Purdah, legal advice was taken at this time and the independent decision was suspended.

Following the appointment of a new Portfolio Holder for Education at Annual Council on 13<sup>th</sup> April 2015, the decision was made to re-publish the report on the Bromley Council website on 14<sup>th</sup> May 2015, with a further scrutiny period extended to 27<sup>th</sup> May 2015. During this additional scrutiny period, eight Members raised a number of concerns regarding the proposed decision and requested that this matter be referred to the Education PDS Committee before any decision was made, for which there was provision in the Council's Constitution. The Portfolio Holder for Education subsequently wrote to the Chair of Governors of St Olave's & St Saviour's Grammar school to request that the Governing Body give consideration to amending the draft Instrument of Government in light of the concerns raised by Members, which included a request that the new Instrument of Government include additional representation from Staff and Parent Governors. The Chairman of Governors responded on 30<sup>th</sup> June 2015 to notify the Portfolio Holder for Education that the school was not minded to amend the draft Instrument of Government, which had already been approved by the Diocese of Rochester.

The Legal Representative to the Education PDS Committee advised Members that the draft Instrument of Government complied with all applicable legislative provisions, and that under the School Governance (Constitution) (England) Regulations 2012, the Local Authority was required to make the new

Instrument of Government in the form of the draft. There was provision under the regulations for the Governing Body of St Olave's and St Saviour's Grammar school or the Local Authority to review the Instrument of Government at any time after it was made where it was decided that the Instrument of Government should be varied. The Legal Representative confirmed that St Olave's and St Saviour's Grammar school was required to have a new Instrument of Government in place by 1<sup>st</sup> September 2015, and following discussion Members generally agreed that the Portfolio Holder for Education be recommended to approve the new Instrument of Government.

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

- 1) Approve the new Instrument of Government for St Olave's & St Saviour's Grammar School; and,**
- 2) Instruct that the Instrument be made by the Common Seal of the Council of the London Borough of Bromley.**

**B) SEN TRANSPORT POLICY CHANGES FOLLOWING RECENT CONSULTATION**

**Report ED15092**

The Portfolio Holder introduced a report summarising the outcome of the consultation undertaken on the revised Special Education Needs Transport Assistance Policy.

A report was considered at the meeting of Education PDS Committee on 30<sup>th</sup> September 2014 which outlined the results of a review of the Special Educational Needs Transport Assistance Policy, which had been undertaken to ensure that service provision continued to be fit for purpose following a range of reforms recently made to education and special education and the introduction of Education, Health and Care Plans through the Children and Families Act 2014. It was requested that approval be given for a consultation on the proposed revised Special Educational Needs Transport Assistance Policy which was subsequently agreed by the Portfolio Holder for Education on 3<sup>rd</sup> October 2014.

The consultation took place from February to March 2015 and sought feedback from a wide range of stakeholders, including the families of service users, Bromley schools and key partners, and Bromley Parent Voice undertook its own engagement process which included a survey and two focus groups. Of the submissions received, the majority of parents confirmed they felt informed or well informed on the draft policy, although the need to use plainer English and ensure the policy was accessible was highlighted. 58% of individual parents who responded were in agreement that transport assistance should be based on the needs of the child, which was in accordance with statutory guidance, but a number of comments were also made around taking wider family needs into consideration. Respondents to the survey were divided over whether all travel options should be explored

before Local Authority funded transport assistance was offered, but 60% of respondents were broadly supportive of travel training for children in Year 6 and above where it was appropriate and where risk was managed. With regard to the potential use of muster points, 56% of parents disagreed or strongly disagreed with this idea, whilst 21% were in agreement. The proposed Special Education Needs Transport Assistance Policy was revised to reflect concerns raised during the consultation process and to ensure the policy was accessible.

In considering the report, a Member requested an update on work to develop a pilot muster point scheme in which children and young people with special educational needs could be picked up and dropped off from muster points that were a maximum of two miles from their family home. The Assistant Director: Education advised Members that eight schools, including six that were out-of-Borough, had been contacted around participating in a pilot muster point scheme. Discussions were underway with three of the out-of-Borough schools to progress a pilot muster point scheme, and a number of children and young people with special educational needs or disabilities had been identified as suitable to undertake independent travel training. A Bromley school had worked with the Local Authority to combine independent travel with a muster point scheme provided by the school for five pupils. Work would continue to progress the pilot muster point scheme across the Borough during the 2015/16 academic year, and a Co-opted Member underlined the need to define exactly what a muster point was.

A Member emphasised that travel arrangements should meet the individual needs of children and young people with special educational needs and disabilities and their families, and queried if this also included the flexibility for children and young people to attend before or after-school clubs. The Assistant Director: Education confirmed that travel arrangements would be included in Education, Health and Care Plans which were individual to each child's needs where appropriate, but noted that it was not always possible to accommodate before or after-school clubs as a number of children might be reliant on the same transport arrangements. The Local Authority employed a Parent Advisor who worked closely with parents and carers and other stakeholders to provide information and support and who was able to feedback comments on provision and the development of policies and procedures to the Local Authority.

A Member requested that the wording of the revised Special Education Needs Transport Assistance Policy be amended at Point 3.5 to reflect that children were eligible for travel arrangements from the date they started school rather than when they reached the age of five years.

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

- 1) Note the outcome of the stakeholder consultation;**
- 2) Endorse the proposals in the revised Special Education Needs Transport Assistance Policy; and,**

- 3) Approve the revised Special Education Needs Transport Assistance Policy for introduction with effect from 1<sup>st</sup> September 2015, subject to amendments being made to reflect the issues raised.

**C) PROVISION OF COURSES FOR THE BROMLEY FLEXIBLE LEARNING PROGRAMME**

**Report ED15093**

The Portfolio Holder introduced a report requesting approval to extend the Framework for the provision of courses for the Bromley Flexible Learning Programme until 31<sup>st</sup> July 2015 for a period of one year.

The Bromley Flexible Learning Programme worked to increase the participation and educational achievement of young people identified as being at risk of exclusion from learning. Until September 2013, this service had been delivered by a range of providers through a number of separate contracts. A review of these procurement arrangements undertaken during 2013 concluded that a more competitive approach should be taken and that a Framework of potential providers be established from which contracts could be 'called-off' as needed. A tendering exercise was undertaken to establish a Framework of providers to deliver courses to young people identified as being at risk of exclusion from learning across a wide range of interests and educational needs. A further tendering exercise was later undertaken to identify providers of health and beauty courses, which had been recognised as a gap in the provision.

The Framework and call-off contracts had been awarded for a period of one year from 1<sup>st</sup> September 2013, with the option to extend on an annual basis for two further years. The option to extend had been taken up in 2014, and it was now requested to extend the contract for the final one year period available under the terms of the contract. There were currently 31 young people participating in the Bromley Flexible Learning Programme of which 23 were in Year 11 and 8 were in Year 10.

**RESOLVED that the Portfolio Holder be recommended to approve the request to extend the Framework for the provision of courses for the Bromley Flexible Learning Programme until 31<sup>st</sup> July 2016.**

**D) GATEWAY REVIEW: FUTURE CONSIDERATION OF THE CONTRACT FOR A FAMILY SUPPORT SERVICE**

**Report ED15091**

The Portfolio Holder introduced a report outlining the provision of the Family Support Service for children and young people with an autistic spectrum disorder and seeking approval to market test the Family Support Service prior to the existing contract expiring in March 2016.

The Local Authority had provided a family support service to parents and carers of children and young people diagnosed with an autistic spectrum disorder through a contract with Burgess Autistic Trust, formerly known as Bromley Autistic Trust, for over ten years. The service offered a comprehensive range of support and information to children and young people and their families and carers, and was highly regarded by service users and professionals with a total of 920 families using the Family Support Service during 2014/15. The provision of this service had never been competitively tendered with all contracts awarded via an exemption.

It was proposed to market test this service during 2015/16 to ensure that it continued to offer good value for money and provided a high quality service which met the Local Authority's requirements

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

- 1) Note comments by Members of the Education PDS Committee.**
- 2) Agree that the Family Support Service be market tested during 2015/16.**

**E) BASIC NEED UPDATE**

**Report ED15095**

The Portfolio Holder introduced a report providing an update on progress in delivering the Basic Need Programme, which supported the provision of sufficient school places through improvements to and the expansion of Bromley schools, and to set out the forward programme for the period of 2014-2018.

The updated list of schemes within the Basic Need programme had been developed to meet the estimated increase in the number of reception age pupils in the Borough. 'Bulge years' and permanent expansions were planned at a number of existing local schools to provide the required pupil places, which would be delivered through a combination of modular build and internal refurbishment.

In response to a question from a Member, the Head of Strategic Pupil Place Planning confirmed that the capital funding provided to the Local Authority by the Department for Education to support the introduction of free school meals for Key Stage 1 pupils in Local Authority Maintained and Voluntary Aided schools had been fully allocated, and that the programme of kitchen improvements would be completed by the end of Summer 2015. Additional Basic Need funding was allocated to schools identified for temporary or permanent expansion to ensure that shared facilities, including kitchen and dining facilities, were able to meet the needs of an increased number of pupils.

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

- 1) Approve the updated list of schemes within the Basic Need Capital Programme;**
- 2) Agree the procurement and award of contract of schemes within the Basic Need Programme through traditional procurement, the Lewisham Modular Buildings Framework or through devolution of the Basic Need Capital Grant to schools and to delegate authority to the Assistant Director: Education in consultation with the Portfolio Holder for Education for the award of contracts up to a value of £500,000 for individual schemes procured through these routes; and,**
- 3) Authorise the Assistant Director: Education to submit planning applications at the appropriate time in respect of the list of schemes.**

## **10 EDUCATION INFORMATION ITEMS**

The Education Briefing comprised five reports:

- Education Portfolio Plan Update – Spring Term
- Virtual School Annual Report
- Contract Activity Update
- Minutes of the Education Budget Sub-Committee meeting held on 30<sup>th</sup> June 2015
- Update from Executive Working Group for Special Educational Needs

**RESOLVED that the Information Briefing be noted.**

## **11 ITEMS FOR EXECUTIVE DECISION**

### **A) REORGANISATION OF BROMLEY ADULT EDUCATION COLLEGE**

#### **Report ED15099**

The Committee considered a report outlining a proposal for the reorganisation of the Local Authority's Adult Education service.

At the end of the 2014/15 financial year, the Bromley Adult Education service had overspent its budget by £246k with a further overspend of £382k forecast for the forthcoming year. In March 2015, the Bromley Adult Education service received an indicative allocation from the Skills Funding Agency of the Adult Skills grant which showed a predicted reduction in the Adult Skills grant of £249k or 21% when compared to the current year's allocation, with further reductions anticipated for future years. The 2015/16 grant for Community Learning provision had remained the same at £796k for 2015/16, but the long term future of this grant was unknown.

Following agreement by the Council's Executive, Adult Education services had undergone a market testing process during 2014. Although two submissions were received, both providers were deemed not to have met the minimum Pre-Qualifying requirements and the tendering process for Adult Education services formally came to an end in March 2015. In March 2015 there had been an Ofsted inspection of the Bromley Adult Education service which had been rated as 'Requires Improvement'. This was largely due to the uncertainty around the future strategic direction for the service and the lack of an agreed plan to address the overspend, but the proportion of the Community Learning Grant allocation used to support traditional non-accredited adult learning rather than disadvantaged members of the community had also been highlighted as a concern.

In order to address the overspend and other identified issues, it was proposed that there be a reorganisation of the Council's Adult Education service to refocus resources on adults and communities of the greatest identified need, with the Community Learning Grant used to engage with long term unemployed and low-waged adults to provide a clear progression pathway through to the low level accredited English, mathematics and vocational skills courses provided with the Adult Skills Grant and to increase the level of community partnership working. Under the new model of service provision, the volume of traditional non-accredited learning provision (leisure type courses) would be significantly reduced. This would decrease the need for learner accommodation, with the potential to reduce maintenance and infrastructure costs by releasing the Widmore Centre site and maximising the use of the Kentwood and Poverest Centres.

In considering the report, a Member was concerned that only one option was presented for the future reorganisation of the Adult Education service and noted that there were a range of providers of basic skills courses across the Borough, including schools and colleges, but that there were only limited providers of some of the specialist leisure courses delivered by the Bromley Adult Education service. The Member emphasised that the Bromley Adult Education service provided a valued service for many Bromley residents, including older people who comprised 20% of the Borough's population, and that the recent Ofsted Inspection of the Bromley Adult Education service had rated the leisure course provision as 'Good'.

In discussion, a Member requested that all options be explored to preserve services, including for students to pay the full cost of leisure courses without any subsidy. Another Member suggested that available space in Adult Education centres be used by outside providers to deliver a range of courses, and a Member advised that the Bromley Arts Council had already expressed interest in offering some specialist leisure courses through the Ripley Arts Centre. A Member suggested that a central Bromley location be identified for the provision of adult education, such as Central Library.

The Chairman requested that a report be provided to a future meeting of the Education PDS Committee giving a range of demographic information on

students of Bromley Adult Education service, outlining the full cost of leisure courses and mapping available alternative provision across the Borough. The Chairman also requested that Officers review the potential to offer support to existing college staff around delivering their own courses in community venues.

**RESOLVED that:**

- 1) **Members' comments on the report be noted;**
  - 2) **The Council's Executive be recommended to endorse the proposal that the Assistant Director: Education commence consultation with staff and their representatives, stakeholders and service users to restructure and reduce the adult education services as outlined in Report ED15099;**
  - 3) **A report providing a full range of demographic information on students of Bromley Adult Education service, outlining the full cost of leisure courses and mapping available alternative provision across the Borough be provided to a future meeting of the Education PDS Committee; and,**
  - 4) **Officers review the potential to offer support to existing college staff around setting up their own courses in community venues and that this be reported to a future meeting of the Education PDS Committee.**
- B) DRAWDOWN OF GOVERNMENT GRANT FUNDING TO SUPPORT THE LOCAL AUTHORITY IN ITS ROLE AS A LONDON REGIONAL LEAD FOR THE IMPLEMENTATION OF THE SPECIAL EDUCATIONAL NEEDS AND DISABILITY (SEND) REFORMS FROM APRIL 2015/16**

**Report ED15100**

The Committee considered a report seeking the approval of the Council's Executive to release Government funding held in the Council's central contingency to support the Local Authority in delivering its role as the 2015/16 Special Educational Needs and Disability Regional Lead for London in partnership with London Borough of Enfield.

It was requested that £61,924 be released from the Council's central contingency to support partnership work with the London Borough of Enfield to build on previous Pathfinder Champion work by facilitating a peer special educational needs and disability learning approach, sharing best practice to support statutory compliance and the implementation of the Special Educational Needs and Disability Reforms 2015/16 across the London region.

**RESOLVED that the Council's Executive be recommended to approve the drawdown of £61,924 Government funding from the Council's central**

**contingency to support the Local Authority in delivering its role as the 2015/16 Special Educational Needs and Disability Regional Lead for London in partnership with London Borough of Enfield.**

## **12 EDUCATION SELECT COMMITTEE SESSION**

### **Report ED15101**

The Chairman was pleased to welcome the Portfolio Holder for Education, the Chairman of Development Control Committee and the Deputy Leader of the Council to join the Education PDS Committee for the Education Select Committee Session which would consider a range issues across the Education Service.

In reviewing the position statement of Education Services, a number of issues were discussed.

#### School Place Planning

Demand for primary-level pupil places across the Borough continued to be high and this trend was expected to continue until at least 2017/18 when demand was expected to reduce slightly before levelling out to 3,900 pupil places.

Demand for secondary-level places across the Borough was expected to increase significantly in future years with an additional 30 forms of entry projected to be required by 2023. To support this, work was underway to expand existing secondary schools. A number of free school provisions were likely to be established across the Borough, and work continued with the Roman Catholic Archdiocese of Southwark Commission for Schools and Colleges on the proposed new Catholic Secondary School, which it was hoped would contribute towards meeting the increased demand for secondary-level places as well as providing the option of a Catholic Secondary education for Bromley pupils. The Catholic Church had a national policy of not opening schools via the free school route, which meant that there was a need to identify a significant funding stream before a new Catholic Secondary school could be established. There was an ongoing issue with the proposed re-development of the former All Saints Catholic School site, which would be considered by the Planning Inspector in December 2015.

The Local Authority continued to work closely with neighbouring Boroughs to ensure that sufficient school places were available across the region. The Local Authority had a statutory duty to provide places for all children resident in the Borough, and every child in London had been offered a place for the 2015/16 academic year.

A significant piece of place planning work would be undertaken during Summer 2015 which would review a range of issues affecting the future demand for school places including the projected birth rate, migration into the

Borough, the number of Bromley pupils who lived out-of-Borough and identifying where demand for pupil places would be highest for future years.

Members generally agreed that the Planning Service should be involved in all discussions around potential new schools and expansions of existing schools to resolve planning issues at an early stage. There was also a need to identify education sites for development in the Local Plan to meet future demand for school places, and the Chairman of Development Control Committee emphasised that this was likely to include Green Belt land. The Local Authority continued to work with La Fontaine Academy to identify a permanent location for the school.

#### Section 106/Community Infrastructure Levy Funds

Member noted a recent case where a developer had been able to negotiate a significant reduction in Section 106 funds allocated for education purposes, and underlined that Section 106 and Community Infrastructure Levy funds allocated for education purposes should be used as effectively as possible.

#### Family and Children Centres

The potential for Children's Centres to be used as an operational base for General Practitioners was highlighted.

It was requested that additional information around the usage rates of Children's Centres and how they improved the educational outcomes for children be provided to Members following the meeting.

#### Schools Update

There were eleven Local Authority Maintained primary schools across the Borough that did not appear to be actively exploring conversation to academy status at this time, and the Local Authority would continue to work with them.

Members generally agreed that a meeting of the School Improvement Panel should be convened in the new academic year to consider schools making no active progress towards becoming academies.

#### Commissioning

The market testing process for Education Services was ongoing. Submissions to deliver Lot 1: Education Services had been evaluated, and eligible providers had been asked to submit detailed solutions. Dialogue meetings were currently taking place with eligible providers and it was expected that the Submission of Final Tender stage of the market testing process, including due diligence and identification of a preferred bidder (if appropriate), would take place from August to October 2015. A report would be provided to Members in Winter 2015 around the recommended outcome of the market testing process.

### Cooperation with Partners

The Local Authority continued to work with key partners to deliver a range of services. Work was also underway to develop closer links with the Education Funding Agency to support better communication.

### School Governance

As schools converted to academy status, work was being undertaken to promote the benefits of retaining a Local Authority Governor. Schools that had already converted to academy status were encouraged to reintroduce the Local Authority Governor role, and two Bromley academies had recently chosen to do this. Local Authority Governor Panels were held on a regular basis to interview prospective Local Authority Governors and identify the key skills each applicant could bring to a Governing Body.

#### **RESOLVED that:**

- 1) The issues raised be noted;**
- 2) Additional information around the usage rates of Children's Centres and how they improved the educational outcomes for children be provided to Members following the meeting; and,**
- 3) A meeting of the School Improvement Panel be convened in the new academic year to consider schools making no active progress towards becoming academies.**

## **13 EDUCATION PROGRAMME 2015/16**

### **Report ED15103**

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

The Chairman requested that a report outlining further information on the performance of Bromley schools and school admissions for 2015/16 be provided to the next meeting of the Education PDS Committee. The Chairman also requested that a report on elective home education be provided to the meeting of Education PDS Committee on 18<sup>th</sup> November 2015.

#### **RESOLVED that:**

- 1) The Education Programme 2015/16 be noted;**
- 2) That a report outlining further information on the performance of Bromley schools and school admissions for 2015/16 be provided to the next meeting of the Education PDS Committee; and,**

- 3) That a report on elective home education be provided to the meeting of Education PDS Committee on 18<sup>th</sup> November 2015.

**14 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.

**15 EXEMPT MINUTES OF THE EDUCATION PDS COMMITTEE MEETING HELD ON 10TH MARCH 2015**

**RESOLVED** that the exempt minutes of the Education PDS Committee meeting held on 10<sup>th</sup> March 2015 be agreed.

**16 AWARD OF CONTRACT FOR PROVISION OF POST-16 LEARNER PARTICIPATION TRACKING SERVICES**

The Committee considered the report and supported the recommendations.

The Meeting ended at 10.00 pm

Chairman

**APPENDIX A**

**ORAL QUESTIONS TO THE EDUCATION PORTFOLIO HOLDER**

**Oral Questions to the Education Portfolio Holder received from Rosalind Luff, Bromley Parent Voice**

With regard to Item 9b: SEN Transport Policy Changes Following Recent Consultation:

- 1) Local Authorities have a duty to publish general arrangements and policies in respect of home to school travel and transport for children of compulsory school age. Why is this policy entitled SEN Transport policy when it contains regulations and outlines eligibility other than SEN children

***Reply:***

The emphasis of the Policy is in respect of home to school travel and transport for children of compulsory school age. Additional information has been included as it was felt it may be helpful to parents rather than searching elsewhere. The Council does not believe it detracts from the key information in the policy and had not previously received feedback from the consultation that it presented issues.

***Supplementary question:***

*The Local Authority has included general arrangements and policies in respect of home to school travel in the same policy as SEN Transport. Is the Local Authority aware that this could cause confusion to parents and carers of children with special educational needs and disabilities?*

***Reply:***

*There is no intention to confuse parents and carers of children with special educational needs and disabilities. The Local Authority is required to provide travel arrangements without cost to all children and young people who are eligible by reason of distance from school or other needs, such as special educational needs and disabilities.*

- 2) 5.2.8 of the consultation report states: distance criteria is waived for all children who cannot reasonably be expected to walk to school because of associated SEN issues or disability. Why is this waiver not made clear within both the application process and the policy.

***Reply:***

The Council accepts that this wording is not replicated within the policy and application form, however the policy does state at 4.2.2 when discussing Department for Education walking distances that 'Additionally,

transport assistance will be provided where the pupil has an SEN / EHC plan and

- Has been assessed as requiring transport assistance to access their specialist provision’.

The Council believe this amounts to the same outcome.

**Supplementary question:**

*Department for Education guidance is clear regarding the eligibility of children and young people for SEN Transport. Is the Local Authority aware that the inclusion of eligibility criteria for travel arrangements for children by reason of distance from school may cause confusion for parents and carers of children with special educational needs and disabilities for whom distance criteria does not apply?*

**Reply:**

*There is no intention to confuse parents and carers of children with special educational needs and disabilities. The Local Authority has a statutory obligation to provide travel arrangements without cost to all children and young people who are eligible by reason of special educational needs and disabilities.*

**Oral Questions to the Education Portfolio Holder received from Bryan Freake**

With regard to Item 11a: Reorganisation of Bromley Adult Education College:

- 1) What analysis has been undertaken of the need/demand for Adult Skills Fund courses in central Bromley and of the ability of students in central Bromley to attend courses in Kentwood and Poverest? Would not providing some courses in central Bromley give more options to students from all areas?

**Reply:**

No detailed needs analysis has been undertaken at this stage. However, postcode analysis of student data shows that in 2014/15 29% of students attending Adult Skills funded courses lived in the wards surrounding the Kentwood Centre, 20% Widmore Centre and 15% Poverest. The remaining 36% of the Adult Skills funded cohort came from wards that would have reasonable access of more than one centre. The Crystal Palace and Penge and Cator Wards alone accounted for 23% of the Adult Skills funded students, indicating that demand for this provision is highest on the north side of the borough.

Both the Kentwood and Poverest Centre are better served by public transport than the Widmore site, with busses that stop close to the site entrance. Both sites also have their own car parks. As part of the consultation process we expect to gather data about the ability of

individuals to access one or more of the sites we propose to retain. It may be that we will need to explore the option of renting spaces close to central Bromley for specific provision if during the impact assessment work or consultation period it becomes apparent that some vulnerable groups may be at risk of exclusion.

The ideal position for the service would be to retain a presence near to central Bromley. However, the current financial position means that the service can no longer afford to run all three sites. Therefore, given the expectation by national government that funding is prioritised for communities of greatest need, retaining Kentwood and Poverest will help to ensure the service remains accessible by those communities of greatest need.

***Supplementary question:***

*Since stopping all adult education courses in central Bromley would be undesirable and would reduce income as well as expenditure for the Adult Education service, is it reasonable to conclude that the Local Authority has other plans for the Widmore Centre site?*

***Reply:***

*There are a range of costs related to the use of the Widmore Centre including for building maintenance and staff which will be taken account of as part of any consultation undertaken on the proposed reorganisation of the Adult Education service.*

- 2) What analysis has been done of the impact of closing the nursery facility at the Kentwood centre, in respect of its effect on the ability of people to attend classes, particularly Adult Skills Fund classes? If the Nursery is retained how many fewer classes will be provided at Kentwood?

***Reply:***

An impact analysis would be undertaken as part of the consultation process. However, analysis of the current user data shows that the parent or carer of 62% of the children in the Kentwood nursery was attending a qualification based course. It is estimated that current nursery accommodation could be used to provide an additional two teaching spaces. This would mean that if the nursery is retained then the service would potentially provide 14 fewer classes each week at the Kentwood site.

***Supplementary question:***

*Will a reduction of nursery places at the Kentwood Centre compound issues for learners who will need to travel to courses in locations across the Borough which are not available in central Bromley?*

**Reply:**

*A full range of issues including the impact of a reduction in nursery places and the proposed future location of course availability will be considered fully as part of any consultation undertaken on the proposed reorganisation of the Adult Education service.*

- 3) In respect of mainstream adult education, will the College continue its policy of only allowing courses to run if they cover their costs and will not locating courses only at the extremities of the Borough depress demand and lead to a reduction in courses and income greater than the 60% projected?

**Reply:**

It is not possible to permit courses to run if they do not cover all the costs incurred as a result of running them. This will only worsen the current financial position of the service. Those students who currently attend courses at Kentwood and Poverest will be able to continue to do so. By relocating provision from Widmore to the other two sites, this will increase student choice at those two locations. Both sites currently operate at reduced capacity and we need to try to maximise the accommodation on offer at these sites. Although realistically we realise that not all of the current Widmore users will be able to or be prepared to travel to either Kentwood or Poverest, some will be able to do so and many already attend courses at more than one site. Therefore we expect that overall demand at those two sites to increase slightly, thus improving the predicted financial position.

**Supplementary question:**

*Bearing in mind the level of central recharges on the Adult Education service, how can there be confidence that the Adult Education Service has a future if the planned reorganisation goes ahead?*

**Reply:**

*Despite the massive pressures caused by a reduction in funding from Central Government, I am confident that the Adult Education service will continue to deliver a range of provision, and underline the need to develop a service model which will ensure the Adult Education service is sustainable and self-funding into the future.*

**Oral Questions to the Education Portfolio Holder received from Michaela Mahon**

With regard to Item 9b: SEN Transport Policy Changes Following Recent Consultation:

- 1) A lot of time and effort has gone into the consultation, why is it that none of the concerns raised and in particular the many concerns regarding siblings and work commitments have not been addressed in the draft policy? I haven't noticed any significant changes to the original draft.

**Reply:**

The Council has a duty to comply with national guidance which does not include consideration of siblings' school attendance and parental work commitments. The policy is intended to advise parents how the Council meets its obligations in compliance with the legislation. These are dilemmas faced by many parents but it is appreciated that parents with children who have SEN must frequently deal with more complex issues and therefore, in exceptional circumstances, the Council may agree to provide transport assistance outside of the policy.

**Supplementary question:**

*Looking at the regulations, does the Local Authority consider it is reasonable to expect a child or young person with special educational needs or disabilities to walk to school and for their parents or carers to accompany them?*

**Reply:**

*The SEN Transport Policy has been developed to ensure that the Local Authority meets its statutory obligation to provide travel arrangements without cost to all children and young people who are eligible by reason of special educational needs and disabilities.*

- 2) Ref 4.5 4 parents expected to be passenger assistant. How is it fair that parents (who often have work commitments or have siblings in other schools) should be the assistant where a child has challenging behaviour or is placed out of borough due to lack of local provision.

**Reply:**

The Policy states that parents will be expected to accompany their child and undertake the role of passenger assistant where the pupil is a sole pupil attending a specific provision. This is because children in these circumstances tend to have higher needs and be more vulnerable, and a parent accompanying them is more likely to provide reassurance and a calming influence. In circumstances where this is not possible, a suitable escort will be appointed to accompany the child.

**Supplementary question:**

*Does the SEN Transport Policy discriminate against parents and carers whose children have challenging behaviours or those whose provision cannot be provided locally?*

**Reply:**

*The SEN Transport Policy has been developed following a consultation with a full range of stakeholders including service users, and ensures that the Local Authority meets its statutory obligation to provide travel arrangements without cost to all children and young people who are eligible by reason of special educational needs and disabilities.*

- 3) Why is transport for children attending specialist provision outside of the education budget? Children attending specialist settings have greater disabilities / impairments than other children and their specialist setting is unlikely to be within the tradition 'catchment' area. Transport should be seen as part of the education provision.

**Reply:**

We understand your question refers to the source of the budget. This is not within the Council's control as the Schools and Non-Schools Education Budgets are defined by the Schools and Early Years Finance (England) Regulations 2014.

**Supplementary question:**

*How can parents appeal against the definition of statutory provision?*

**Reply:**

*Any appeals against the definition of statutory provision should be made to Central Government.*

**Oral Questions to the Education Portfolio Holder received from Paula Hollywood**

With regard to Item 9b: SEN Transport Policy Changes Following Recent Consultation:

- 1) Re 3.1.4 Parental consultation revealed many parents were concerned about the impact of withdrawing transport from children on the basis that parents either had to work or had to drop siblings at schools other than the Specialist provisions. These concerns have not been answered nor addressed by the policy

**Reply:**

The policy is intended to make it clearer for parents when explaining the circumstances under which transport will be provided in accordance with statutory guidance. The statutory guidance does not require the Council to take into account parental work commitments or sibling attendance at other schools. In exceptional circumstances, the Council may agree to

provide transport assistance where a parent has no alternative options in transporting a sibling to a school.

The vast majority of pupils are eligible to receive transport assistance and the Council will continue to meet its statutory duties in doing so.

**Supplementary question:**

*Parents of able bodied children can access before or after-school clubs. These are not necessarily available to children with special educational needs and disabilities. If SEN Transport services are withdrawn, will this result in more before or after-school clubs which will increase the cost of this provision to the Local Authority?*

**Reply:**

*Provision of before and after-school clubs is in the remit of schools and their Governing Bodies and is out of the scope of the Local Authority.*

- 2) There is a lack of suitable respite services to fulfil the needs of children with SEN. Where clubs exist, parents struggle to meet the prescribed drop off/collection times due to work commitments. Are the council considering opening any after school clubs to promote independence and life skills training?

**Reply:**

Element 1 – Respite

Respite services are not available to all parents of children with additional needs and are offered on the basis of assessed need which is undertaken by Social Care. This is outside of the scope of the SEN Transport Policy.

Element 2 – Clubs, pre and after school school clubs.

The provision of services for pre and afterschool activities/childcare are the responsibilities of the schools and expansion of these services is determined by schools and their governors. This is outside of the scope of the SEN Transport Policy.

Element 3 – After school clubs to promote independence and life skills training

Pupils receive PHSE classes in school. On an age appropriate and ability basis, the post-16 curriculum offers life skills education and development training.

The Council offers independent travel training for selected pupils in receipt of SEN transport assistance when there is consensus that they are suitable to undertake the training and will be able to become independent travellers.

**Supplementary question:**

*The Local Authority's own research supports the fact that parents have raised new concerns regarding children with special educational needs and disabilities being able to travel independently in the same way that able-bodied children can. Does the Committee understand the impact and stress that can be caused through insisting children with special educational needs and disabilities self-mobilise to school and the affect this may have on them and their parents and carers?*

**Reply:**

*I acknowledge the very real concerns felt by parents and carers. There is a process of statutory responsibility and examination undertaken before children are considered for independent travel training, and the SEN Transport Policy has been developed to ensure that the Local Authority meets its statutory obligation to provide travel arrangements without cost to all children and young people who are eligible by reason of special educational needs and disabilities.*

- 3) There are few specialist schools in the borough. Parents might have to access these schools by a more complicated route than that taken by an able bodied parent or child. Does the policy/procedures take this into account, remembering the duty to ensure child arrives in fit state to learn.

**Reply:**

Bromley has good provision of SEN services in comparison with other Boroughs. The policy recognises the needs of children with SEN in accordance with national guidance.

**Supplementary question:**

*With only five specialist schools across the Borough, pupils with special educational needs and disabilities may have to access schools by more complicated public transport routes than those of able-bodied children. Is the Local Authority concerned that at least two special schools in Bromley are not on named bus or rail links and are at the top of steep hills which will make the journey to school more difficult for these children?*

**Reply:**

*Every child and young person with special educational needs and disabilities goes through a process of assessment to identify the travel arrangements that are most suitable for them. The SEN Transport Policy has been developed to ensure that the Local Authority meets its statutory obligation to provide travel arrangements without cost to all children and young people who are eligible by reason of special educational needs and disabilities.*

**APPENDIX B**

**WRITTEN QUESTIONS TO THE EDUCATION PORTFOLIO HOLDER**

**Written Question to the Education Portfolio Holder received from Eddie Lynch, Bromley Mencap on behalf of a parent**

With regard to Item 9b: SEN Transport Policy Changes Following Recent Consultation:

- 1) Does the Borough think that an 18% response rate is sufficient to implement fundamental changes affecting children and young people and carers; and would it accept that any survey should have included children and young people not currently accessing transport but could be eligible using the full definition of who is eligible?

***Reply:***

The survey was sent to the parents of all the people receiving transport assistance (800+) and distributed to organisations who were able to comment on the Policy from a perspective that would include pupils who would not be eligible. The consultation was also widely publicised via stakeholder websites and Bromley's Mylife portal.

The Council believes that there are very few eligible pupils who have not applied for and accepted the offer of transport assistance and therefore the consultation has reached the target audience and been undertaken appropriately.

The Council would have welcomed a greater percentage of respondents but it is the choice of people as to whether they respond. The responses received were a fair representation of the ages, schools and needs of pupils to which services are provided.

**Written Question to the Education Portfolio Holder received from Yvette Connor**

With regard to Item 9b: SEN Transport Policy Changes Following Recent Consultation:

- 1) Point 4.1.3 'eligibility... will not normally take into account work or other family commitments such as the attendance of siblings at different schools'. How would a parent get their children to school if they have 2 children who attend schools in different parts of the Borough?

***Reply:***

Parents have access to a number of support mechanisms to help balance individual worklife commitments and domestic arrangements but each case needs to be assessed on its particular circumstances. These can be

very complex and require a dialogue between the Council and the parent. It is not a statutory duty to consider these circumstances and therefore they are not included within the policy, however exceptions are sometimes made and transport assistance offered when the parent has demonstrated that they have explored alternative options.