

EDUCATION, CHILDREN AND FAMILIES SELECT COMMITTEE

Minutes of the meeting held at 6.30 pm on 12 December 2018

Present:

Councillor Nicholas Bennett J.P. (Chairman)
Councillor Neil Reddin FCCA (Vice-Chairman)
Councillors Marina Ahmad, Kathy Bance MBE,
Yvonne Bear, Judi Ellis, Chris Pierce, Will Rowlands and
Stephen Wells

Reverend Roger Bristow and Joan McConnell
Emmanuel Arbenser, Michelle Fribbens and David Hullah

Also Present:

Councillor Nicky Dykes, Children, Education & Families Executive
Assistant
Councillor Peter Fortune, Children, Education & Families Portfolio
Holder

22 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies were received from Angela Leeves (Early Years Representative).

23 APPOINTMENT OF CO-OPTED MEMBERS REPORT CSD18164

The Committee considered a report seeking confirmation of the Primary Parent Governor Representative on the Committee.

RESOLVED: That Michelle Fribbens (Primary Parent Governor Representative) be appointed as a Co-opted Member to the Children, Education & Families Select Committee for 2018/19 with voting rights;

24 DECLARATIONS OF INTEREST

Councillor Neil Reddin declared a pecuniary interest in Minute 35 (Proposed Contract Extension - Sen Transport and Non-Sen Transport) in respect of a client. Cllr Reddin left the meeting for the duration of the item.

25 MINUTES OF THE EDUCATION, CHILDREN & FAMILIES SELECT COMMITTEE MEETING HELD ON 16 OCTOBER 2018

The minutes of the meeting held on 16 October 2018 were agreed, and signed as a correct record.

26 QUESTIONS TO THE SELECT COMMITTEE CHAIRMAN FROM COUNCILLORS AND MEMBERS OF THE PUBLIC ATTENDING THE MEETING

No questions were received.

27 MATTERS ARISING, UPDATE ON PREVIOUS RECOMMENDATIONS, AND WORK PROGRAMME REPORT CSD18180

Members considered a report dealing with the Committee's business management. The Committee requested an update on the Youth Offending Service at its January meeting and an update on St Olaves at its March meeting.

RESOLVED: That:

- 1. Progress on matters arising from previous meetings be noted; and**
- 2. The 2018/19 work programme be agreed.**

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

There were no questions.

29 PORTFOLIO HOLDER UPDATE

The Portfolio Holder for Children, Education and Families, Cllr Peter Fortune, attended the meeting to respond to questions from the Committee. The Portfolio Holder gave a brief introduction highlighting the following issues –

- The temporary site for Bullers' Wood School for Boys had opened in September and the boys had settled in well. A Public Enquiry to determine the second planning application had taken place and the outcome of the Enquiry was expected by 16th January 2019.
- A new Director of Education had been appointed and would start in January 2019. The Portfolio Holder thanked the Interim Director of Education, Gillian Palmer, for her exceptional work over the past year.
- A meeting had taken place with the Chairman of the Spring Partnership MAT. Any ongoing work would be fed back to the Committee.
- The Portfolio Holder had attended the London Youth Games where Bromley had retained its title. The Portfolio Holder encouraged Members of the Committee to attend any future Games if possible.
- Meetings had been held with Primary and Secondary Head Teachers to discuss ongoing funding issues. The Portfolio Holder stressed the need for the Local Authority to work collaboratively with schools in order to lobby where necessary.

- The Portfolio Holder had been in touch with the Education for the 21st Century Trust and the Regional Schools Commissioner to ask that the Local Authority be kept updated in relation to ongoing investigations. The Portfolio Holder reported that the DfE had appointed external trustees to monitor the Trust.
- Since the last meeting the Portfolio Holder had visited a number of schools.
- The Corporate Parenting Fun Day had been a success and the young people had really valued the attendance and participation by Members.
- During the Practice Week that had been held the Portfolio Holder had spent a day with the Court Team seeing the valuable work that the Team did.
- Social Worker recruitment was going well and the positive messages coming from the Local Authority were having an impact.
- The Trailblazer funding had been secured.
- During November, Ofsted had come in for an unannounced three week inspection of Children's Services. The quality assurance process was currently underway and until this was complete the final outcome of the inspection would not be known. However, during the feedback session the Inspectors reported that they had found no evidence of inadequate practice. In addition to this the inspectors recognised that social workers knew the children well. Recognising that the improvements that had been delivered within Children's Services were the result of hard work and improvement across the Council, the Portfolio Holder thanked all Members and staff for their hard work and support.

Cllr Fortune then responded to questions, making the following comments –

- The Local Authority had submitted an application to the Secretary of State for Education for a disapplication request for the transfer of £1m from the Schools Block of the DSG to the high Needs Block. It had been important to explain to Head Teachers why the transfer of funds was necessary and moving forward there was an acknowledgement that the Local Authority needed to be transparent about the process. Nationally there were concerns around High Needs Funding. The disapplication request for 2018/19 had been approved by the Secretary of State. The imbalance of funding had occurred a few years before when funds were transferred from the High Needs Block to the Schools Block, this transfer had then been erroneously set in stone when the DfE had undertaken a rebalancing of budgets. The disapplication request would have no impact on the proposed SEN facility in the Borough as the provision sat separately from the funding.
- Feedback from parents clearly indicated that there was a demand for local provision. There was no intention to move children that had been placed in out of borough provision but children entering the system would be placed in the local provision where appropriate. At the same time the Glebe Secondary School had been asked to shift its focus so that they were the local school of choice for children with ASD. Whilst

- Glebe was on the Borough boundary, Officers did not consider that there would be any overlap with the new ASD Free School in Croydon.
- The bid for the new specialist provision had been informed by evidence of need. During a comprehensive analysis the needs of all the children in the cohort had been reviewed. Officers were confident that that there was a local need and that children would want to be placed in the new provision.
 - The SEND4Change report had highlighted that in Bromley there were significantly more children in the Independent Sector than the national average and this was skewing how funding in the High Needs Block was spent.
 - The Portfolio Holder had visited Biggin Hill Airport over half term to see a programme that was being run. There was no further update on the Aeronautical College at Biggin Hill and the Portfolio Holder understood that a different site was under consideration.
 - As schools moved to academy status there was no requirement to follow the RE Syllabus set by the local SACRE (Standing Advisory Council for Religious Education). The Portfolio Holder noted that Members were currently committed to SACRE and he could not see that changing any time soon.
 - A date in March had been agreed for the Pupil Place Planning Working Group. There was a recognition that there was a need to involve the public in pupil place planning.
 - The Portfolio Holder was reminded that he was expected at meetings of the Education Budget and Performance Monitoring Sub-committee.

30 SHORT ITEM: PRESENTATION BY THE DIRECTOR OF EDUCATION CONCERNING 2018 EDUCATION OUTCOMES

The Committee received a presentation from the Interim Director of Education concerning the 2018 education outcomes across Bromley. The presentation is attached at **Appendix A**.

In response to questions the Director of Education confirmed that the Local Authority was working with schools to reduce the disadvantaged gap. Whilst there was a correlation between lack of take up in 2 year old funding within disadvantaged groups and progress later in school, there were a number of reasons why parents did not take up the offer for 2 year old funding (which unlike funding for year olds was not a universal offer). Some parents believed that 2 years old was too young, for some parents there were more complex reasons, whilst some parents were simply not aware of what was on offer. The Department was working with Children and Family Centres to support parents to access the services for which they were eligible and Officers were identifying ways in which this group could be targeted.

The issue of permanent exclusions had been a sharp focus for the Local Authority over the last year. The Department had been challenging schools over exclusions and working with them to identify other forms of redress.

There was also a need for the Local Authority to work on a more diverse offer of alternative provision.

The Chairman thanked the Director of Education for her presentation and for all the advice she had provided to the Committee over the year.

31 SUBSTANTIVE ITEM: SCRUTINY OF THE EDUCATION BUDGET

The Committee had been provided with a comprehensive report in advance of the meeting. Included within the report was the background to the budget, the current 2018/19 forecast, information about population growth, and information around the accuracy of school place planning forecasting.

The Chairman welcomed Mr Ade Adetosoye, Ms Gillian Palmer, Mr David Bradshaw and Mr Rob Bollen to the meeting. Members of the Committee explored a number of themes and issues with the witnesses.

The Head of ECHS Finance introduced the report highlighting that the overspends within the budget were mainly around Transport. The Dedicated Schools Grant (DSG) remained an issue, especially in the High Needs Block, however in the main Bromley remained low cost. Historically Bromley had been poorly funded and as a result of this it had been necessary to identify ways to efficiently deliver services.

In terms of pupil projections, the Head of Strategic Place Planning reported that whilst there had been a slight dip in primary numbers, a trend evidenced across London, the size of the pupil population would continue to grow. The real challenge for the Local Authority would be around migration. This was one of the unknowns, due to external factors such as Brexit, and would remain a risk for the Local Authority.

The Chairman noted with interest that the growth in the number of secondary pupils in Bromley was significantly lower than other London Boroughs.

The Deputy Chief Executive and Executive Director (ECHS) highlighted to the Committee that the budget was predicated on the need for the Local Authority to deliver its statutory duties. These statutory duties were the minimum services that the Local Authority was required to deliver.

SEN Transport

The Director of Education explained that the request to extend the existing contract would enable a root and branch review of the current SEN Transport provision. Over the past few years Members of the Committee had supported a continued drive to support greater independent travel and transport. Supporting independent travel and transport would continue to be a theme as the new contract was being developed. One key risk with the new contract that had already been identified was that of increasing fuel costs. Over the past few years whilst fuel costs had increased Officers had worked hard to minimise the impact on the cost of the contract. As the new contract was

tendered there would need to be an awareness of the possible impact of increased fuel costs on the cost of the contract.

The Chairman emphasised the importance of ensuring that as costs increased each bus was utilised to the maximum and this would necessitate further consideration of how to combine Adult Passenger Transport and Children's Passenger Transport.

In response to a question concerning the need to ensure that the staff on the buses were properly trained, the Director of Education confirmed that the need for adequate training was stipulated in the contract. Expectations were clear and DBS checks for staff were mandatory.

A Co-opted Member queried whether there had been a survey of parents as transport was a key issue and it was important that the needs of the child were taken into account. The Director of Education emphasised that it was recognised that travel was an important part of the children's school experience and the quality of that experience. The Local Authority regularly liaised with Bromley Parent Voice. There would be full consultation with parents at the point that the Local Authority was making a proposal for the new contract. It was noted that the Local Authority had a statutory obligation to get children to school on time and sometimes it was necessary to make minor alterations to routes in order to maximise use of the contract framework.

The Chairman reported that he had been given the opportunity to undertake a journey in one of the buses. It was suggested that any Member who wished to experience a journey on one of the buses should contact the Committee Clerk who could make the necessary arrangements.

Statutory Assessments for children with Special Educational Needs and/or Disabilities

The Director of Education explained to the Committee that assessment processes began in schools. One of the duties placed on schools was to ensure that they put in place provision that met the needs of the child. For most children the provision put in place by the School worked and the children made expected progress. For a minority of children further support was required and the schools needed to call upon the additional expertise of the Local Authority. At this stage a statutory assessment would take place.

In Bromley it was recognised that there were issues around the quality of Education Care and Health Plans (ECHPs) that had been produced. The statutory timescales that were imposed had been met but at the expense of quality. The 20 week timescale was a statutory timescale established in the SEN Code of Practice. The role of the proposed Case Work Manager was twofold: (1) to quality assure the plans and ensure that they were delivered in good time; and (2) secure compliance. This year there had been a focus on delivering plans that would help the child to thrive, make progress and prepare for their adult life. Through the creation of the Case Work Manager

role the Local Authority was seeking to put in place improved mechanisms for supervision and managing caseloads.

The Director of Education explained that the dedicated Lawyer was an important role as this should help to reduce the number of Tribunal cases conceded by the Local Authority as a result of the failure to follow procedures. Informed legal advice at an early stage of the process would ensure that policies were being followed and provide for a good service from the outset of the process. An internal lawyer would be in a position to identify early on if essential parts of the process had been missed.

The Deputy Chief Executive and Executive Director (ECHS) emphasised that his designation of Statutory Director of Children's Services afforded the discretion to exceed statutory timescales in order to secure good quality plans. This would mean that performance timescales were not met but it was felt that this was a price worth paying for good quality plans that benefitted children.

In response to a question concerning the prevalence of Speech and Language as a primary need for 41% of children in Bromley who had an ECHP, the Director of Education reported that it was recognised that a deep dive into this issue was required and colleagues in Public Health had been asked to review this issue in terms of the issue being identified by Health Visitors at developmental checks for two year olds and educational assessments of children at age 5. The Committee requested that it be provided with further information on this issue.

Pressures within the DSG High Needs Block

A Member noted that it appeared that there was a growing gap in high needs funding which was currently being address through the use of reserves. The problem with this situation was that reserves were finite and would eventually run out. In response the Deputy Chief Executive highlighted that securing adequate local provision would be an important step towards addressing the funding pressures. Less reliance on more expensive independent provision would have a significantly positive impact on the budget position as local provision would be far less costly than independent provision. The Director of Education also highlighted the important role of early intervention in order to identify how more children could be supported to remain in school.

Again, the Director of Education emphasised that there was no suggestion that children that had already been placed in independent provision would be moved. It was accepted that it would be wrong to do this. The proposed new provision would meet the needs of children entering the system in the future.

School Admissions

Members noted that the cost of processing applications for admissions to schools was just under £600,000. The Chairman suggested that it would be

useful for Members to know how much had been saved by the move to on-line admissions.

In response to a query surrounding whether there were any opportunities for commissioning out school admissions, the Director of Education reported that she was not aware of any local authority that had gone down this route due to the high risks involved. The Committee were also reminded that there were certain functions that statutorily had to be undertaken by the Local Authority and therefore could not be commissioned out.

In concluding the discussion the Chairman noted that the budget under consideration was not a big budget. In addition to this the majority of the budget was not in the gift of the Local Authority. As a result of the constraints on the controllable budget, the Chairman highlighted the importance of charging the maximum for services for which the Local Authority could charge. Members requested further information on the sold/traded services offered by the Local Authority.

32 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.

33 PRE DECISION SCRUTINY OF EXEMPT EXECUTIVE DECISIONS

The Committee considered the following exempt reports where the Executive was recommended to take a decision:

A AUTHORISATION FOR EXEMPTION TO CONTINUE THE CONTRACT FOR COMMUNITY WELLBEING SERVICE FOR CHILDREN AND YOUNG PEOPLE

The Committee provided comments for the Executive concerning authorisation for exemption to continue the contract for community wellbeing services for children and young people.

**B PROPOSED CONTRACT EXTENSION - SEN TRANSPORT AND NON-SEN TRANSPORT
Report ED18089**

The Committee considered the report and supported the recommendations.

The Meeting ended at 9.15 pm

Chairman