

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

Minutes of the meeting held at 7.00 pm on 23 January 2019

Present:

Councillor Neil Reddin FCCA (Chairman)
Councillor Will Rowlands (Vice-Chairman)
Councillors Marina Ahmad, Nicholas Bennett J.P. and Judi Ellis

Emmanuel Arbenser (Parent Governor Representative, Special Schools)

Also Present:

Councillor Kathy Bance MBE

40 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Wells.

41 DECLARATIONS OF INTEREST

There were no additional declarations of interest.

42 QUESTIONS FROM MEMBERS OF THE PUBLIC ATTENDING THE MEETING

Two Questions for Oral response had been received from members of the Public. One written question was received. These are attached at **Appendix A**.

A Member noted that the Sub-Committee itself had not decision making powers and suggested that Head Teachers should raise any further questions surrounding issues with the allocation of the Dedicated Schools Grant at the with the Portfolio Holder at the meeting of Full Council on 25th February 2019.

43 MINUTES OF THE MEETING HELD ON 30 OCTOBER 2018 AND MATTERS OUTSTANDING

The minutes of the meeting held on 30th October 2018, were agreed and signed as a correct record.

The Sub-Committee noted updates on the actions arising from the previous meeting. A Member expressed disappointment with the response that had been provided concerning the average additional funding to support a child with an Education Care and Health Plan (EHCP) in a mainstream education setting as no date had been provided for when further information would be presented to Members. The Interim Executive Director of ECHS reported that a report would be presented to the SEND Governance Board in March and a full report would be

provided to the Sub-Committee at this time.

The Independent Chairman of the Bromley Safeguarding Children Board, Mr Jim Gamble, attended the meeting to present the Board's Annual Report which had been deferred from the last meeting. Mr Gamble reported that the Annual BSCB report had been published on the Safeguarding Board's website and the Independent Chairman stressed that feedback was always welcome. Throughout the Annual Report there was evidence and examples of increased scrutiny and challenge by the Board.

Since the publication of the Annual report, Ofsted had conducted a re-inspection of Children's Services in Bromley. The Inspectors had judged the Service to be good overall with outstanding features.

In terms of BSCB, the Independent Chairman reported that 7 Serious Case Reviews or Learning Reviews had been undertaken. Critical lessons had been learnt from any mistakes identified. Any learning would be fed into multi-agency audits which were ongoing. A number of audits had already been carried out; primarily looking at neglect.

The Board had built and launched a number of apps to support professionals with managing specific issues and concerns. The apps provided a single point of contact for professionals wishing to report concerns.

The Children's Safeguarding Partnership continued to strengthen. The Board continued to work with the Police in connection with issues such as Child Sexual Exploitation, Children Missing, and Gangs. Some very positive work had been done in this area. The Partnership had also undertaken collective work around vulnerable adolescence. This work was now moving towards vulnerable children and adolescence.

In relation to the Board's relationship with schools: a coherent line of sight with schools had been developed and the relationship had moved to a point that would have been beyond recognition in 2016 at the time of the very disappointing Ofsted inspection. The schools' sub-group ESAC has a clear programme of work which is being managed well. There was clear evidence of the strong relationships with partners, including schools, the Local Authority Designated Officer, the Police and Local Health Services, that were being developed.

The profile of the Board had continued to grow and there had been a significant number of referrals to the Board. In many instances these referrals had been people seeking information.

Turning to the future, the Children and Social Work Act 2017 had now come in to force. The outcome of the Wood Review would also require reflection, although the Independent Chairman suggested that it was unlikely that there would be that many significant changes as a result of the review. It was acknowledged that the BSCB would need to be open to any potential opportunities to deliver efficiencies and improved practice as a result of the review.

23 January 2019

In response to a question from the Chairman, the Independent Chairman reported that the relationship with the Board and partners within the Health Service was good. The relationship with the Police was more difficult as although the Police were willing to engage with the Board they were not always able to do so. The Independent Chairman reminded the Sub-Committee that the Police Service was dealing with its own challenges and that in the past few years there had been unprecedented change within the Police Service. However within this context the relationship between the Police and the Board was moving in the right direction.

In response to a question concerning the future of the Bromley Children's Service Improvement Governance Board in light of the recent judgement from Ofsted; the Independent Chairman emphasised that he was not the Chairman of that Board, however; in his opinion the Board should now be disbanded. Duplication of effort should not be encouraged and there was now a need for the Service to move toward a 'business as usual' model and allow the existing internal checks and balances to do their job of scrutiny and challenge.

In response to a question concerning elective home education; the Independent Chairman suggested that this issue fed into the broader issue of unregistered settings and supported national efforts to legislate for systems to register children educated at home to provide assurances to those agencies whose responsibility it was to safeguard children.

The Sub-Committee thanked the Independent Chairman of the Bromley Safeguarding Children Board for the Annual Report, his presentation to the Sub-Committee and his contribution to improvement in services for children.

44 PRE DECISION SCRUTINY OF PORTFOLIO HOLDER DECISIONS

a 2019/20 DEDICATED SCHOOLS GRANT ECHS19015

The Sub-Committee considered a report setting out information on the 2019/20 Dedicated Schools Grant and how it would be allocated.

The final Dedicated Schools Grant (DSG) funding for 2019/20, updated to reflect October 2018 pupil numbers, had now been provided to all LAs. The final allocation included the additional funding for SEND announced by the Secretary of State which for Bromley was £788,032 for both 2018/19 and 2019/20.

The DSG for 2019/20 was divided into four blocks – High Needs, Early Years, Schools and Schools Central, with expected grant income detailed below:

2019/20 Dedicated Schools Grant					
	High Needs Block	Early Years Block	Schools Block	Schools Central Block	Total
Gross Grant Funding	£48,820,619	£20,691,309	£208,637,223	£1,938,460	£280,087,611
Recoupment adjustment	-£7,813,333				-£7,813,333
Net Grant Allocation	£41,007,286	£20,691,309	£208,637,223	£1,938,460	£272,274,278

The Head of ECHS Finance reported that the Schools Central Block was balanced as a result of a contribution of £310,000 from the Council. In addition to this a disapplication request to transfer £1,000,000 from the Schools Block to the High Needs Block had been submitted to the DfE. The outcome of the disapplication request was not yet known.

The Head of ECHS Finance provided an update on the discussion that had taken place at the meeting of the Schools' Forum on 10th January 2019. Whilst the Schools' Forum had appreciated the concerns of the Council in relation to High Needs Funding Members of the Forum had felt that the financial burden should not fall on schools. After a lengthy discussion the Schools' Forum had voted against the disapplication request.

The Sub-Committee noted that if the disapplication request was approved the proposal now was to set aside the DfE funding of £788,032 resulting in an overall £2m contribution from the Council. If the disapplication request was unsuccessful the Council would still commit £2m but there would be no set aside. The amended proposals would be considered by the Executive in February 2019.

The Head of ECHS Finance drew Members attention to the appendices to the report which provided the financial detail. The Sub-Committee also noted the outcome of the consultation was included in Appendix 3 to the report. The responses from the Schools had been overwhelmingly against the disapplication request.

The Sub-Committee noted that under the minimum Funding Guarantee, no primary schools would lose more than 1.22% funding. There was no minimum funding guarantee for secondary schools. Members also noted that no upfront funding for Free Schools was provided. This funding was lagged at the estimated cost of this was £2.5m and created an ongoing impact as schools grew.

In opening the discussion the Chairman asked what work had been done in terms of lobbying the DfE concerning funding issues. The Head of ECHS Finance reported that he, the Interim Executive Director and the Portfolio Holder had met the local MP, Bob Neill, to raise the issue. Bob Neill MP was

23 January 2019

now writing to the Minister to set out the concerns that had been raised concerning funding. Members of the Sub-Committee suggesting that in light of the significant impact that reduced funding was having on schools more should be done. Members highlighted that there were three other MPs representing the Borough and they should also be contacted to take up the issue. The funding issue was not one unique to Bromley, it was a national issue and one that had received extensive coverage. Now was the time to exert pressure on the DfE to take action.

Members reported that they were aware of the issues in relation to High Needs Funding. Children who 10 years' ago would have been placed in specialist provision were now being placed in mainstream provision and this present significant challenges to schools. The issue of lagged funding for new Free Schools needed to be addressed as a matter of urgency and there was a need for the Local Authority to be proactive in its approach to lobbying on this issue.

The Head of ECHS Finance outlined the role of the Schools' Forum, noting that the final decision on the budget rested with elected members. In terms of the disapplication requested, the Head of ECHS Finance reported that 0.5% of the overall budget could be transferred between blocks. If the Schools' Forum supported the transfer there was no need to submit a disapplication request. As the Schools' Forum had not supported this current transfer, with the agreement of the Portfolio Holder, the disapplication request had been submitted.

In relation to the issue of the disapplication request; Members stressed that more information was needed but nevertheless expressed skepticism that that the proposals outlined in the report would in fact deliver the outcomes that were required and as a result Members remained to be convinced that the approach outlined in the report was the correct approach. A Member likened the current proposals to "robbing Peter to pay Paul" stressing that this directly impacted on educational provision for some children to provide for others. The Member noted that there was 22 pages of consultation feedback from schools outlining the detrimental impact that the transfer of funding would have and this feedback from professionals had been effectively dismissed.

The Chairman of the Education, Children and Families Select Committee highlighted that there was a recommendation in the recent Select Committee report concerning the Education Budget to the effect that LB Bromley lobbies through London Council's on the issue of High Needs Funding as it was clear that Bromley was not the only London Borough that was facing this challenge. It was suggested that there should be a further recommendation added to the Select Committee's report to the effect that the Portfolio Holder joins with all four MPs in the Borough to lobby on the key issue of lagged funding for new Free Schools and High Needs Funding for supporting children with SEND accessing mainstream education.

Members of the Sub-Committee noted that there was a clear need to work with schools to address the funding issues and ensure that a positive relationship was maintained.

It was agreed that the minute from the discussion should be circulated in advance of the Select Committee meeting on Tuesday 29th January 2019.

RESOLVED: That the Portfolio Holder be recommended to

- 1. Give further consideration to the Dedicated Schools Grant allocation and methodology of its distribution; and**
- 2. Further lobby on the key issues of lagged funding for new Free Schools and High Needs Funding for supporting children with SEND accessing mainstream education.**

**b ECF DRAFT BUDGET 2019/20
ECHS19016**

The Sub-Committee considered the Portfolio Holder's draft 2019/20 budget, incorporating future cost pressures and initial draft budget saving options reported to Executive on 16th January 2019. There were still outstanding issues and areas of uncertainty remaining. Any further updates would be included in the 2019/20 Council Tax report to the next meeting of the Executive.

The report detailed the key issues and risks for the Education, Care and Health Services Department which in summary included (further the report to the Sub-Committee provide details of each issue):

Children's Social Care

- Increased referrals and workload
- Recruitment of permanent staff
- Keeping the caseload promise
- Placements of children in care
- Implementation of the social work act
- Increase in the number of unaccompanied minors

Education

- Increase in the number of students eligible for full funding from grant for Adult Education
- Growing pressure on universals services such as Admissions and school attendance resulting from population growth
- Pressure on funding on Alternative Education resulting from increased number of exclusions from secondary schools.
- SEN/D Pressure

23 January 2019

In opening the discussion the Chairman sought an update on the issues of Unaccompanied Asylum Seeking Children. The Head of ECHS Finance reported that the Local Authority was about to meet the threshold of 53. Once this threshold was met it was likely that a new threshold would be set and the Local Authority would be placed back on the rota. This budgetary pressure had been reflected in the draft budget and an amount set aside. Members noted that the funding received from central government was generally not enough to cover the costs to the Local Authority.

Members noted that in recent years growth of around £2-3m had been put into the budget for children's social care placements, this included funding for Unaccompanied Asylum Seeking Children.

Members noted that, in relation to placing fewer children with Education, Care and Health plans (ECHPs) in mainstream education, the trust of the Bromley vision was to place children in local mainstream provision. There were some considerations such as parental preference and whether the right provision was available locally, but generally the aim would be to, where possible, place children locally. In terms of parental engagement; Members noted that there was a statutory responsibility to have parental advice services funded by the Local Authority. The Council also funded Parent Voice. The Executive Director conceded that in the recent past there may have been a tendency to have early discussions about "the school" rather than reflecting and defining the child's needs. It could be argued that this may have misled some parents and allowed them to believe there were more options. The SEND Governance Board was now reviewing the approach taken and the changes that were required were being worked through.

In relation to SEND Tribunals, a Member stressed the importance of ensuring that only the worst cases reached tribunal and that where appropriate negotiations with parents continued up to the last available minute.

The Sub-Committee noted that the outcome of the bid for the SEN Free School in the Borough would not be known until the Spring.

In response to a question, the Head of ECHS Finance reported that the new Transformation Board established by the Interim Chief Executive was undertaken a fundamental review of departments and services across the Council; looking at how and why services were provided.

RESOLVED: That

- 1. The update on the financial forecast for 2019/20 to 2022/23 be noted; and**
- 2. The initial draft 2019/20 budget be noted as the basis for setting the 2019/20 budget.**

c CAPITAL PROGRAMME - 2ND QUARTER
Report FSD19011

The Sub-Committee considered a report summarising the current position on capital expenditure and receipts following the 2nd quarter of 2018/19. On 28th November 2018, the Executive had agreed a revised Capital Programme for the four year period 2018/19 to 2021/22 as set out in the report.

Members discussed the residue Children and Family Centres Grant relating to schemes that had been running for a number of years. The funding had been allocated and the projects were now coming to an end.

In response to a question, the Head of ECHS Finance provided assurances that Officers were actively ensuring that section 106 funding that had been received and allocated for education purposes would be spent.

RESOLVED: That the Portfolio Holder be recommended to note and confirm the changes agreed by the Executive on 28th November 2018.

45 PERFORMANCE MANAGEMENT 2018/19 Q.3
Report ECHS19020

The Sub-Committee considered an update on the performance of services for children as at the end of November 2018.

The Sub-Committee noted that as at the end of November 2018, the following Children's Scrutiny Dataset key performance indicators were performing below expectation:

Indicator 16: Children becoming subject to a Child Protection Plan for a second or subsequent time (AMBER)

The proportion of children becoming subject to a Child Protection plan for a second or subsequent time dropped to 13% at the end of November. The actual number of children had remained relatively stable over the last quarter, but there had been an increase in the number of children becoming subject to a new plan during this time which impacted on the outturn. This was the result of an increase in the number of referrals during this period and an increase in the number of Social Work Assessments leading to a Child Protection Conference. This had been highlighted and discussed at the Children's Service Improvement Governance Board and had now stabilised.

Indicator 25: Stability of placements of Children Looked After - length of placement (RED)

The length of placement indicator referred to children under the age of 16 who has been in care for 2 and half years or more and had been in their current placement for 2 years or more. Since the previous report in September to the end of November, this increased from 55% to 58% (45 of 78) children who had been in

23 January 2019

their placement for two years or more. For those children who had moved placement, the decisions to move these children had all been reviewed and Officers considered that the move was in the best interest of the child and in line with the Council's improved practice journey and standards, together with safeguarding vulnerable and at risk children from residential placements. The placement stability meetings continued to play a key role in improving care planning and matching to anticipate and strengthen fragile placements.

In response to a question, the Assistant Director for Strategy, Performance and Engagement confirmed that Officers were hopeful that the figures would be closer to the national benchmark, however Bromley's improvement journey was continuing and there were further improvements to be made.

A Member suggested that in future reports it may be helpful to have a breakdown of the figures in relation to the placement issues as further examination may be required. The Assistant Director for Strategy, Performance and Engagement stressed that the decisions taken are always in the best interests of a child. When any placement is first made the judgement made by the Social Worker would have been that it was the right placement. However, there were a number of reasons why placements may change: a child may achieve permanency or quality assurance standards may increase meaning that a move is deemed in the best interests of the child.

A Member sought the current position in relation to the approval of adoptive placements for children. It was agreed that the A1 Scorecard most recent outturn would be circulated to the Sub-Committee following the meeting.

The Chairman noted that there was a good upward trend in the number of social workers recruited. The Chairman suggested that it may be helpful to extend the RAG ratings to further highlight the direction of travel of such non-target measures in the report.

RESOLVED: That the November 2018 outturn of key performance indicators and associated management commentary be noted.

46 CONTRACTS REGISTER Report ECHS19019A

The Sub-Committee considered an extract from December 2018's Contract Register. The (exempt) Contracts Registered within Part 2 of the agenda included a detailed commentary on each contract.

The Chairman noted that none of the contracts were 'flagged' for attention and that the contracts were progressing as planned.

A Member noted that 'Burwood special school' no longer existed and it was suggested that schools names within the report should be checked and updated where necessary.

23 January 2019

RESOLVED: That the report be noted

47 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.

**The following summaries
refer to matters involving exempt information**

48 PRE DECISION SCRUTINY OF EXECUTIVE REPORTS

- a RELEASE OF GOVERNMENT FUNDING FOR THE STEP UP TO SOCIAL WORK PROGRAMME & APPROVAL FOR THE AWARD OF CONTRACT TO ROYAL HOLLOWAY UNIVERSITY OF LONDON FOR THE PROVISION OF POST GRADUATE DIPLOMA IN SOCIAL WORK
Report CSD19021**

The Sub-Committee considered the report and endorsed the recommendation to the Executive.

The Meeting ended at 8.55 pm

Chairman